

# Feminism and Philosophy



SPRING 2022

VOLUME 21 | NUMBER 2

CRITICAL REVIEW OF AMY REED-SANDOVAL'S *SOCIALLY UNDOCUMENTED: IDENTITY AND IMMIGRATION JUSTICE* AND SERENA PAREKH'S *NO REFUGE: ETHICS AND THE GLOBAL REFUGEE CRISIS*

EDITOR'S INTRODUCTION

Lauren Freeman

ABOUT THE *NEWSLETTER ON FEMINISM AND PHILOSOPHY*

SUBMISSION GUIDELINES AND INFORMATION

CALL FOR PAPERS

CRITICAL REVIEWS

Amy Reed-Sandoval

***Précis: Socially Undocumented: Identity and Immigration Justice***

Simona Capisani

***Emphasizing Embodiment in Immigration Justice***

Ryoa Chung and Lisa Eckenwiler

***Socially Undocumented and Structural Health Vulnerability***

Peter Higgins

***Social Groups, Oppression, and the (Legally) Undocumented***

## TABLE OF CONTENTS, CONT.

Carlos Alberto Sánchez

*The Value and Limits of the Socially Undocumented Interpretive Horizon*

Amy Reed-Sandoval

*Author's Response*

Serena Parekh

*Précis: No Refuge: Ethics and the Global Refugee Crisis*

Mary Troxell

*Structural Injustice and Social Sin*

Allison B. Wolf

*No Refuge for Latin American (and other so-called Global South) Nations?*

David Owen

*On No Refuge as Public Philosophy*

Sandra Raponi

*Our Shared Responsibility for Refugees*

Serena Parekh

*Response to Critics*

## BOOK REVIEWS

*Carol Hay: Think Like a Feminist: The Philosophy Behind Revolution*

Reviewed by Samia Hesni

*Mikki Kendall: Hood Feminism: Notes from the Women that a Movement Forgot*

Reviewed by Oluwatomisin (Tomi) Ogungbenle

*Asha Bhandary and Amy R. Baehr, eds.: Caring for Liberalism: Dependency and Liberal Political Theory*

Reviewed by Margaret A. McLaren

## CONTRIBUTORS



APA NEWSLETTER ON

# Feminism and Philosophy

---

LAUREN FREEMAN, EDITOR

VOLUME 21 | NUMBER 2 | SPRING 2022

---

---

## EDITOR'S INTRODUCTION

Lauren Freeman  
LOUISVILLE UNIVERSITY

I'm delighted to present to you this double author-meets-critics issue where leading scholars in immigration justice engage with two timely books, Amy Reed-Sandoval's *Socially Undocumented: Identity and Immigration Justice* (Oxford University Press, 2020) and Serena Parekh's *No Refuge: Ethics and the Global Refugee Crisis* (Oxford University Press, 2020).

Included in this issue you will find commentaries on *Socially Undocumented* by Simona Capisani, Ryoa Chung and Lisa Eckenwiler, Peter Higgins, and Carlos Alberto Sánchez, followed by a response from Reed-Sandoval. You will also find commentaries on *No Refuge* by Mary Troxell, Allison B. Wolf, David Owen, and Sandra Raponi, followed by a response from Parekh.

There are also three book reviews in this issue: Samia Hesni reviews Carol Hay's *Think Like a Feminist: The Philosophy Behind the Revolution*; Oluwatomisin Ogungbenle reviews Mikki Kendall's *Hood Feminism: Notes from the Women That a Movement Forgot*; and Margaret A. McLaren reviews *Caring for Liberalism: Dependency and Liberal Political Theory* (edited by Asha Bhandary and Amy R. Baehr).

I hope that you find value in this issue and enjoy it as much as I did.

---

## ABOUT THE NEWSLETTER ON FEMINISM AND PHILOSOPHY

The *Newsletter on Feminism and Philosophy* is sponsored by the APA Committee on the Status of Women (CSW). The newsletter is designed to provide an introduction to recent philosophical work that addresses issues of gender. None of the varied philosophical views presented by authors of newsletter articles necessarily reflect the views of any or all of the members of the Committee on the Status of Women, including the editor(s) of the newsletter, nor does the committee advocate any particular type of feminist philosophy. We advocate only that serious philosophical attention be given to issues of gender and that claims of gender bias in philosophy receive full and fair consideration.

---

## SUBMISSION GUIDELINES AND INFORMATION

**1. Purpose:** The purpose of the newsletter is to publish information about the status of women in philosophy and to make the resources of feminist philosophy more widely available. The newsletter contains discussions of recent developments in feminist philosophy and related work in other disciplines, literature overviews and book reviews, suggestions for eliminating gender bias in the traditional philosophy curriculum, and reflections on feminist pedagogy. It also informs the profession about the work of the APA Committee on the Status of Women. Articles submitted to the newsletter should be around ten double-spaced pages and must follow the APA guidelines for gender-neutral language. Please submit essays electronically to the editor or send four copies of essays via regular mail. All manuscripts should be prepared for anonymous review. References should follow *The Chicago Manual of Style*.

**2. Book Reviews and Reviewers:** If you have published a book that is appropriate for review in the newsletter, please have your publisher send us a copy of your book. We are always seeking new book reviewers. To volunteer to review books (or some particular book), please send the editor, Lauren Freeman ([lauren.freeman@louisville.edu](mailto:lauren.freeman@louisville.edu)), a CV and letter of interest, including mention of your areas of research and teaching.

**3. Where to Send Things:** Please send all articles, comments, suggestions, books, and other communications to the editor: Dr. Lauren Freeman, University of Louisville, at [lauren.freeman@louisville.edu](mailto:lauren.freeman@louisville.edu).

**4. Submission Deadlines:** Submissions for spring issues are due by the preceding November 1; submissions for fall issues are due by the preceding February 1.

---

## CALL FOR PAPERS

### SPECIAL ISSUE IN HONOR OF BAT-AMI BAR ON

The *APA Newsletter on Feminism and Philosophy* invites submissions for a special issue forthcoming in spring 2023 in honor and memory of Bat-Ami Bar On. Two different types of submissions are invited for this issue:

---

1. Papers: philosophical papers should be 4,000–7,000 words (including references and footnotes).

2. Narrative essays: short, narrative style essays should be 1,000–3,500 words in length. These essays should be less formal than standard philosophical papers.

Papers might address some of the following themes, whether engaging directly with Bar On’s work, or addressing the themes in a way which honors the spirit and legacy of her contributions to scholarship, mentorship, teaching, and shaping of the profession.

- Violence
- Political conflict
- Power
- Democratic theory
- War and terrorism
- Trauma
- Fascism
- Refugees
- Obligations of political states
- Defense of self and other
- Emotional responses to violence
- Jewish identity
- Judaic philosophy
- Gender
- Hannah Arendt
- Race, nationality and identity formation
- Military intervention
- Whiteness

Narrative essays might include reflections on the first-person experiences of colleagues or students of Bar On, her professional leadership, interdisciplinary work, lessons learned from her, her personal and philosophical influence, and/or her major achievements as they might inform our future work in feminist philosophy.

### SUBMISSION DETAILS

Formatting guidelines for all submissions to the *Newsletter* are available on page 1 of this issue and on the APA website: [http://www.apaonline.org/?feminism\\_newsletter](http://www.apaonline.org/?feminism_newsletter)

Submissions should be prepared for anonymous review and must be submitted by **September 1, 2022**.

Send submissions and inquiries to: [aharbin@oakland.edu](mailto:aharbin@oakland.edu) AND [bmemerick@smcm.edu](mailto:bmemerick@smcm.edu)

---

## CRITICAL REVIEWS

### *Précis: Socially Undocumented: Identity and Immigration Justice*

Amy Reed-Sandoval  
UNIVERSITY OF NEVADA, LAS VEGAS

When I was in my very early twenties, I decided to live and work illegally in Madrid, Spain. I had studied abroad there

as an undergraduate and was obsessed with the idea of going back. After graduating from college at the age of twenty-one, I spent a summer doing soul-sucking work at a call center in Omaha, Nebraska. Each day I would wake up at 3 a.m., hop a bus to the call center, and spend eight hours talking to innocents who used AOL as their internet provider. These poor people would call AOL for technical support, but before they could get connected to a technician, they would have to talk to me, one of the souls miserably tasked with trying to sell them *additional* AOL products they really didn’t need. I had to follow a script, and only after the tone of the conversation reached a certain pitch of desperation was I allowed to transfer them to technical support. They hated it. I hated it. I also suspect that the managers who constantly listened in on our phone calls secretly hated themselves.

After a terrible summer of this, I had saved up enough money to return to Spain—enough money, that is, to pay a month’s rent and purchase a return ticket if things did not go as well as they did in my dreams. I first entered Spain legally, on a tourist visa. Then I started working illegally: teaching English to people of all ages, and providing Spanish-English translation services for local media outlets. In my capacity as a translator for journalists, I sometimes rubbed elbows (a pre-pandemic expression if there ever was one!) with Spanish politicians and even some celebrities. As an English teacher, I taught several private classes to local business leaders. I would gently correct their grammar in their opulent offices while their secretaries brought me trays of breakfast *bollos* and *café con leche*. Money was often tight, but I was able to make ends meet and even spend many weekends and evenings enjoying the beautiful city of Madrid with my Spanish friends. Eventually, my tourist visa expired, but I kept living and working in Spain just the same. Once, a couple of my Spanish friends called me an *illegal*, but they did so jokingly, with a tone that indicated that they thought it absurd to seriously apply that term to me. I think I felt more bonded to them as a result.

If you are reading this but do not know me, you likely, and correctly, guessed by now that I am white (or white-presenting), and you may have (equally correctly) inferred that I am a US citizen. It is, after all, the simplest explanation for the fact that despite my legally undocumented status, I was able to earn enough money to enjoy the expensive city of Madrid—spending my nights dancing, dining, and exploring the city with ease—and to work several jobs that brought me into direct contact with powerful Spaniards. I am ashamed to say that when I initially got to Spain, I had not reflected on the white privilege that enabled all of this. I thought I was a cool rebel, flouting Spanish immigration law in pursuit of what I perceived as a bohemian lifestyle. (The fact that my mother was utterly scandalized by all this was, I will now admit, an added benefit.)

But as time went on, circumstances compelled me to question my self-conception as a jet-setting *rebelde*. I rented an apartment in a building where a number of Ecuadorians also lived. Though they owned their apartments and had legal permission to live and work in Spain, they were regularly derided, and in clearly racist terms. Some

Spaniards told me that while I was a welcome addition to their country, “South Americans” were not.

After a few months went by, I befriended a young Ecuadorian man who, like me, was living in Spain without legal permission. He worked at one of the language schools where I taught classes, and his job was to distribute flyers advertising the school on a busy street corner in central Madrid. Though I ought to have been paid more than I was earning, I couldn’t help but notice the striking difference between how much each of us was paid when we received our crusty envelopes of Euros at the end of the month. I also noted how differently each of us was treated by our bosses. Furthermore, my friend was also frequently harassed—and frequently in racist terms—when disseminating flyers on the street corner, while I earned respect as a teacher and translator.

So, was I a super-cool, immigration-law-flouting rebel, pursuing a bohemian and European lifestyle despite the associated risks? Or, on the contrary, was I simply a beneficiary of white privilege, obnoxiously playing at rebelliousness while my Ecuadorian neighbors and friends (among others)—including many who, unlike me, were living in Spain legally—were called out as “true illegals,” described as “primitive” and resistant to assimilation, and sometimes even victims of violence? I do not have to tell you the answer.

All of this is not to say that things always went spectacularly for me in Madrid. Once, during a job interview, the manager of a language school responded to me with shock and consternation when I revealed my legal status; I felt embarrassed, and I did not get the job. Furthermore, while I earned enough to enjoy myself in Madrid, there were times when I wanted to fly home to visit my family, but I could not afford to do so. I often felt undervalued in my jobs, and was unable to advance my career due to my legal status. Worst of all, I once had a full month’s salary—a pack of hard-earned Euros handed to me in an aged envelope—stolen from me, and I had to borrow money from friends. I had, after all, long since used up my savings earned at that terrible call center in Omaha.

These were disagreeable experiences, and I was obviously wronged by the robbery in particular. But did I endure *immigration injustice* as an undocumented migrant in Madrid? Perhaps the twenty-one-year-old version of myself would have said “yes,” prior to learning those important life lessons. Looking back, however, I think that I suffered certain hardships, but that these hardships do not rise to the level of immigration injustice. I was, in general, treated with respect in Spanish society—so much so that I chose to live illegally in Spain for years. Because of this respect I received, I was able to meet my basic needs despite my migratory status. I thus emerged from that experience feeling that there was something fundamentally different about my experience as an immigrant in Spain, and the experiences of my Ecuadorian neighbors and friends, along with many others.

I started writing *Socially Undocumented: Identity and Immigration Justice* over a decade later, in the context of my doctoral dissertation. It was published as a book, considerably different from the dissertation, about fifteen years after my time in Madrid. While I aim therein to provide a globally applicable theory of migration justice, it is primarily focused on immigration justices in the United States, and at the US-Mexico border, not those of Spain. Nevertheless, the book was directly inspired by what I learned through living and working without legal permission in Madrid.

I argue in *Socially Undocumented* that it is not necessarily unjust to have the status of a legally undocumented person; similarly, it was not unjust that I had the legal status of a legally undocumented person in Spain. However, it is always unjust, I argue, for someone to be *socially undocumented*: presumed to be undocumented on the mere basis of their appearance, and subjected to demeaning, immigration-related constraints on that basis. Socially undocumented identity, I argue, is an ethnoracial and class identity, and the social group of socially undocumented people includes people *with and without legal authorization* to live in the country where they currently reside. Indeed, as I explored in the preceding vignette, my Ecuadorian neighbors had legal permission to reside in Spain, but they were nevertheless derided as “illegals.” On the flipside, as my own story demonstrates, one can be legally, but not socially, undocumented.

*Socially Undocumented* calls for a new approach to conceiving of and pursuing immigration justice. Rather than swiftly assuming that “legalization”—or the regularization of one’s migratory status—will end one’s immigration-related oppression (though “official” legalization is extremely important), we should ask ourselves how socially undocumented identity “operates” as a social identity, and what social forces create and perpetuate this identity. This, in turn, requires us to consider the obligations of both state and non-state actors in terms of pursuing immigration justice. Furthermore, adopting this “identity focus” compels us to consider how socially undocumented people *themselves* are actively resisting the oppressive forces that constrain them, and even negotiating and shifting the terms of their identities. In broad strokes, my aim in the book is to integrate a phenomenological, descriptive account of socially undocumented identity with a normative vision of immigration justice.

I situate this work in the philosophical subfields of political philosophy, Latinx philosophy, and feminist philosophy. Given this (wonderful) venue, let me emphasize that this book is indebted to, and makes use of, feminist theories of oppression and relational equality, feminist work on non-ideal theorizing, Latina and Chicanx feminisms (particularly the works of Gloria Anzaldúa and Linda Martín Alcoff), and Kimberlé Williams Crenshaw’s work on intersectionality. For my chapter on “pregnant, socially undocumented embodiment,” I used ethnographic research methods, including semi-structured interviews, both to highlight and learn from the direct *testimonios* of Mexican women who crossed the US-Mexico border while pregnant—and with legal permission to do so—only to be rendered socially



undocumented on the basis of their “pregnant border-crossings.”

The book contains an introduction, seven chapters, and a conclusion. In the **Introduction**, I carve out the theory of justice that undergirds this project (see Simona Capisani’s discussion below for further details on this aspect of the book). In **Chapter 1**, I argue that while legally undocumented status is not necessarily unjust, socially undocumented identity, and its associated oppression, always is (on these points, see Peter Higgins’s contribution below). In **Chapter 2**, I establish what I mean by “social identity,” engaging the respective works of Linda Martín Alcoff and Pierre Bourdieu, both of which emphasize, albeit in different ways, the visible and embodied aspects of certain identities (see Chung’s and Eckenwiler’s contribution for more on this part of the project).

In **Chapter 3**, I call upon interdisciplinary migration scholarship to argue that socially undocumented identity is, indeed, an embodied identity. In **Chapter 4**, I explore what it means to be both pregnant and socially undocumented (see Ryoa Chung’s and Lisa Eckenwiler’s contribution below for further details on this chapter). In **Chapter 5**, which is Carlos Alberto Sánchez’s point of focus in his contribution, I argue that socially undocumented identity is not only embodied, but also the source of a unique hermeneutic horizon. Then, in **Chapter 6**, I argue that an “open borders” framework is inadequate—and even inappropriate—for the purpose of alleviating socially undocumented oppression (see both Capisani’s and Higgins’s contributions for discussion of this point). In **Chapter 7**, I argue that the migrant journey that many Latin Americans undertake to the United States is a source of socially undocumented oppression, and call for the demilitarization of the Mexico-US border as an alternative to “open borders” paradigms. Finally, in my **Conclusion** I briefly explore a range of policy changes and individual behavioral changes that would also serve to alleviate socially undocumented oppression.

---

## *Emphasizing Embodiment in Immigration Justice*

Simona Capisani  
PRINCETON UNIVERSITY

In her book *Socially Undocumented: Identity and Immigration Justice*, Amy Reed-Sandoval masterfully argues for a distinct way of understanding what it means to be undocumented and the related implications for immigration justice. When political philosophy traditionally engages with questions of justice and ethics of undocumented migration, it conceptualizes what it means to be undocumented in legalistic terms and focuses on the legal status of undocumented migrants. Consequently, the moral “problem” of undocumented migration is either framed as a denial of a legal right to remain in the places undocumented people work and live, or as a violation of a given state’s immigration laws. In short, political philosophical approaches to undocumented migration

focus on the denial of legal protections (as entitlements), or the violation of laws when addressing the moral challenges related to being undocumented. Reed-Sandoval demonstrates that such an approach is problematically narrow since “being undocumented” in the United States does not necessarily or merely amount to lacking or having a particular legal status. Importantly, Reed-Sandoval argues that being undocumented involves “the possession of an oppressed social identity—that of being socially, rather than legally, undocumented” (12).

In distinguishing between a social and legalistic understanding of what it is to be undocumented, Reed-Sandoval reveals that not all of those who have legal permission to be in the United States are excluded from the oppressed social identity of socially undocumented, and not all legally undocumented immigrants are necessarily socially undocumented. Some legally undocumented migrants may never be seriously affected by their lack of lawful immigration status in the relevant ways that amount to being oppressed. Others who, based on presumptions of their race, gender, or class, are regarded as undocumented may be oppressed regardless of the fact of their actual documentation status. Reed-Sandoval focuses her discussion primarily within a Latinx-US context in her arguments developing socially undocumented as a social identity-based oppression, but her conceptual framework is intended to apply on a wider scale. She suggests that the concept of socially undocumented is useful in identifying additional instances of identity-based immigration oppression in the global order.

The book incorporates a metaphysical, epistemological, and descriptive account of the identity “socially undocumented” and then develops normative arguments regarding the obligations to address the oppression of this social identity. Reed-Sandoval argues for the distinction between social and legal conceptions of being undocumented in Chapter 1. There, she employs an account of oppressed social groups that emerges from Ann Cudd’s externalist account of social groups.<sup>1</sup> Cudd focuses on external elements, such as the perceptions and behaviors of others or objective facts about the world, referred to as “constraints,” as the factors that determine a person’s membership in a social group. In short, on Cudd’s view, a social group is a collection of individuals who share a certain set of constraints on action and whose lives are consequently conditioned by the social institutions that put these constraints in place. A social group is oppressed if the set of these constraints is unjust. On a relational egalitarian framework, the justice-based normative approach Reed-Sandoval utilizes, unjust constraints are those that undermine an individual’s moral equality in relation to others on the basis of their membership in some social group.

With this interpretive account of an oppressed social group established, Reed-Sandoval proceeds to argue that there exists a social group which faces unjust constraints that derive from being perceived to be undocumented. Because the constraints that limit the actions of those who are legally undocumented are not necessarily unjust, there may be cases in which one may be legally undocumented but not oppressed. This is not the case for those who are socially

undocumented. If one is judged to be undocumented on the basis of one's appearance and is thus subjected to immigration-related constraints on that basis, one's status as socially undocumented is always unjust.

Chapter 2 begins to develop the conception of social identity at play in Reed-Sandoval's account of socially undocumented identity. Reed-Sandoval motivates the need for a theory of socially undocumented social identity as opposed to a social group-hood account by arguing that a social identity account centralizes the perspectives and lived experiences of those who are socially undocumented. In doing so, it enables examination of the social forces that enable social "illegality" on the basis of these experiences. Furthermore, it compels questioning the nature of the identity itself. For example, it helps to facilitate theorizing, which examines the way in which socially undocumented identity includes a range of other identities such as race, class, gender, etc. Finally, Reed-Sandoval argues that a theory of identity is better equipped to support antiracist and immigration rights work and activism.

Reed-Sandoval draws important insights and methodological frameworks from feminist philosophy in establishing her account of being undocumented as a social identity. She argues that being socially undocumented meets the criteria of being a social identity. Specifically, it is an identity that is visible as well as an embodied interpretative horizon that is fundamental to the self as it impacts how one views the world and how one is seen in it. In this way, socially undocumented identity can be considered "real" in the way Linda Martín Alcoff argues for in her account of race and gender as "visible identities."<sup>2</sup> While Alcoff's theory of "visible identities" does not include socioeconomic class, Reed-Sandoval argues that class identity is visible and embodied in similar ways to the identity of race and gender on Alcoff's account. This is due, in part, to how class constitutes "interpretive horizons that render certain things visible and salient to one, while also incline one to interpret those things in a particular way" (77). Furthermore, class identity can be embodied in the relevant ways Alcoff identifies for racial and gender identity. To substantiate these claims, Reed-Sandoval draws from the work of Pierre Bourdieu to supplement Alcoff's account of "visible identities" and expands the theory to incorporate class as well.

From these foundations, Reed-Sandoval proceeds to argue throughout the remainder of the book that socially undocumented identity is visible and embodied along class, racial, and sex/gender lines. For example, in Chapter 3 Reed-Sandoval provides an interdisciplinary analysis and argues that being socially undocumented is embodied on both racial and class lines. She engages in a historical analysis of the development of socially undocumented identity in the United States through the country's white supremacist immigration laws as well as key historical moments throughout the country's development.

Reed-Sandoval's conception of socially undocumented as an identity introduces metaphysical considerations that have significant implications for the challenge of addressing and rectifying structures which contribute to the oppression

of those who are socially undocumented. Reed-Sandoval demonstrates an adept range of normative theorizing in her attention to phenomenological experiences of being socially undocumented and develops such theorizing in light of her ethnographic research. Her interviews with women who had the legal permission to cross the Mexico-US border in the El Pas-Ciudad Juarez area in their pursuit of prenatal care and to give birth in the US highlight the way in which a focus on legal status alone misses forms of oppression. In Chapter 4, Reed-Sandoval demonstrates how pregnant, socially undocumented women can be understood as the most "illegalized" identity in the United States regardless of legal status. Her precise and careful theorizing is set in relief by the way in which she is attentive to the lived experiences she captures in this chapter and in her wider descriptive account of socially undocumented embodiment. Her analysis, which is informed by Kimberlé Williams Crenshaw's intersectionality theory, seeks to move beyond focusing on the experiences of the most privileged members of a marginalized social group.<sup>3</sup> By incorporating ethnographic tools in her philosophical theorizing, Reed-Sandoval strengthens her claim regarding the unique forms of constraint experienced by those in the social group of being visibly pregnant as well as socially undocumented and why the US is obligated to address the structures that contribute to the oppression of such social identities.

In Chapter 5, while acknowledging her own limited epistemic access as a non-socially undocumented individual, Reed-Sandoval proposes that the US puts socially undocumented people in a "double-bind." This double-bind condition is understood along the conceptual lines developed by Marilyn Frye.<sup>4</sup> As Frye famously argues, double binds are situations in which the available choices or options available to an oppressed people are reduced to a set in which all such options expose oppressed individuals to some harm or deprivation. Reed-Sandoval proposes that one potentially important feature of the interpretive horizon of a socially undocumented identity is a particular exposure to a double bind US society is responsible for creating. She argues that socially undocumented individuals are faced with two constraining options: they are often faced with little choice but to perform undervalued labor for the sake of survival on the one hand; and on the other hand (regardless of legal status), they are subject to degrading immigration restraints on the basis of being associated with or performing such labor.

The remainder of Chapter 5 completes Reed-Sandoval's descriptive account of the social identity of socially undocumented. In this chapter, she also explores examples of socially undocumented responses to the double bind described earlier and how such responses are suggestive of the socially undocumented interpretive horizon. Reed-Sandoval argues that this horizon is one "from which socially undocumented people both perceive and develop spaces and social situations in which their labor, personal projects, and the very presence in the United States will be afforded a respect that is frequently denied to [the socially undocumented] in broader U.S. society" (137). It is through this horizon that one can both understand the double bind and create solutions to challenging it. These proposals

emphasize elements of socially undocumented experience that can serve as resources for combatting oppression of socially undocumented identities.

The integration of phenomenological, feminist, ethnographic, and historical analysis in her normative theorizing is a distinctive feature of Reed-Sandoval's work and approach to immigration justice. This is one aspect that makes her book a valuable contribution to political philosophy in general and philosophy of immigration in particular. It demonstrates the normative significance of being attentive to embodiment in the context of immigration and centralizes the experiences and challenges faced by those judged to be undocumented in the United States. In doing so, Reed-Sandoval's arguments emerge from a "bottom up" analysis and work within a non-ideal theory context (28). She starts with the perspectives of socially undocumented people and the inequalitarian conditions of our current world to develop normative principles for pursuing relational equality in our immigration practices. Consequently, her methodology exemplifies philosophical theorizing that succeeds in developing a normative framework that is useful for assessing, designing, amending, and implementing practices and policies in light of their impacts on the oppressive conditions that contextualize immigrants' lived experience.

Furthermore, by shifting attention to the social dimension of undocumented migration and by focusing on issues of identity, Reed-Sandoval establishes the foundation for an approach to immigration justice that considers a broader range of policy proposals and which is directly attentive to the linguistic practices and social institutions that contribute to maintaining unjust conditions. This is a second and related aspect of why her contribution to debates in philosophy of immigration is significant. Specifically, her account of socially undocumented social identity illuminates the need to move beyond the "open borders debate"<sup>5</sup> in philosophy of immigration. By demonstrating that socially undocumented oppression would persist even in conditions where coercive state borders are eliminated, Reed-Sandoval reveals that some forms of immigration-based oppression require more than ensuring the right to universal freedom of movement. She develops these arguments in Chapter 6, where she lays a foundation for introducing a new option for alleviating socially undocumented oppression.

Reed-Sandoval does not offer a complete account of policy proposals, but she does argue that her conception of socially undocumented oppression requires, as a matter of immigration justice, the implementation of border policies that would contribute to the elimination of such forms of oppression. She argues for specific obligations of the United States to demilitarize the border and respect Indigenous sovereignty in the borderlands in Chapter 7. These obligations amount to a novel alternative to addressing socially undocumented oppression that does not rely on an open-borders framework. In this chapter, Reed-Sandoval also accounts for the obligations of Mexico and other states to address migration through their territories in ways that alleviate oppressive constraints associated with socially undocumented identity. She grounds these

obligations in the relational egalitarian approach to justice, which is employed as the overarching normative framework in the book. According to this framework, certain forms of immigration restriction violate the moral equality of the socially undocumented and are thus unjust.

The normative arguments in the latter half of the book may benefit from further elaboration regarding the nature of the correlative obligation associated with socially undocumented oppression. Practices and policies that lead to unjust social identity formation require some form of address, whether that be revision or abolition. Reed-Sandoval seems to suggest that state actors, and possibly non-state actors, are primarily responsible for fulfilling the obligation to alleviate the oppression that occurs in the context of unjust social identity formation. This seems correct, especially given the ways in which "illegality" are constructed in white supremacist laws, programs, treaties, and other institutional arrangements. Reed-Sandoval's arguments speak to the structural nature of oppression, and thus imply the advancement of structural forms of remedy and address.

However, some readers may question whether claims to alleviate such forms of structural oppression are addressed to states/non-state actors alone. A question arises as to whether state-based actions are sufficient to alter the practices that cause certain bodies to be "illegalized." For example, can claims to address unjust social identity formation amount to claims of collective moral responsibility of non-socially undocumented persons that perpetuate or participate in such things as linguistic practices which contribute to demeaning constraints on the basis of assumed identity? Are there other relevant actors, in addition to states, that bear responsibility in working towards the alleviation of socially undocumented oppression? To what extent might non-socially undocumented persons, who are also citizens of a state, have an obligation to advocate for particular policy changes or practices on the basis of their participation in such practices? When Reed-Sandoval argues that we should support strikes and other political actions taken by socially undocumented laborers, she seems to suggest that non-state actors may also include individuals. Again, this seems correct as a matter of justice, but more might be said about whether the nature of the responsibility in question is inherently structural, or whether the account includes elements of individual responsibility, and to what extent this suggests a tension with a primarily structural approach.

Furthermore, on Reed-Sandoval's account, it is unclear whether members of the oppressed social identity also share an obligation to address the structures that contribute to their oppression. Her account clearly establishes the grounds for empowering members of this oppressed group to lead in efforts in addressing unjust practices as it centralizes the epistemic and embodied interpretive horizon of those who are socially undocumented. However, does this interpretive horizon amount to an obligation to resist oppression as well? Carol Hay defends the controversial claim that people have an obligation to resist their own oppression, though she emphasizes that such an obligation is not overly onerous. On Hay's view, such an



obligation is Kantian in the sense that it is an obligation the oppressed have to protect their rational nature. Does the social identity conception of “socially undocumented,” embedded within a relational egalitarian approach, also establish grounds to resist oppression? Given the unique socially undocumented perceptual practice and interpretive process and horizon, and its importance for resisting the double bind, Reed-Sandoval seems to integrate a normatively significant notion of resistance in her account. Further exploration about the implications of situating a social identity account within the context of a relational egalitarian normative framework would help clarify which agents are responsible for alleviating socially undocumented oppression and whether the relational egalitarian approach (in this context) establishes other actors, besides states, to undermine oppressive social relations, including members of the oppressed social identity themselves.

In offering a “third option” to alleviating socially undocumented oppression, Reed-Sandoval provides a new possibility for reflecting on additional and ongoing forms of immigration-related oppression and for questioning the legitimacy of our current border practices apart from the moral considerations at play in the open-borders debate. Reed-Sandoval makes the important point that even if a right to freedom of movement could undermine socially undocumented oppression, an open-borders framework is still insufficient for addressing the injustices related to such oppression.

This speaks to the larger point, to which I agree, that it is normatively beneficial to assume borders in order to understand a range of moral challenges that emerge in the context of our current immigration practices (165). Without the operative assumption of borders—roughly understood as they currently operate—the nature of certain moral problems related to immigration may be rendered incomprehensible. For this reason, having an alternative to the open-border framework as a new “conceptual space for a philosophical conversation about the legitimacy of our current system of borders,” (148) is particularly fruitful for identifying and addressing moral challenges and conditions of immigration oppression that would not be resolved by ensuring a right to free movement. For example, under conditions of climate change, where the territorial stability of borders can no longer be assumed, the very legitimacy of our current system of borders may be threatened if obligations to those displaced by climate change are not addressed. Securing a right to free movement may still be insufficient in addressing justice for those displaced by climate change since obligations to address such displacement may amount to more than a legal right to cross external state boundaries. Having the conceptual space to evaluate claims to legitimacy without referring to open borders offers the possibility to develop normative insights that can speak to the specific context within which such displacement is occurring.

A key insight of Reed-Sandoval’s work is that the consideration of the relationship between immigration justice and unjust social identity development is necessary in constructing just immigration practices. On a global scale,

this requires examining the impacts of immigration policies and border practices on the embodiment and moral status of certain groups. This is an important addition to an area of political philosophy that is primarily concerned with the violation or affordance of certain rights or legal statuses. Such attention to embodiment in the context of immigration justice offers fertile ground for further understanding forms of oppression related to immigration. The notion of socially undocumented as a social identity also provides us with a new conceptual and linguistic framework that expands our understanding about the ways in which various interlocking forms of oppression characterize the experience of immigrants in the US regardless of their legal standing. In doing so, Reed-Sandoval’s work establishes a much needed normative foundation for recognizing and dismantling the structures that perpetuate such oppression.

NOTES

1. Ann Cudd, *Analyzing Oppression* (Oxford: Oxford University Press, 2006).
2. Linda Martín Alcoff, *Visible Identities: Race, Gender, and the Self* (New York: Oxford University Press, 2006).
3. Kimberlé Williams Crenshaw, “Demarginalizing the Intersection of Race and Sex; A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” in *Critical Race Feminism: A Reader*, 2nd ed., ed. Adrien Katherine Wing (New York: New York University Press, 2003).
4. Marilyn Frye, *The Politics of Reality: Essays in Feminist Theory* (Berkeley, CA: Crossing Press, 1983).
5. Shelley Wilcox, “The Open Borders Debate on Immigration,” *Philosophy Compass* 4, no. 5 (2009): 813–21.

---

## Socially Undocumented and Structural Health Vulnerability

Ryoa Chung  
UNIVERSITY OF MONTREAL

Lisa Eckenwiler  
GEORGE MASON UNIVERSITY

It is a privilege to comment on Amy Reed-Sandoval’s brilliant and innovative book. *Socially Undocumented: Identity and Immigration Justice* is an indispensable contribution to the literature on immigration, especially immigration and ethics, and, indeed, calls for expanding the scope of immigration justice by showing how many migrants face oppression though they are legally documented. Reed-Sandoval argues that “socially undocumented” individuals experience forms of oppression due to prejudices about their identity despite their status as legal residents. In her words, the socially undocumented “endure a common set of unjust, immigration-related constraints on the basis of *being perceived to be undocumented*” (37).

Overall, the author argues for a relational, egalitarian account of immigration justice focused on social and institutional structures that spawn injustice, inspired by the writings of Elizabeth Anderson and Iris Marion Young. Drawing as well on Linda Martin-Alcoff’s notion of “visible identities,”

Reed-Sandoval's notably phenomenological approach highlights two key elements of "socially undocumented identity": visible identity and the epistemically rich notion of the "interpretive horizon." The bodies of migrants, first, Reed-Sandoval argues, are visibly sexed and racialized bodies. Reed-Sandoval also integrates Bourdieu's notion of "habitus" (78) as it relates to embodiment in particular environs in fleshing out her interpretation of "visible identities" here. The second characteristic (further explored in Chapter 5) consists of the *interpretive horizon* determined by socially undocumented people's positionality, or their social locations. An interpretive horizon is another way of capturing the idea that how and what we know is shaped by how we are situated in the world. In this regard, as feminist standpoint theorists argue, those who experience these forms of oppression have a privileged epistemic access to this interpretive horizon of social facts. It is this that should inform immigration policy for the sake of justice on Reed-Sandoval's account as we explain below.

Chapter 4, the main focus of this commentary, vividly illustrates several dimensions of the author's thesis. This chapter focuses on the case of Mexican women who are pregnant and cross the US border to receive obstetric and prenatal care in US clinics. It opens with the situation of Salma, who does all she can to avoid appearing pregnant and vulnerable to border control officers by forcing herself into a physical posture that exacerbates fatal risks of her difficult pregnancy and impending delivery. She has all the documents to travel legally between these two countries. However, she is constantly stopped, interrogated, and scrutinized by the American border officers given her visible identity. She must submit to stressful interrogations despite her legal status and deliberate efforts to appear middle class. Despite all, they are treated as *socially undocumented*, the most "illegalized" social group in the United States.

Following the pioneering work of Kimberlé Crenshaw, Reed-Sandoval's intersectional approach analyzes the compounded discriminations on the grounds of race, gender, and socioeconomic class. There is no doubt that Reed-Sandoval's book represents an invaluable contribution to the field of philosophy of race regarding the racism experienced by specific social groups within the Latina/o/x population. Those Mexican women who can afford OB/GYN care in the United States are clearly part of an affluent class. However, the phenomenon of racialization that they experience when they cross the border confines them to a working class associated with a specific ethnic population destined for menial manual labor.

Being women and pregnant illustrates the gendered dimension of the most illegalized social group in the United States, according to Reed-Sandoval. Indeed, the history of immigration policies in the United States attests to the stigmatization of pregnant women who represent, literally in its bodily manifestation, a public burden deemed too heavy for society. The fact that these Mexican women are married and come from the middle class is not enough to remove the racist prejudice that weighs on the social, economic, and even marital vulnerability of these women (considered more likely to be abandoned) who carry in their

bodies the negative externalities of an unwanted American citizen.

Women's bodies have always been the site of social conflict over their reproductive rights. In another article ("Travel for Abortion as a Form of Migration," *Essays in Philosophy*, 2021), Reed-Sandoval analyzes the situation of women who must travel to access abortion clinics in the context of COVID-19 confinement measures. The journey of these women, even for those with US citizenship or regularized immigration status, who will have to travel from a state like Texas, where restrictive anti-abortion laws are in place, to states where they can access abortion clinics can be likened to a form of migration within US borders. This phenomenon challenges the prevailing methodological nationalism in the philosophy of immigration Reed-Sandoval argues, rightly so. The rise of populist and reactionary movements that challenge women's rights worldwide is a real and distressing issue in light of the tragic death in November 2021 of a pregnant woman who was unable to access a therapeutic abortion in Poland. Domestic and cross-border migration of women seeking abortions is a disquieting and pressing issue.

Chapter 4 addresses the right of pregnant women to access obstetric and gynecological care during pregnancy and childbirth. However, the phenomenon of illegalization experienced by the Mexican women who cross the border legally but are treated as socially undocumented raises a larger spectrum of health issues for migrants. Health inequalities affecting migrant populations and immigrants (who sometimes fall into the category of socially undocumented regardless of their legal status of residency) are the subject of specific research in the field of public health ethics. We find it interesting to extend our commentary on Chapter 4 of Reed-Sandoval's book by addressing converging concerns that characterize our work about *structural health vulnerabilities* and the health of refugees (Chung, Eckenwiler, Hunt).

By structural health vulnerability, we refer to the interaction of two types of injustices that exacerbate health inequalities. We do not subscribe to an essentialist conception of vulnerability but rather to a structural perspective on the increased propensity for health risks that affect individuals or social groups given their position within unjust societies. Societies are unjust to varying degrees because of a complex set of factors that affect individuals' basic well-being or fundamental rights. We do not claim to offer a comprehensive theory of health injustice but rather a conceptual tool to study the interaction of structural injustices and epistemic injustices in the causation and perpetuation of unjust health inequalities. The notion of *structural injustice* refers to Iris Marion Young's understanding that social processes cause harms to identifiable victims even when it is impossible to identify the actors who are causally responsible for producing them. Of course, structural injustices that are produced by the indirect responsibility of a multitude of actors, each pursuing their interests within the legal and institutional framework of established social norms and rules, coexist with injustices that are caused directly and deliberately by actors accountable for their wrongdoing

according to the traditional model of liability. However, the model of social connection that interests Iris Marion Young is that which concerns indirect responsibility in the production and perpetuation of structural injustices and which escape legal sanctions. Border officials, for example, who inflict stressful and humiliating vetting procedures on Mexican women despite their most legal right to cross into the United States perpetuate structural racism against them. The border officials may not be driven by subjective racist motivations, but they nevertheless reinforce racist prejudices that underlie socioeconomic and political inequalities between dominant and stigmatized social groups. Borders themselves can be understood as structures that generate systemic injustice. The phenomenon of the socially undocumented fits into the multidimensional analysis of the notion of structural injustice as presented by Iris Marion Young, to whom Reed-Sandoval refers to in her theoretical framework (cf. Introduction).

Structural vulnerabilities in health are linked inextricably to the notion of *epistemic injustice*, by which we mean, in general, unjust differential status between agents and the contents of knowledge. The power relations that exist in the social world are transposed in the world of knowledge. Although the concept of epistemic injustice is described in detail in the fields of philosophy of race, feminist philosophy, and epistemology, the expression was coined by Miranda Fricker, who defines the following two modalities: testimonial and hermeneutic injustice. The situation of pregnant Mexican women who cross the US border and are abusively scrutinized are victims of testimonial injustice whenever their testimony is discredited due to racist and sexist prejudices about their social identity. In many ways, it can also be argued that following Alcoff's second characteristic of visible identities, which refers to the interpretive horizon of individuals related to their social positionality, these women experience hermeneutical injustice. The phenomenon of the socially undocumented described by Reed-Sandoval suggests that these individuals' interpretation of trauma and humiliation is not only incomprehensible to members of the dominant epistemic group due to their limited hermeneutical resources, but these women may also suffer from a lack of resources to name and identify aspects of the dehumanizing phenomenon they experience under the border officials' eyes reflecting the society's gaze upon them. Reed-Sandoval's invaluable work in identifying and analyzing the characteristics of the socially undocumented phenomenon, especially that experienced by the most illegalized group in the United States, represents a breakthrough in hermeneutic injustice research. Just as the naming of the notion of sexual harassment and the clinical diagnosis of postpartum depression Fricker presents as examples of hermeneutical breakthroughs for women in the fields of law and medicine, the naming of the socially undocumented represents a breakthrough in the domain of immigration justice.

The book's ethnographic method of combining qualitative interview-based research, a phenomenological perspective of real-lived experiences, and conceptual analysis based on these data presents a rich array of examples and case studies to illustrate the experience of the socially

undocumented and how they endure injustice. This work, as the author puts it, "compels us to take on far wider range of policies, social institutions, societal attitudes, linguistic practices, and ways of relating to each other" (12) if we are to make progress toward justice for migrants and become a "society of equals" (14).

---

## Social Groups, Oppression, and the (Legally) Undocumented

Peter Higgins

EASTERN MICHIGAN UNIVERSITY

Race, class, and gender, considered as social institutions, undeniably shape the experiences of migrants in significant ways. Since race, class, and gender also produce systematic, unjust inequalities between groups of people, they thus ought to be central categories of analysis in most, if not all, philosophical examinations of migration justice. Amy Reed-Sandoval's *Socially Undocumented: Identity and Immigration Justice* demonstrates masterfully how to reason about migration justice in a way that attends carefully to the consequences of race, class, and gender for migrants and non-migrants alike. Reed-Sandoval's new book also shows how sensitivity to race, class, and gender generates recommendations for just migration policy that are distinct from those that appear to follow from traditional approaches.

*Socially Undocumented* focuses on a question that has received limited attention in the literature on philosophy of migration: How should one understand and assess the justice of (particularly United States) migration policy with respect to the undocumented (rather than with respect to prospective migrants)? Undocumented migrants are usually understood to be a collection of individuals defined by a legal status (presence in a country without official authorization). Reed-Sandoval argues that we should replace this understanding with one on which the undocumented are an (oppressed) social group—the "socially undocumented." The socially undocumented are those who "endure a common set of unjust, immigration-related constraints on the basis of being perceived to be [legally] undocumented" (37).<sup>1</sup>

Thus, Reed-Sandoval argues that socially undocumented status should be regarded as the group-making feature of the undocumented as a social group. This commentary seeks to extend Reed-Sandoval's analysis by exploring two alternative ways of understanding the social groups in question. On the first, the legally undocumented are a social group unto themselves (not merely a legally defined collection of individuals) and are likely, perhaps usually even if not necessarily, oppressed as such. On the second, the social group "the undocumented" comprises the legally and the socially undocumented alike. I will argue that we should accept one or the other of these alternative understandings of the social group(s) oppressed by unjust, immigration-related constraints.

## SOCIALLY UNDOCUMENTED VS. LEGALLY UNDOCUMENTED

Lacking legal authorization to be present in a country matters less in explaining the causes of the injustice the undocumented experience than does simply appearing to be undocumented (4). On the basis of this claim, Reed-Sandoval argues that “the term ‘undocumented migrant’ should be taken by political philosophers and policymakers to refer not primarily, or even necessarily, to the *legal status* of being undocumented but to an oppressed social group” (36-37), namely, the socially undocumented. The socially undocumented have in common that they are assumed to be legally undocumented on the basis of their appearance. Applying Ann Cudd’s account of social groups (Cudd 2006), Reed-Sandoval argues that the socially undocumented are an oppressed social group because the assumption of their legally undocumented status occasions unjust immigration-related constraints (37).

A starting assumption of *Socially Undocumented*—that migration justice does not require open borders and thus that states may justly restrict immigration to some extent (26)—further helps to explain Reed-Sandoval’s contention that the undocumented should be understood in social rather than legal terms. Reed-Sandoval makes this assumption not only because a focus on open borders can distract from injustices endemic to present social reality, but also because, she argues, the absence of formal restrictions on transnational migration may exacerbate the oppression of the socially undocumented (26). It follows from this assumption that the legally undocumented are not necessarily oppressed: the constraints they face (limitations on their freedom of movement) are not necessarily unjust.

Furthermore, Reed-Sandoval argues, understanding the undocumented as individuals who lack legal authorization to be present in a country confounds the attempt to conceive of the injustices the undocumented experience as oppression. “When we are restricted to understanding the term ‘undocumented migrant’ as a legal status, it is conceptually very difficult, if not impossible, to identify the injustice of undocumented migrant oppression” (37) because “oppression” is something that happens to social groups (or individuals qua members of social groups) rather than to individuals simpliciter.

The final aspect of Reed-Sandoval’s argument for understanding the undocumented in social rather than legal terms is that individuals who are legally but not socially undocumented may experience few to none of the unjust hardships associated with undocumented status. Whereas the legally undocumented lack official authorization for the presence in a country, the socially undocumented are assumed to lack such authorization on the basis of their appearance—in the United States in particular, appearing to be Latinx and working class or poor (56). Thus, as Reed-Sandoval observes, people of Latin American descent are disproportionately targeted by immigration enforcement strategies in the US (35). A socially undocumented person is more likely than someone who is “merely” legally undocumented to be detained by the police and threatened with deportation

and, consequently, has more limited freedom of movement (47-48). Further, the socially undocumented are subject to a range of demeaning stereotypes and assumptions—e.g., that they do not belong in the US, that they cannot speak English, or that they are uneducated (48). Finally, finding decent paying, non-degrading work is more difficult for the socially undocumented than it is for the merely legally undocumented, whom people may assume are legal residents. Thus, the merely legally undocumented may be offered work without proof of legal presence, are more likely to be offered minimum wage or better, and are less likely to be required to perform dangerous or degrading labor (48).

Being legally undocumented is neither necessary nor sufficient for being socially undocumented, according to Reed-Sandoval. It is not sufficient because one can be legally undocumented without being taken as such by others. It is not necessary because people who are legally authorized to be present in a country, including citizens, may be assumed to be legally undocumented and therefore be socially undocumented. Even among the socially undocumented who are also legally undocumented, their oppression owes to being socially undocumented, not to being legally undocumented. (Recall Reed-Sandoval’s stipulation that national restrictions on immigration are not unjust in and of themselves (46-47).) As Reed-Sandoval notes, many of the socially and legally undocumented have false documentation asserting their right to legally live and work in the US, and yet they nevertheless routinely face unjust exploitation. (Otherwise convincing documentation is assumed to be fraudulent because of the bearer’s appearance.) Thus, legal status does not explain the oppression of the socially undocumented, even among those who are also legally undocumented (53).

Anticipating the objection that there is no need to posit the socially undocumented as an oppressed social group (because the oppression she is describing is simply Latinx oppression), Reed-Sandoval argues that the socially undocumented and Latinx people are distinct social groups that are not coextensive. It is possible, she notes, to be Latinx without being taken for legally undocumented, and without being taken for Latinx (54-55). Furthermore, people who are assumed by others to be legally undocumented on the basis of their appearance are so judged not only because of apparent racial/ethnic markers but also because of apparent markers of socioeconomic class: as she argues, “the term ‘socially undocumented’ refers not simply to or necessarily to being Latina/o/x but to a more complex interplay of racial/ethnic and class identity” (56).

## ARE THE LEGALLY UNDOCUMENTED AN OPPRESSED SOCIAL GROUP?

Reed-Sandoval declines to say that the legally undocumented are a social group, and she questions whether they are oppressed: “if the legally undocumented can be said to comprise a social group on the basis of a shared set of constraints, it is not necessarily an *oppressed* social group” (46). I wish to suggest, first, that the legally undocumented are usually, even if not necessarily, an oppressed social group.



Using Cudd's definition, Reed-Sandoval maintains that a social group is "a collection of persons who share (or would share under similar circumstances) a set of constraints on actions."<sup>2</sup> Constraints, in Cudd's account, are "facts that one does or ought to rationally consider in deciding how to act or how to plan one's life, or facts that shape beliefs and attitudes about other persons."<sup>3</sup> Examples of constraints include "legal rights, obligations, and burdens, stereotypical expectations, wealth, income, social status, conventions, norms, and practices."<sup>4</sup> As Reed-Sandoval notes (42), Cudd's account of social groups is an externalist one in the sense that "what makes a person a member of a social group is not determined by any internal states of that person, but rather by objective facts about the world, including how others perceive and behave toward that person."<sup>5</sup>

Reed-Sandoval notes some constraints common to the legally undocumented in the US; the legally undocumented cannot vote in US elections or serve on juries, and they lack a legal right to work (46). I would add to this list that the legally undocumented do not have secure access to a number of fundamental public goods, either because it is prohibited or because attempting to access them risks exposing one's undocumented status, including police services, health care, and education. The existence of these constraints means that the legally undocumented are a social group.

On Cudd's account, a social group is oppressed if the constraints that constitute it are unjust.<sup>6</sup> Reed-Sandoval extends Cudd's account of oppression by arguing that constraints are unjust if they undermine the moral equality of members of the group relative to members of other groups, or if they reinforce extant inequalities of moral status between groups (45). This understanding of unjust constraints can be applied to explain why the legally undocumented are not (necessarily) oppressed, Reed-Sandoval argues: if we assume that states have a right to restrict immigration (as she does), then the constraints that make the legally undocumented a social group are not (*prima facie*) unjust (46).

To be sure, if justice does not require open borders (i.e., if it is possible for states to justly restrict immigration), then one could not maintain that the legally undocumented are necessarily oppressed (i.e., that there is injustice merely in virtue of the group's existence). But this does not mean that, in some and perhaps many circumstances, the legally undocumented are not oppressed. (Analogously, convicted felons are not necessarily oppressed if the state has a right to punish those who break the law, but this does not mean that prisoners in the United States today are not oppressed.) In order to determine whether the legally undocumented are oppressed, one must examine whether the constraints they experience in particular circumstances or contexts (e.g., in the US today) undermine their moral equality.

Reed-Sandoval denies that constraints such as not being permitted to vote, serve on juries, or work legally for pay necessarily undermine the moral equality of the legally undocumented (47). However, there are

plausible reasons for thinking that prohibiting the legally undocumented from working undermines moral equality (or at least that it is unjust in some way). After all, the legally undocumented are also prohibited from receiving public welfare assistance. Thus, the prohibition on legal employment leaves the legally undocumented with only one alternative to destitution: employment in the informal economy, where one is vulnerable to labor exploitation in the form of wages below the minimum, wage theft, unsafe working conditions, and employer abuse. The constraint of not having secure access to certain public goods (police services, health care, and education), whether due to legal residence requirements or fear of having one's legal status exposed, also arguably undermines the moral equality of the legally undocumented, given centrality of these goods to basic human needs.

Thus, the legally undocumented are plausibly regarded as an oppressed group in the US today. The legally undocumented are an oppressed social group in any country in which internal (intra-country) immigration enforcement mechanisms make fulfilling basic human needs more difficult for the legally undocumented than it is for similarly socially positioned citizens and legal residents (e.g., citizens and legal residents of the same race/ethnicity, gender/sex, and economic class). I would venture to say that this is the case in a large number of countries today.

## ARE THE LEGALLY AND SOCIALLY UNDOCUMENTED DISTINCT SOCIAL GROUPS?

I have argued so far that the legally undocumented are an oppressed social group in the United States, and, likely, in many other countries, today. This conclusion is consistent with Reed-Sandoval's contention that the socially undocumented are an oppressed social group. If we are both correct, then there are (at least) two social groups that are oppressed as a consequence of immigration-related constraints.

But perhaps we are expanding our ontology unnecessarily. One might reasonably hold that, in countries where the legally undocumented are oppressed, the socially undocumented and the legally undocumented are members of a single (oppressed) social group. One way to make sense of how this could be is to think of extant laws restricting immigration and enforcing immigration restrictions as imperfect formal mechanisms for establishing and maintaining boundaries around the identity of the paradigmatic members of a national political community (however that identity is conceived among privileged groups in a particular society). They are "imperfect" mechanisms because they sometimes exclude individuals whose identity conforms to the paradigm, like Reed-Sandoval's hypothetical Gary, a white, middle-class citizen of the UK who moves to the US without legal authorization for the benefit of his music career (39).

They are "imperfect" in a second way as well: they fail to exclude all those whose identity is targeted for exclusion, namely, citizens and legal residents for whom apparent racial/ethnic and socioeconomic class markers lead



others to assume that they are undocumented. The kinds of discrimination and oppression the socially but not legally undocumented experience, as described by Reed-Sandoval, can thus be understood as a way of “correcting for” the limited ability of extant immigration restrictions to exclude all those whose presence destabilizes the dominant conception of national identity in a particular society.

If “the undocumented” is a single oppressed social group comprising the socially and the legally undocumented, then those who are both and experience not only formal, juridical immigration-related constraints (e.g., not being able to work in the formal economy) but also informal, social immigration-related constraints (e.g., discrimination based on stereotypes) are core members of the social group. In contrast, the place in the group of those who are merely legally undocumented (such as Gary) is closer to the margin.

This way of understanding how the social group “the undocumented” is constituted parallels how one might understand other kinds of oppression when using an externalist account of social groups (as Reed-Sandoval does, following Cudd). Externalist accounts have the implication that a person’s membership in a social group can be the result of how others perceive and consequently treat the person, even if the perception that occasioned the treatment is mistaken. This is what makes sense of the existence of socially but not legally undocumented people. Similarly, an externalist account might say that Muslims in the United States (understood as a social group oppressed by Islamophobia rather than as a religious faith community) comprise both people of Islamic faith and people whose appearance is regularly judged by others to indicate Middle Eastern ancestry. People of Islamic faith whose appearance is regularly judged by others to indicate Middle Eastern ancestry are core members of the oppressed group, whereas people of Islamic faith whose appearance is assumed to be European are (perhaps) marginal members of the oppressed group. Yet people not of Islamic faith whose appearance is regularly judged by others to indicate Middle Eastern ancestry are also members of the same oppressed group.

### CONCLUSION

Given Cudd’s definition, the legally undocumented undeniably count as a social group. If a country’s internal immigration enforcement mechanisms make it difficult for legally undocumented people to fulfill basic human needs, then the constraints that shape the life outcomes of the legally undocumented are unjust, and they are an oppressed social group. The claim that the legally undocumented are, in some countries, an oppressed social group complements Reed-Sandoval’s argument for understanding the socially undocumented as an oppressed social group. In contrast, acceptance of the claim that (in countries where the legally undocumented are oppressed) the legally and the socially undocumented are members of the same oppressed social group would require a modest adjustment to Reed-Sandoval’s ontology.

Given that (insofar as the legally undocumented are oppressed) many of the same constraints shape the experiences of the legally undocumented and the socially undocumented alike, and that there are possibilities (as suggested above) for explaining why people in distinctive legal and social circumstances are impacted by the same constraints, I find this modest adjustment a tempting one to support.

### NOTES

1. All pages references are to Amy Reed-Sandoval, *Socially Undocumented: Identity and Immigration Justice* (New York: Oxford University Press, 2020) unless otherwise noted.
2. Ann Cudd, *Analyzing Oppression* (New York: Oxford University Press, 2006), 44.
3. Cudd, *Analyzing Oppression*, 41.
4. Cudd, *Analyzing Oppression*, 41.
5. Cudd, *Analyzing Oppression*, 36.
6. Cudd, *Analyzing Oppression*, 52.

---

## *The Value and Limits of the Socially Undocumented Interpretive Horizon*

Carlos Alberto Sánchez

SAN JOSÉ STATE UNIVERSITY

In my view, the most significant chapter in Amy Reed-Sandoval’s excellent book, *Socially Undocumented*, discusses the “socially undocumented interpretive horizon” (hereafter SUIH). I limit my comments to this chapter, Chapter 4, as I find it a rich and important contribution to our understanding of the immigrant experience.

According to Reed-Sandoval, the SUIH belongs to socially undocumented persons, and these are persons who are:

- (1) “presumed to be undocumented on the mere basis of their appearance”<sup>1</sup>

and

- (2) “subjected to . . . ‘demeaning immigration-related constraints’ or ‘illegalizing forces’ (that is, they are ‘socially illegalized’).”<sup>2</sup>

On this definition, the socially undocumented immigrant identity is a result of judgments and actions of the not-socially undocumented. This construction, via narratives and other cultural notions, is then internalized by immigrants as an accurate description of who they are, which means that their worldview begins to conform to the presumptions and subjugations implied in its appropriation/internalization. It is thus an imposed identity that achieves reality by social coercion (it was not invited and it is not welcome, even if it is assumed) and impacts the undocumented as well as some who are documented, equally. As Reed-Sandoval puts it: “One can in fact have legal permission to be in the United States and nevertheless be socially undocumented.”<sup>3</sup> In other words, “[s]ocially undocumented oppression does not

necessarily track legally undocumented status: one need not be legally undocumented to be socially undocumented, and, furthermore, one can have legal authorization to be in the United States without being socially undocumented."<sup>4</sup>

Socially undocumented immigrant identity is thus a social construction that impacts the immigrant's lived experience in substantial ways, including the way the socially undocumented interface with the world. This is because identity is "a substantive perspectival location from which the interpreter looks out into the world," which means that "social identities [are] sites of *situated reason* and *social location of knowledge*."<sup>5</sup> In other words, a social identity is a framework for understanding the world, or, with the undocumented, "a socially undocumented *interpretive horizon*."<sup>6</sup>

The SUIH is the way that the socially undocumented know their world. This horizon, as limit and boundary, is populated with notions, beliefs, assumption, and attitudes that form, inform, and delimit the world as *experienced*; these attitudes, beliefs, etc., however, turn out to be prohibitive and demeaning of the immigrant identity (given the negative tone of the immigrant narrative that constructs that identity). In Reed-Sandoval's reading, the limits of the interpretive horizon are the limits of the world. These limits are ultimately "racializing" and "class-based forces that cause certain types of bodies to be presumed to be in the United States without legal authorization, and subjected to demeaning immigration-related constraints," constituting, what Reed-Sandoval calls, "socially undocumented oppression."<sup>7</sup>

Ultimately, the SUIH will itself reflect socially undocumented oppression. Hence, as Reed-Sandoval rightly points out, the world seen through the SUIH will be colored by fear and trepidation. For instance, socially undocumented people will "often feel compelled to run and hide from immigration enforcement."<sup>8</sup> I can testify to the reality of this fear. I began working on the cauliflower fields at the age of twelve. Although I was a citizen (born in Anaheim, CA), my parents were not, nor my cousins, nor the more than a dozen people working beside me. A lookout would be stationed a few miles away, responsible for spotting immigration enforcement patrols; if he saw one, or what resembled one, he would sound an alert and everyone would run into the thicket—everyone, including me. We would hide for hours until the danger passed. The "feeling" that Reed-Sandoval picks out here doesn't disappear after one escapes the danger, or leaves the fields, or enters academia—in and outside the fields, in the streets, in the classroom, in the courthouses, in the home, it remains; the compulsion to run remains. As such, the SUIH is attuned for survival, capable of picking up threats and dangers to, but also opportunities for, the socially undocumented.

Reed-Sandoval highlights two "features" of the socially undocumented interpretive horizon:

- (1) "heightened levels of rational and embodied fear of immigration enforcement,"

and

- (2) "a perception of streets and other public spaces in the United States as perpetually insecure."<sup>9</sup>

Anyone who knows a socially undocumented person, or anyone who is one, can attest to the reality of these features. In my "Philosophy and the Post-Immigrant Fear,"<sup>10</sup> I translated these features into the experience of being socially undocumented in academic philosophy, in which I felt as though my deportation from the academy was imminent with every paper I wrote on non-European philosophy, as though conferences and classrooms were "perpetually insecure" and my ousting was just a matter of time. Reed-Sandoval points out that these are "negative" features of the SUIH that pick out only those vulnerabilities that color the immigrant experience. However, there are also positive, and "transformative," features that one could point to; these, she makes clear, "are open and dynamic" and can "enable some socially undocumented people to understand, respond to, resist, and perhaps transform some of the negative, oppressive aspects of socially undocumented experience."<sup>11</sup>

The positive features of the SUIH emerge when one considers that essential to socially undocumented existence is "resistance to a 'double bind'," which Reed-Sandoval defines, citing Marilyn Frye, as "situations in which options are reduced to a very few and all of them expose one to penalty, censure, or deprivation."<sup>12</sup> Accordingly, for the socially undocumented, this double bind takes the following form:

On the one hand, they often have no choice but to perform under-valued labor in the United States; failure to do so could very literally result in starvation and death. On the other hand, socially undocumented people with and without legal authorization to be in the United States are "read" as "illegals," and subject to demeaning, immigration related constraints, on the very basis of performing and/or being associated to such labor.<sup>13</sup>

Those surprised by immigrant farm workers continuing to labor during a pandemic, despite threats to life and health, fail to see their "willingness" to do so as a struggle with this double bind. Immigrants, or the socially undocumented, respond to this double bind either positively or negatively. They can respond negatively by submitting to the fatalism of the double bind, or positively by rebelling against it. The double bind forces action, since failure to act means certain death; as Reed-Sandoval writes, "they must do this work in order to survive."<sup>14</sup> This means that, broadly speaking, to exist as a socially undocumented immigrant is already *an act of social resistance*. It is a constant liberatory enactment.

We can thus say that something like a resistance-consciousness structures the SUIH. Reed-Sandoval writes: "a core aspect of the socially undocumented immigrant horizon may take the form of an understanding and perception of, as well as an enacted opposition to . . . [the] double bind."<sup>15</sup> This manifests in social activism, artistic practice, etc., in which the socially undocumented may involve themselves. This sort of work will feel right and

seem like a good fit for the socially undocumented, since, as Reed-Sandoval puts it, they are “epistemically well equipped” to “perceive and develop spaces and social situations in which their labor, personal projects, and very presence in the United States will be afforded a respect that is frequently denied them in broader US society. It is a horizon that often features an inclination to organize with others.”<sup>16</sup> In other words, those who see the world through the SUIH are, because of it, primed for activism, prepared for the kinds of organization required to confront all threats to their being.

To highlight this rebellious existence, Reed-Sandoval appeals to Mexican regional music, specifically a song by the renowned norteño group *Los Tigres del Norte*, “El Mojado Acaudalado.” I’ll quote it here because, according to Reed-Sandoval, it helps in understanding the SUIH. *Los Tigres* sing:

I’m not happy where I am.  
 Goodbye, goodbye Colorado  
 Nevada and Oregon  
 The “wetback” is saying goodbye to you  
 The “wetback” who was covered in sweat  
 In the fields of Arizona  
 And the factories of New York.<sup>17</sup>

This stanza is said to capture both the double bind and the struggle of the socially undocumented. Here, “the narrator clearly perceives the double bind in which he [is] positioned. US society reaped the benefits of his labor . . . while systematically denigrating him on the basis of performing it.” But this is also “a response to the double bind in question” (emphasis in the original), which consists in “choosing to return to Mexico” (emphasis added) even though he doesn’t have to.<sup>18</sup> It is a choice grounded in rebellion, since, Reed-Sandoval asks, “Why would [he] choose to remain in a place where he is degraded on the basis of his hard work?”<sup>19</sup> Thus, rather than remain and continue to suffer degradation, the narrator chooses to leave because where he is going “he expects to be respected by others for his industriousness in the United states.”<sup>20</sup> We could say that the immigrant is *pushed out* of the US by systemic oppression and *pulled toward* Mexico by the promise of respect. Reed-Sandoval concludes that this journey *out of* and *toward* exemplifies, “quite literally, an escape *from* the double bind in question.”<sup>21</sup>

Reed-Sandoval’s reflections on the socially undocumented interpretative horizon, while valuable in every sense, ultimately motivate a question of reach: that is, what, exactly, does the socially undocumented interpretative horizon capture and what, if anything, does it leave out?

Ultimately, then, my only reservation about the SUIH is that it sets the immigrant experience as a whole on too steep an existential hill. That is, it reflects an immigrant experience that is perpetually Sisyphean, as a permanent struggle for survival; as an experience that is fundamentally and essentially *reactionary*. I’ve thought this myself, focusing only on the fear of being an immigrant, on the anxiety of hitching the immigrant identity to justificatory documents, etc., and how the immigrant responds and overcomes.<sup>22</sup>

But I think there’s more to the immigrant experience than the struggle; I think immigrant subjectivity is more than reactionary. I thus call for a broadening of the epistemic horizon belonging to the immigrant experience and the SUIH.

## 2. BROADENING THE SUIH

I do believe the SUIH captures an aspect of the hermeneutical reality of the immigrant experience. However, I suggest a broadening by appealing to affective categories that better track the immigrant experience in its phenomenological fullness.

The specific case of my father helps me illustrate my point, and allows me to pick out phenomenological clues that apply to all for whom this lived experience belongs. His case begins with the (very ceremonious) burial of his *ombligo*—the dried-out strand of umbilical cord left over on a baby’s navel after birth, and which usually falls out a couple of weeks after birth. In my father’s case, once the *ombligo* fell off—*ombligo* also refers to that part that does *not fall off*, and the difference is understood in context—my grandmother buried it under a tree in the hills outside Acuitzeramo, Michoacán, Mexico. The reasons as to why this was done are unclear, but my father tells this story often, so it became, for me, part of his *immigrant identity*. Every time he tells it, nostalgia and longing are clearly evident in his words; he longs to return, he says, to that tree, to find his *ombligo* and see where *he* is buried. It is, as if, the *ombligo* never fell out and he is still attached to it, and it stretches a thousand miles across a border and into the heart of California. He is tethered to it and, in his mind, the purpose of all his struggles is *to return* to that tree, to unearth his *ombligo*, and be one with himself again. His departure, his separation, was never meant to be permanent; the goal of his immigrant life has always been to return to his origin.

But what does this have to do with the immigrant experience in general? What does it have to do with the “socially undocumented interpretative horizon”? Recall the “El mojado acaudalado” by *Los Tigres del Norte* quoted above. In both my father’s story and in that stanza, the actual struggle against the double bind is only suggested. What we have, instead, is a longing, a nostalgia, to return to an origin. There is, in both accounts, a sense that whatever struggle there was or is (viz., the double bind) is only part of a journey. But most importantly, in both accounts, the sense of impermanence is palpable. The anxiety of being in one place, of standing still, can be gathered from my father’s constant references to his native land and in the many stops of the song’s narrator (Arizona, New York, Colorado, Oregon) as he finally makes a decision to return.

These two anecdotes illustrate the need to broaden the scope of the SUIH. I would like to propose a less reactionary conception of the socially undocumented interpretative horizon, one that includes affective and experiential elements such as *zozobra*, nostalgia, and *nepantla*, which would describe how immigrants interpret and accept the world as it really is, but also as purposeful and liberating.

Consider *zozobra* or that anxiety and uncertainty that comes with experiencing the world as unsettled or in constant

motion. While this may seem like a terrible state in which to find oneself, it can also be liberating. Being comfortable with the idea that the world is constantly changing, that things are unsettled, and impermanent, means that one's own unsettledness and uncertainty is *not out of place* in it. For immigrants, this means that so-called truths are fallible, or doubtful; this means that one can rationally assume nothing and be certain of nothing, and that trust extends only to what is immediately present and possible. If there is confidence, it is in contingency, in the view that things may not be what they seem or that they may change at any moment—e.g., that immigration laws will change without warning, that anti-immigrant sentiment will be better or worse with the flip of some social switch. In this way, one is never settled; one travels from certainty to uncertainty, from yes and no, never settling in some epistemological foundation. Borrowing from a concept in Mexican philosophy, I can call this category “zozobra.”<sup>23</sup> As such, the world is seen through the category of “zozobra,” as offering incompatible and risky life choices—i.e., Reed-Sandoval's “double bind”—none of which are advantageous, but all of which are expected.

The world seen through the category of zozobra is seen in its contingency. The immigrant imaginary knows this contingency, as it is lived in the act of “crossing” from what is familiar to what is not. Immigrants then find themselves always crossing, re-crossing, and crossing again; boundaries appear, are overcome, and reappear again. The immigrant is always in the process of arriving and departing. Mexican philosophy and Chicana Feminism call this “nepantla.”<sup>24</sup> The socially undocumented recognize this and accept it as a state of being. Thus, challenges and struggles like that presented by the double bind are endured, and so is the suffering that anti-immigrant sentiment attaches to it. Being nepantla means that the crossing is never done. The experience of crossing influences thought in many ways, certainly in the trauma and fear of knowing it as a limit and, since it was crossed, a transgression. Socially undocumented immigrants, like myself, internalize this crossing in our own lives. Becoming a philosopher, for instance, means that I've crossed to a realm unimagined by my father, and, thus, that I've transgressed some limit. Deportation is not a far-fetched idea for my father who crossed the political dividing line, nor is it for me, who crossed some imagined threshold beyond which no one else we knew had gone. At the same time, however, crossing also means transcendence and going beyond imposed/impossible limits: it means liberation and power. Immigrant parents whose children graduate college certainly feel like something they were not expecting to cross has been crossed. This is a struggle beyond the struggle of the double bind: it is a struggle against internal limits.

We can also include in this broader notion of the SUIH the category of nostalgia. My father's story about his buried *obligo* exemplifies this. He longs to return to his roots, to the origin of his tether. This longing for return is inherent in immigrant reason. The injustice of the world—the zozobra and the double bind—is tolerated because the nostalgia for the origin is greater than the suffering of the present. The world is also seen through this longing: *I will do the hard,*

*dirty, risky jobs that no one else will do because one day I will be done and I will go back home, even if my return date is completely uncertain.* For some, the return is indefinitely postponed (death); the impossibility of return, however, does not keep the nostalgia from affecting the color of the world. Nepantla and zozobra mean that there is no settling where I am, and as long as this is the case, I will long for the origin. My immigrant father dreams through his nostalgia—when awake and when asleep. He recognizes that his struggle has never been merely for the sake of overcoming a double bind, an oppression, but for the sake of his own liberation in an end beyond *my* imagination. I recall asking him once why he bought a home in the US if his goal has always been to one day return to the place of his birth. *We have to stay somewhere, he said.* In this sense, immigrant reason defies the literal meaning of a “mortgage” (a *death pledge*), since the commitment to real estate is not until death, but until one's return.

There's a thinking-through-the-return that constitutes the SUIH. It serves as an expectation of a coming-back, which is grounded on nostalgia, memory, and expectancy. The return home is planned and always on the foreground. It structures interpretive horizons by coloring the present with plans for the future; it displaces the primacy of the double bind by looking beyond it, to a doubling-back to the origin. This is evident in the immigrant's confrontation with the possibility of his own death and the practice of “postmortem repatriation,” in which the bodies of deceased migrants are sent back to Mexico to be buried in their hometowns.<sup>25</sup> I say this is a category of immigrant reason because, of course, while immigrants expect to die, immigrant reason assumes that death may come while in the process of journeying, of going from one place to another; in other words, *away from home*. Nevertheless, there is an expectation of a return, even in death. Thus, for instance, time and time again one hears about immigrants who have died in the United States being “repatriated” to be buried. This shows that, in accordance with immigrant reason, there is a desire to die where one was born, and, if all else fails, to be buried there. Jorge Negrete's famous anthem of Mexican nomadic life says it all:

Mexico lindo y querido  
Si muero lejos de ti  
Que digan que estoy dormido  
Y que me traigan aqui//  
Que me entierren en la sierra  
Al pie de los magueyales  
Y que me cubra esta tierra  
Que es cuna de hombres cabales.

Mexico beautiful and beloved  
If I die away from you  
Let them say that I'm asleep  
And bring me here//  
To bury me in the mountains  
At the foot of the magueyales  
And let this earth cover me  
Which is the cradle of upright men.

—Jorge Negrete “México Lindo y Querido”



The narrator here implores “Mexico” itself to advocate for his return. If he happens to die in a foreign land, he asks that his body be returned so as to be buried in Mexican soil, to be buried in his land, in his history, in the “cradle of upright men.” The nostalgia in these stanzas is familiar; death cannot stop the journey from reaching its completion, which is a return to origins, to the earth, to where all *ombligos* are buried. The imploration to Mexico itself assumes a welcoming, a sense that this is what the journeying demands, a final return that not even death can stop. The hope to return is the only hope. Of course, some of the socially undocumented have no such plans for return. Those who only look as if they are immigrant without being so may be those who, unlike their parents, have no connection to a similar origin—they don’t have an option for repatriation. This is something that is worth considering from a phenomenological perspective; for instance, do these phenomenological categories structure my post-immigrant experience as they do the experience of my immigrant parents?

\*\*\*

Amy Reed-Sandoval’s *Socially Undocumented* is an instant classic in the philosophy of immigration. My point in this discussion is not to minimize the struggle against the double bind which confronts the socially undocumented, but to suggest an expansion of the SUIH, which I think is a central moment in the book’s characterization of immigrant identity. There will be questions as to how what I’ve proposed here applies to the socially undocumented in a broader sense, but these are reserved for another time.

#### NOTES

1. Amy Reed-Sandoval, *Socially Undocumented: Identity and Immigration Justice* (New York: Oxford University Press, 2020), 4.
2. Reed-Sandoval, *Socially Undocumented*, 4, 61.
3. Reed-Sandoval, *Socially Undocumented*, 5.
4. Reed-Sandoval, *Socially Undocumented*, 127.
5. Reed-Sandoval, *Socially Undocumented*, 66; emphasis in the original.
6. Reed-Sandoval, *Socially Undocumented*, 127.
7. Reed-Sandoval, *Socially Undocumented*, 128.
8. Reed-Sandoval, *Socially Undocumented*, 128-29.
9. Reed-Sandoval, *Socially Undocumented*, 129.
10. See Carlos Alberto Sánchez, “Philosophy and the Post-Immigrant Fear,” *Philosophy in the Contemporary World*, 18, no. 1 (2011): 31–42.
11. Reed-Sandoval, *Socially Undocumented*, 129.
12. Reed-Sandoval, *Socially Undocumented*, 129.
13. Reed-Sandoval, *Socially Undocumented*, 130.
14. Reed-Sandoval, *Socially Undocumented*, 134.
15. Reed-Sandoval, *Socially Undocumented*, 136.
16. Reed-Sandoval, *Socially Undocumented*, 136-37.
17. Reed-Sandoval, *Socially Undocumented*, 138; translated in the original.
18. Reed-Sandoval, *Socially Undocumented*, 138.
19. Reed-Sandoval, *Socially Undocumented*, 138.

20. Reed-Sandoval, *Socially Undocumented*, 138.
21. Reed-Sandoval, *Socially Undocumented*, 138; emphasis in the original.
22. See Carlos Alberto Sánchez, “On Documents and Subjectivity: On the Formation and Deformation of the Immigrant Identity,” *Radical Philosophy Review* 14, no. 2 (2011): 197–205.
23. See Carlos Alberto Sánchez, *Emilio Uranga’s Analysis of Mexican Being* (London: Bloomsbury, 2021), 85ff.
24. See, for instance, Sánchez, *Emilio Uranga’s Analysis of Mexican Being*, 79ff; Pat Mora, *Napantla: Essays from the Land in the Middle* (Albuquerque: University of New Mexico Press, 1993).
25. See Adrián Félix, “Posthumous Transnationalism: Postmortem Repatriation from the United States to Mexico,” *Latin American Research Review* 46, no. 3 (2011): 157–79.

## Author’s Response

Amy Reed-Sandoval

UNIVERSITY OF NEVADA, LAS VEGAS

I am extremely grateful to my interlocutors in this special issue of the *APA Newsletter on Feminism and Philosophy*: Simona Capisani, Peter Higgins, Ryoa Chung, Lisa Eckenwiler, and Carlos Alberto Sanchez. They are all exquisite thinkers who have made, and are actively making, vital contributions to immigration ethics. As I embarked upon this special issue with Lauren Freeman and Serena Parekh, I reached out to these particular philosophers because I already greatly admired their respective efforts to theorize various dimensions of migration without losing sight of how *social identities* influence divergent migratory experiences. Having read these excellent replies by thinkers I so admire, I now also feel honored by the care and depth with which they have engaged my book. I will add that these rich and provocative pieces are worthy of engagement in their own right.

Beyond these commonalities, these pieces differ from one another in many respects, as each contributor has helpfully focused on a different aspect of *Socially Undocumented*. I begin by discussing Capisani’s and Higgins’s respective contributions, as they each focus on the book’s arguments rather broadly (and, in addition, complement my discussion in the precise). Next, I respond to the co-authored article by Ryoa Chung and Lisa Eckenwiler, which explores my ethnographic and phenomenological account of “pregnant, socially undocumented embodiment” via the lens of what they term *structural health vulnerabilities*. Finally, I turn to Carlos Alberto Sánchez’s contribution, which critically interrogates my account of what I call the “socially undocumented hermeneutic horizon.”

Simona Capisani has, once again, provided a detailed overview of each section of my book, and helpfully (and successfully, in my view!) outlined how all of the book’s parts fit together. I am grateful to her for this service. Beyond this wonderful overview, Capisani also raises several issues and challenges inspired by her careful reading. First, she questions whether combating and ultimately alleviating socially undocumented oppression ought to be a matter of collective responsibility involving both state and non-state actors alike. Second, citing Carol Hay’s influential



work on the subject, Capisani wonders whether socially undocumented people themselves have a moral and political obligation to resist their own oppression. Finally, Capisani draws attention to a crucially important ethical challenge to which, due to space constraints, I was unable to devote attention: climate refugees.

Regarding the first point: I am in complete agreement with Capisani that addressing socially undocumented oppression requires urgent action on the part of both state and non-state actors. I ground this point in Iris Marion Young's "social connection model" of responsibility, which calls upon individuals to collectively work against injustices from which they benefit, even if the individuals in question are not, *qua* individuals, directly morally responsible for the injustices in question. I argue, for instance, that people in the United States who are not socially undocumented should, among other things, support unions in which socially undocumented people are involved (which may involve, say, boycotting certain products if called for by such unions), and resist harmful language, such as the term "illegal" as problematically applied to human beings. The United States government, meanwhile, is required to (among other things) demilitarize its border with Mexico and halt deportations until socially undocumented oppression is successfully alleviated.

Capisani recognizes these aspects of my argument, which leads me to believe that her main suggestion is that I explore in greater depth the extent to which socially undocumented people *themselves* ought to actively resist their oppression. This is an extremely important question. I agree with Capisani that we must answer it in order to develop a robust and satisfactory account of our collective responsibility to resist the injustice at hand. At this moment, I have two replies. First, I would refer the reader to Carlos Alberto Sánchez's contribution to this special issue, in which he engages with and expands upon my account of socially undocumented hermeneutic horizons. Sánchez states in that discussion that simply to *exist* as a socially undocumented person is to engage in an act of resistance, given the double bind in which society at large places socially undocumented people. Along these lines, I would say that the *refusal* of socially undocumented people to stop living, working, creating art, and building communities is, indeed, an example of an oppressed group resisting its own oppression.

Second, I want to delve a bit more deeply into Capisani's question, and to consider cases in which socially undocumented people seem to be complicit in their own oppression. When I lived in the El Paso-Ciudad Juárez region, I regularly encountered Mexicans and Mexican-Americans on both sides of the border who complained about their fellow Mexicans who had become immigration enforcement agents and who were perceived as being especially harsh towards other Mexicans in the execution of their duties. There are also undeniable tensions in the US Latin American and Latina/o/x communities around, for instance, the membership of many Latina/o/xs in the Republican party, with its "tough-on-immigration" policy approach. In my chapter on pregnant socially undocumented embodiment, discussed in greater detail

below, I also share the words of a "Salma," who told me in an interview that some Mexicans compared her to "rats abandoning a sinking ship" when she chose to seek prenatal care in the United States while living in Mexico.

Given my positionality (again, I am neither Latina nor socially undocumented), I was initially hesitant to focus on these components of socially undocumented oppression. However, now that I have a bit of distance from the writing of this book, I feel more comfortable saying that socially undocumented people should resist their own oppression when they can safely do so. For instance, it seems to me that withholding support from sociopolitical activities and prejudices that further marginalize the socially undocumented is a safe and available option, even for members of this vulnerable group.

Finally, I wish to say that I thoroughly appreciate Capisani's discussion of why open-borders frameworks are likely to prove unsatisfactory for the purpose of understanding what is owed to climate refugees at the bar of justice, and I look forward to engaging with this topic further in future work.

Peter Higgins, meanwhile, argues against my claim that while the socially undocumented are, indeed, an oppressed socially group, the *legally undocumented* are not necessarily so. This claim is part of the "core" of my book's arguments, so I will engage Higgins's comments at length.

Higgins accepts my claims about the oppression of the socially undocumented. He also accepts that if we assume that states have a *prima facie* right to control immigration, the *legally* undocumented—though a social group that shares a similar set of constraints on action—are not *necessarily* oppressed, for the constraints on action that members of this group share is not unjust. Higgins refers to a hypothetical story I share in *Socially Undocumented* about "Gary," a white, middle-class citizen of the United Kingdom who moves to the United States without legal authorization in hopes of achieving fame as a punk rock star. Gary is able to live quite comfortably in the United States, though he sometimes gets annoyed that he cannot vote in US elections, and that he cannot always "land the best gigs" due to his undocumented status. While Gary's experiences are annoying and perhaps even sad, they do not, I argue, rise to the level of injustice. Unlike socially undocumented people, who are unjustly oppressed on the mere basis of "looking" undocumented, Gary is treated with respect during his time in the United States.

Higgins seems to agree with me about Gary, as he supports my conclusion that one is not necessarily oppressed on the basis of being legally undocumented. But this is not enough, he argues, to show that the legally undocumented are not an oppressed social group. This is because being legally undocumented *generally* leaves one vulnerable to problematic deprivation—in terms of one's basic needs for work, health care, and protection from law enforcement. This is partly because legally undocumented people frequently neglect to seek out these things for fear of having their legal statuses being found out. Thus, we should accept that the legally undocumented *are* an oppressed social group,

even if, problematically, some not-oppressed “Garys” will end up getting included.

Before responding, I want to express great appreciation to Higgins for so carefully developing this argument. Throughout the writing of *Socially Undocumented*, I have been presented with the objection—by myself and by other readers—that a focus on *socially* undocumented identity may problematically divert focus from the challenges that legally undocumented people face. Higgins’s contribution offers the most developed and sustained version of this objection that I have encountered. I also want to clarify that my goal is not to deprive the world of resources for bringing us closer to immigration justice. At present, a focus on legally undocumented oppression—though philosophically problematic—may very well be the best tool we have, and Higgins’s commentary helps to illustrate why.

Having said this, I will, at the very least, refrain from wholeheartedly agreeing with Higgins here. We must ask ourselves the following question: When socially undocumented people are oppressed in seeking education, soliciting help from law enforcement, and seeking employment, is it because they are legally undocumented, or is it because they embody a particular racial and class identity—that of being socially undocumented? If the former, then why are white-appearing, middle-class people like Gary (and me, as narrated in the précis), and so many others largely immune to such constraints? And why are such constraints applied to socially undocumented people *with* legal permission to be present in the United States?

Let us imagine, furthermore, that Gary struggles to get the medical care he needs in the United States—as so many do in the US—and that this access is exacerbated by his legally undocumented status. He therefore leaves the US, returns to the UK, and receives the medical care he needs in a reasonable amount of time. In this story, was Gary oppressed—specifically as a *legally undocumented person* (I add this clarification because the US health care system is unjust toward most who encounter it, and this may skew our intuitions about this case)? Or, if that is insufficiently compelling, let us imagine that Gary crosses the borders of a Native American reservation, spends some time living there, and then seeks out health care, education, and other social services from the Native political community in question. If Gary is denied the essential services he seeks, but can receive those services elsewhere at no great cost to himself, is it correct to say that Gary was a victim of injustice vis-à-vis the Native political community in question?

Rather than concluding, along with Higgins, that legally undocumented people are an oppressed social group, I shall propose something of a middle ground. Having considered Higgins’s helpful remarks, I think we should conclude that legally undocumented status regularly, and even reliably, exacerbates socially undocumented oppression, and possibly other identity-based forms of oppression. This move has, I think, at least two main benefits. First, concerns about legally undocumented status will remain highly relevant to the project of pursuing immigration justice, which is what Higgins is clearly calling for. Second,

and relatedly, we will not lose our focus on the urgent task of undermining socially undocumented oppression—a task that, as I argue in *Socially Undocumented*, is often obscured and even undermined by a misguided “legalistic focus” on undocumented experience.

I am not certain that Higgins will agree with my rejoinder, but I want to enthusiastically thank him for pushing me on this point. I wish I had included a version of these replies to Higgins’s argument/objection in the book.

I now turn to two contributions that focus on particular chapters of the book.

First, allow me to consider the co-authored contribution by Ryoa Chung and Lisa Eckenwiler, which offers commentary on the chapter of my book in which I explore what I call “pregnant, socially undocumented embodiment.” I do this by applying the tools of philosophical analysis to ethnographic research I conducted at the US-Mexico border, through which I learned about *and from* the experiences of some Mexican women who had legally entered the US from Mexico to seek prenatal care, only to be subjected to a wide range of intersecting sexist, racist, and classist immigration-related “constraints” (to use Ann Cudd’s term) at various stages of their journeys.

I find it extremely helpful that Chung and Eckenwiler engage this chapter through the lens of their own extremely powerful, feminist bioethics work on structural health vulnerabilities, described by the authors as “a structural perspective on the increased propensity for health risks that affect individuals or social groups given their position within unjust societies.”<sup>1</sup> This structural perspective, to which, as the authors note, I subscribe in the book, enables us to understand how an entity like the US-Mexico border—which seems utterly different than (and distant from) the operations of one’s doctor’s office—is actually directly implicated, for many vulnerable people, in one’s health care and health risks. On the flip side, I have aimed to show that for many pregnant, Mexican people who cross the US-Mexico border to seek prenatal care in the United States, health care settings are also sites of immigration injustice.

In their discussion of structural health vulnerabilities, Chung and Eckenwiler articulate a framework that, in my view, takes a powerful step beyond Iris Marion Young’s conception of structural injustice, to which all three of us subscribe. That is, they explicitly connect structural injustice to epistemic injustice, which they define as “unjust differential status between agents and the contents of knowledge.”<sup>2</sup> As Chung and Eckenwiler point out, the trauma and social “illegalization” that many pregnant Mexicans experience when crossing the US-Mexico border and seeking prenatal care is often incomprehensible to socially dominant others. Furthermore, people who endure these experiences may, as the authors note, “suffer from a lack of resources to name and identify aspects of the dehumanizing phenomenon they experience under the border officials’ eyes reflecting the society’s gaze upon them.”<sup>3</sup>

While I devote a chapter of *Socially Undocumented* to exploring socially undocumented epistemology and

“hermeneutic horizons,” which I discuss below in my responses to Sánchez’s contribution to this special issue, I did not directly explore the structural injustices that many pregnant Mexican women experience in crossing the US-Mexico border as matters of epistemic injustice. I find this suggestion from Chung and Eckenwiler to be extremely promising and helpful. In addition to enabling us to better articulate the complex injustices at hand, their discussion also helps me explain some of my ethnographic research experiences on this subject. I did not discuss, in *Socially Undocumented*, the enthusiasm with which most (if not all) women I interviewed seemed to answer my questions about their experiences crossing the border for prenatal care. Looking back, and with Chung’s and Eckenwiler’s discussion in mind, I recall having a distinctive sense (though I cannot confirm this) that the women I interviewed had not been given ample opportunities to discuss the injustices they faced—at least outside of their most intimate conversations. Furthermore, they clearly *knew* that they had experienced injustice—I was, after all, learning about these injustices from them—and this is likely to have augmented their anger and frustration. The ethnographic interviews felt like acts of hermeneutic resource-development.

Clearly, as Chung and Eckenwiler indicate, epistemic injustice is often directly connected to structural injustice, and this holds true in the case of structural health vulnerabilities. Their discussion thus enriches my own exploration of pregnant, socially undocumented embodiment, as well as my understanding of the powerful role that ethnographic research can play in philosophical research. I am extremely grateful to both authors for encouraging me to further consider this project along precisely these lines.

Finally, I turn to the challenging, powerful, and often personal contribution from Carlos Alberto Sánchez. Unlike me, Sánchez writes as a socially undocumented person and philosopher, and his engagement with my chapter on socially undocumented interpretive horizons draws upon both his own experiences growing up as someone who was simultaneously legally “documented” and socially undocumented (he narrates some of his experiences working in cauliflower fields from the age of twelve, and constantly fearing raids by immigration enforcement despite his US citizenship), and those of his father, who moved to the United States from Michoacán, Mexico, and displayed for Sánchez a complex array of strategies that both resisted and transcended the double binds of socially undocumented oppression.

Before responding directly to Sánchez’s rich and interesting remarks, I want to pause to reflect on positionality, and the ethical and philosophical challenges associated with writing about the oppression of a social group of which one is not a member. As I explore in the book, in writing *Socially Undocumented* I tried to constantly bear in mind the lessons I learned from Linda Martín Alcoff’s “The Problem of Speaking for Others.”<sup>4</sup> Therein, Alcoff argues that those of us who write about an oppression we do not experience should strive to speak *with* (in the sense of participating in a dialogue that may be challenging and critical, not in the sense of collective voice), rather than *to*, those about whom we write. Furthermore, one should not present

one’s words as a “final sentence” or “take” on the subject matter—rather, one should be engaged in a dialogue in which members of the group in question get the final say.

Of course, one’s ability to speak *with* is others-dependent. Without a doubt, the greatest joy I have experienced in the development of *Socially Undocumented* has come from hearing from readers who are themselves socially undocumented—often immigration activists and university students—and who have frequently offered questions, critiques, and encouragement. Sánchez, in writing explicitly as both a socially undocumented person and an expert in Mexican and Latinx philosophy, has contributed to making this book what I always hoped it would be: a conversation. (I will add that I encourage those who believe that positionality is irrelevant to philosophy to read Sánchez’s contribution for clear evidence of why it matters.)

Sánchez explores two features of the socially undocumented hermeneutic horizon that I highlight in the book, namely, heightened fear—both rational and embodied—of immigration enforcement, and a perception of public spaces, including streets, as unsafe. Endorsing this aspect of the horizon, Sánchez writes that “anyone who knows a socially undocumented person, or anyone who is one, can attest to the reality of these features” (see Sánchez’s contribution to this special issue).

He also further develops these concerns by showing how he experienced socially undocumented oppression in academic philosophy, where he regularly felt that a form of deportation from the academy was imminent every time he wrote or presented on non-European philosophy. Sánchez also underscores my discussion of the “double bind” in which socially undocumented people often find themselves—i.e., they must engage in labor associated with migrant status in order to survive, but they are socially condemned on the basis of so doing. I argue, as Sánchez notes in his contribution, that socially undocumented people are epistemically well-equipped to perceive this double bind and resist it through protesting, community organizing, mutual support, and other practices.

Without denying that these are, indeed, components of socially undocumented epistemologies, Sánchez then argues for the importance of expanding upon this account of socially undocumented hermeneutic horizons, such that its content is not merely reactionary vis-à-vis the aforementioned double bind in which socially undocumented people find themselves. He then explores and employs a range of concepts from Mexican and Chicana philosophies—particularly *nepantla*, *zozobra*, and nostalgia—both to augment my account of socially undocumented horizons, and also to highlight a broader range of resistance practices in which socially undocumented people regularly engage. I refer the reader to Sánchez’s wonderful contribution (if they have not already read it) for a clear and vivid exposition of these very terms. Here, I briefly discuss how Sánchez’s broadening of my account of socially undocumented interpretive horizons has both epistemological and political benefits.

First, I believe that Sánchez is absolutely right in offering this descriptive account. I can only hope that others similarly explore this very question, for as Alcoff notes, following Gadamer (and as I explore in my book), interpretive horizons—including those of distinctive social groups—are constantly shifting in response to various factors, including historical and political changes. Thus, the project of describing the socially undocumented interpretive horizon will always be incomplete—at least until socially undocumented oppression ceases to exist. Second, I believe that beyond broadening my own account, Sánchez’s contribution also helps explain my own (limited) focus on socially undocumented perception and resistance of the aforementioned double bind. Literally every example of socially undocumented resistance I explore in *Socially Undocumented* involves socially undocumented people responding to the uncertainty of *zozobra*, the repeated border crossings of *nepantla*, and the bittersweet tugs of nostalgia. For instance (and as I explore in the book), when Dolores Huerta coined, on behalf of the United Farmworkers Union, the expression *sí se puede!* she was expressing herself as a *nepantlera*—a creative border crosser and “mover”—in the face of the overwhelming uncertainties of immigration politics and labor struggles. Furthermore, the use of *dichos* in such struggles, which I also explore, is a creative employment of nostalgia on the part of socially undocumented farmworkers.

Beyond these epistemic benefits, Sánchez’s contribution also supports further development of *Socially Undocumented* as a work of political philosophy. One of the main burdens of the project has been to challenge the idea that “legalization,” or the “regularization” of one’s migratory status, signals the end of undocumented oppression. A socially undocumented interpretive horizon, defined, in part, in terms of *zozobra*, *nepantla*, and *nostalgia*, will reflect the fact that many socially undocumented people constantly understand their migratory experiences in terms of uncertainty, continuous border-crossings, and painful nostalgia—all of which are creatively called upon, as exemplified by Sánchez’s father’s active story-telling of his *ombligo*, buried in Michoacán, and remembered in the United States. This often holds true even after legal status is “achieved.”

I conclude these thoughts by once again thanking my interlocutors for their rich, challenging, generous, and productive contributions to this special issue. Each contribution has helped me to further develop the main arguments of the book. Capisani’s essay has helped me to reflect more upon the possible obligations of socially undocumented people to resist their own oppression. Higgins’s contribution has pushed me to clarify the role that *legal* “undocumentedness” plays in immigrant oppression, including socially undocumented oppression. Chung and Eckenwiler have inspired me to further consider “pregnant, socially undocumented embodiment” as both a structural and an epistemic injustice. Finally, Carlos Sánchez has helped to develop my descriptive account of socially undocumented interpretive horizons by calling upon Mexican and Chicana philosophical concepts such as *zozobra*, *nepantla*, and *nostalgia*. Without a doubt, this special issue constitutes an extremely important

contribution to the project of describing, understanding, diagnosing, and ultimately fighting socially undocumented oppression.

NOTES

1. See Chung and Eckenwiler, this issue, 8.
2. See Chung and Eckenwiler, this issue, 9.
3. See Chung and Eckenwiler, this issue, 9.
4. See Linda Martín Alcoff, “The Problem of Speaking for Others,” in *Cultural Critique* 20 (Winter 1991-1992), 5–32.

*Précis: No Refuge: Ethics and the Global Refugee Crisis (Oxford 2020)*

Serena Parekh  
NORTHEASTERN UNIVERSITY

OVERVIEW

The summer of 2015 marked the beginning of the so-called European refugee crisis. Though people had been entering Europe as asylum seekers for a long time, the rate intensified dramatically that year as more than one million asylum seekers sought refugee status. Most refugees crossed into Greece and Italy, countries that were largely unprepared for the large numbers of new arrivals. Refugee camps quickly sprung up, producing scenes of utter desolation and poverty. Refugees began walking across the pastoral European countryside, children and belongings in tow, camping out at European train stations, hoping to find their way to more welcoming countries. These shocking and heart-rending scenes were eventually met with hostility as borders closed and fences were erected to keep refugees out. Anti-refugee sentiments spread, and right-wing anti-immigrant parties gained power in many countries in Europe, and ultimately, around the world. For most people, *this* was the refugee crisis—a crisis for European and other Western states trying to cope with the large influx of desperately needy people who had nowhere else to go.

But this is only part of the story. Deeply connected to this first crisis is a second one that is less visible and less understood: it is a crisis for refugees themselves who are unable to find genuine refuge anywhere in the world. The second crisis is this: if you are a refugee in the twenty-first century, the international community has put in place three options for you and none of them provide refuge. Refugees are offered the option of living in an underfunded and insecure refugee camp where they have a roughly 1 percent chance of someday being resettled; they can move to an urban center and live informally with family and friends, working illegally, with little to no help from the international community; or they can hire a smuggler and spend their life savings on a dangerous journey across oceans and deserts to seek asylum in a Western country. All three of these options deny refugees a minimal level of human dignity.



This book was written for a public audience, and one of the main goals was to make visible this second crisis that often remains invisible to Western audiences. Media accounts tend to focus on the impact of refugee flows on the countries accepting refugees and most of the political discussion on the topic are about the first crisis as well. Most philosophical accounts focus on the moral obligations that arise from the first crisis, such as whether we have a moral duty to take in refugees and asylum seekers, neglecting the treatment of refugees *while they are refugees*. I argue that we cannot understand our moral obligations to refugees without understanding the second crisis and our failure to treat refugees with dignity.

Let me say a little more about the second crisis and how this ought to shape our ethical response. I argue in the book that most refugees in the twenty-first century are unlikely to receive refuge. By refuge, I mean the ability to live with a certain minimal level of human dignity while they wait for a long-term solution (either to go home safely or to be resettled permanently elsewhere). This can be seen in some of the data on the global refugee situation: 90 percent of refugees will remain in the Global South, either in inadequate refugee camps or without any international aid in urban centers. About 10 percent will leave and try to seek asylum directly in a Western country, which requires risking their lives, engaging smugglers, and often being detained in camps or prisons if they do not die on their journey. Only 2 percent of refugees will be able to find a new home or be able to return home in a given year; the rest will remain in this period of limbo for years, often decades—people are refugees for on average seventeen years—without access to the basic conditions of human dignity.

I argue that we should understand this situation as a kind of *structural injustice*. The outcome—that 2 percent of refugees have access to refuge in any meaningful sense, while the rest are stranded in circumstances that don't reach the threshold of a minimum standard of dignity—is unjust. Yet, as I show in the book, this is an injustice that was not deliberately or intentionally caused by any individual state, and, for the most part, did not originate in deliberate malice. Most often, states are acting according to widely accepted rules and norms. When the policies of Western states around immigration, deterrence, and security are taken all together, however, the outcome is that the majority of refugees are *structurally* prevented from accessing refuge and the minimum conditions of human dignity. When we understand the situation as a structural injustice and take seriously the second crisis, the crisis faced by refugees around the world, we see that one of the duties that Western states have to refugees is to address the political structures that unjustly prevent refugees from accessing the minimum conditions of human dignity while they are refugees. Once we understand Western states' roles in creating and perpetuating this structural injustice, we will see that not only do we have strong obligations to resettle refugees and accept asylum seekers but also that any ethical response to the global refugee crisis must entail changing these unjust structures. We must find ways for even those refugees who will not be resettled or receive asylum to have the minimum conditions of human dignity.

## OUTLINE OF THE BOOK

*No Refuge* aims to persuade all readers, academic and the general public alike, that Western liberal democracies have a *moral obligation* to rethink the way that refugees are treated during their displacement and to ensure that refugees can access refuge and dignity in the long term. Yet because many people outside of professional philosophy find the language of morality uncomfortable or inappropriate when it comes to refugees, I give an overview of the concept of a moral obligation by looking at its roots in philosophy and religion. I examine the consequentialist, Kantian, religious, and human rights grounding for morality in order to demonstrate why a moral perspective is fundamental to addressing the crisis that refugees experience. I show that there is an *overlapping consensus* among these different views that we have robust moral obligations to refugees.

I then look more carefully at philosophical discussions about our obligations to refugees. For many philosophers, whether or not we should accept refugees, either by offering them asylum or by resettlement, is *the* key ethical question. I examine in detail the philosophical debate surrounding states' moral obligations both to asylum seekers who have come onto their territory (either legally or illegally) and to refugees waiting in camps for resettlement. I give an overview of three strong moral arguments for allowing refugees and asylum seekers into our countries, in fairly high, though not unlimited, numbers. I also explain three arguments for the opposing view, for why our obligations to refugees do not necessarily include resettlement or asylum. These debates over morality can seem abstract, but they are anything but. The debate between those who believe we have moral obligations to asylum seekers and those who prioritize cultural homogeneity or state interests makes a real difference in the lives of millions of people around the world.

Though I agree that we must take seriously our moral obligations to resettle refugees and grant them asylum, I show why we must also think morally about the vast majority of refugees who will never be resettled nor even seek asylum. To do this, I try to give readers a sense of what life is like in UN-run refugee camps and in many urban centers where refugees live with little to no help from the international community. I demonstrate that neither option allows refugees to actually gain refuge, that is, access to basic rights, security, or adequate material resources. This is why I claim that refugees are denied the *minimum conditions of human dignity*. I highlight the moral significance of the fact that these are the two main options for refugees provided by the international community. This is an important point because many who focus on our obligations to resettle refugees tacitly assume that refugees are well cared for in refugee camps and that such camps are a morally adequate alternative to resettlement. Because this is not the case, this chapter demonstrates that we need a larger moral framework to think about what Western states owe to refugees.

For the roughly 10 percent of refugees who find refugee camps and informal urban settlements to be inadequate, asylum is their last hope. In order to receive asylum, a potential asylum seeker must come directly to the country



it hopes will recognize them as a refugee. Even though there is a universally recognized right to seek asylum, most Western states have put in place deterrence policies to discourage and prevent asylum seekers from seeking asylum in their countries. These policies make seeking asylum difficult and often deadly. In fact, they essentially require that refugees hire human smugglers. Increasingly, those who do make it to the West to claim asylum find themselves in circumstances similar to the ones they are fleeing: living for long periods in impoverished camps or closed off in detention centers. These aspects of the second crisis—the price we ask asylum seekers to pay to claim asylum—is rarely discussed when considering what we owe to refugees. I aim to bring this phenomenon to the forefront and highlight its moral implications.

In the last part of the book, I argue for a novel interpretation of the refugee crisis as a global structural injustice. The outcome is a structural injustice because no one country or set of countries *intentionally* created this system. It is an outcome that can be understood as the cumulative effect of many different policies around refugee resettlement, refugee camps, humanitarian and development aid, immigration, and border security enacted by various countries around the world. To make this argument, I draw on the work of Iris Young, who argued that many global problems have a similar structure. Sweatshops, for example, were not the result of anyone doing anything wrong. In fact, everyone is doing what they're supposed to be doing: consumers are searching for the cheapest goods; corporations are maximizing profits for their shareholders; even the foreman who pushes workers to work faster, longer hours, and take fewer breaks is only doing what he was hired to do. Given this, how do we talk about injustice that is done to people who work in sweatshops, often women and children? The language of structural injustice helps us to see how something like sweatshops, or the refugee system, can be evaluated morally even though these injustices do not have someone who can be held directly responsible.

I conclude the book by arguing that Western states and their citizens have a political responsibility to change these structures, and I outline a number of ways this may occur. My hope is that *No Refuge* will contribute to a wider discussion about how we can more effectively help refugees meet the minimum conditions of human dignity while we work towards finding deeper solutions to the crisis of global displacement.

---

## *Structural Injustice and Social Sin*

Mary Troxell  
BOSTON COLLEGE

While philosophy has been open to dialoguing with other disciplines such as sociology and psychology, it has been more reluctant to mine theological sources for insights. This is understandable insofar as theologies seem intended for audiences who share their faith traditions and can be, at their worst, anti-rational. In addition, theology

is often identified with the worst aspects of organized religion, providing justification for patriarchy, homophobia, and religious violence, for example. However, to overlook any contributions from theological sources is to overlook a rich repository of ethical thought. Parekh points to the contributions theological ethics can make in her book when she discusses the ethical obligations to “the stranger” that is central in many religious traditions, especially the Abrahamic religions. After explaining why theology can contribute to our thinking about refugees, I will describe the notion of social sin, a term employed by liberation theology and applied to immigration ethics by theologian Kristin Heyer, as a particularly useful term in the context of Parekh’s analysis.

The theology I will discuss is Christian, and specifically Catholic. Other theological orientations can provide rich insight as well, but my reasons for focusing on Christian liberation theology is twofold. As a book written for largely a US audience, 70 percent of Americans identify as Christian.<sup>1</sup> Sadly, many Christian faith communities have been in the forefront of defending some of the most egregious aspects of US policy regarding displaced persons. Arguing for the ways that Christian theology stands against these policies holds the promise of reshaping the views of many ordinary citizens. Liberation theology is an especially important source for thinking about structural oppression because it is a theology that was born from the margins: it was created by the poor and oppressed in Latin America and seeks their liberation.

### **NO REFUGE**

Serena Parekh has done an invaluable service in her book, *No Refuge*. The book is an accessible introduction for the general reader to both the refugee crisis and the philosophical frameworks that address the issue. At the same time, she introduces a position that both reframes how Western states regard the refugee crisis and reorients how Western states regard their ethical obligations. Central to her argument is that these harms are in large part due to the policies that Western states implemented to prevent resettlement in their own countries. Since Western states created these harms, their obligation to address them are stronger than the obligations traditionally recognized in which Western states are agents of aid but not agents of harm.

Parekh’s analysis, and her significant contribution to the field of immigration ethics, is her calling attention to what she terms the second refugee crisis, which generates a set of harms distinct from those that philosophers and policy makers typically address. Philosophers and politicians have typically focused on the ethical obligation to rescue refugees, which directs the question of obligation to matters of admitting refugees into one’s country or providing aid. According to this view, the refugee crisis was created by the conditions in the host countries that caused asylum seekers to flee. Western states’ ethical obligations are thus framed by their role as rescuers who step in to help those who have been harmed or abandoned by their states. In short, states that produce refugees are at fault, and Western states step in because of the humanitarian principle.

However, Parekh argues, this standpoint overlooks the crisis that Western countries have created, which is an indirect consequence of the policies Western states have introduced to address the refugee crisis. These policies are due in large part to the principle of nonrefoulement, which generates strong obligations to nations in responding to asylum seekers. To circumvent these obligations, wealthier nations create policies that prevent refugees from entering their countries, which results in refugees relocating in refugee camps, living informally in cities, or paying smugglers to get them into countries in dangerous ways. In all three of these options, the minimum requirements of human dignity are not met for refugees. Parekh describes these options in detail and shares the heartbreaking true stories of refugees who are forced into choosing among these alternatives.

In order to understand the nature of this harm and the obligations they generate, Parekh draws upon Iris Marion Young's account of structural injustice. This approach, Parekh argues, is more appropriate than the standard approaches in addressing the second set of harms born by refugees because these harms are often indirect. Parekh focuses on two aspects of Young's notion of structural injustice. The first concerns motivation: the harm need not be intentional. According to Young, structural injustices do not require clearly identifiable agents producing the harm: rather, the injustice is the unintended outcome of the ways in which different policies and decisions of different actors come together to create an unjust structure.

The second aspect of Young's account that Parekh underscores is that it is a forward-looking rather than a backward-looking account. The focus is not on looking to the past to assign blame but rather on assigning responsibilities to make things more just in the future. Young employs the term political responsibility to capture the kind of responsibility structural injustices entail: "Responsibility is based on a social connection model . . . individuals bear responsibility for structural injustices because they contribute by their actions to the processes that produce unjust outcomes."<sup>2</sup> Thus the response is political not in the sense that it is the job of political leaders to solve it but rather that persons are responsible insofar as they participate in the systems that create the injustice. While ethical obligations are typically framed in terms of duties, Parekh prefers Young's notion of responsibility, which generates obligations, but ones that are open-ended and allow for more discretion. At the same time, responsibilities must be assigned. Responsibilities are determined by how entities or persons are situated with respect to the injustice. Regarding the second refugee crisis, Western states have a special responsibility to address this injustice, Parekh argues, because Western states set the norms and have the greatest capacity to shape the system. In addition, wealthy states can address the crisis without suffering a significant burden.

Parekh makes a convincing case that Young's approach is more appropriate than the dominant frame employed by Western states and their members in thinking about their obligations to refugees. I would like to argue that the theological notion of social sin complements Young's

account and augments it in an important way: it identifies the obligation to unmask the ideologies that shape the norms regarding the ways Western states respond to refugees. Without such an unmasking, Western powers are more susceptible to replicating new forms of oppression. Before introducing the notion of social sin and its context, it is helpful to examine the benefits of turning to theological approaches to the refugee crisis.

### WHY THEOLOGY?

Charles Mills has pointed out that Western political philosophy's orientation toward ideal theory has been ahistorical, and thus has a knowledge gap regarding the ways imperialism and white supremacy shape the tradition's notions of equality and human rights.<sup>3</sup> The theology of the Abrahamic religions, on the other hand, hold the notion that God reveals the God-self in history. Thus, theology never can leave history behind: to determine who God is and what God requires of humanity, one must first be aware of how histories of domination and exploitation inform and distort self-understanding. Womanist theologian Kelly Brown Douglas's genealogy of "Stand Your Ground Culture," which identifies the religious and scientific roots of the culture of racism in the United States, is a model of theological anthropology in this regard.<sup>4</sup>

A theological perspective is also helpful because, in the case of the United States, the rationale for controlling our borders and excluding immigrants was largely theological.<sup>5</sup> The movements to exclude refugees and immigrants were founded on the threat such outsiders would pose to the United States' Christian values. The legacy of these justifications can still be found today in, for example, former President Trump's travel ban, which targeted Muslim immigrants. Thus, it is important to point out that such justifications are defensible neither philosophically nor theologically.

Theological vocabularies have the power to mobilize in a way that political or philosophical vocabularies at times fall short. Michael Sandel points out that Barack Obama deliberately integrated the language of his faith into his speeches because he was aware of their power in prior social movements in the United States: "If liberals offered a political discourse emptied of religious content, they would 'forfeit the imagery and terminology through which millions of Americans understood both their personal morality and social justice.'"<sup>6</sup>

We can see the power of religious language in the ways climate scientists have embraced Pope Francis's encyclical *Laudato Si* to embed the climate crisis in a moral framework. The encyclical has been applauded by environmentalists. Indeed, the *Quarterly Review of Biology* dedicated its September 2016 issue to commentaries by climate scientists on *Laudato Si*, which, the editors write, "gave hope to all who are concerned about long-term ecological sustainability."<sup>7</sup>

In the case of the plight of displaced persons, theology promises to be a particularly rich source, as welcoming the stranger is a foundational value to all of the Abrahamic religions. The command to aid the stranger is the most

common command in the Hebrew Scriptures after the command to worship one God.<sup>8</sup> Indeed, religious communities have been the locus for providing aid to displaced persons in the United States. This speaks to the ways faith mobilizes action. In addition, this aid has provided faith-based communities the opportunity to hear the stories of asylum seekers and understand the concrete realities that lead them to leave their homes. The Sanctuary Movement in the United States can be traced to the responses of clergy members providing pastoral care to hospitalized Salvadorean asylum seekers.<sup>9</sup>

## LIBERATION THEOLOGY

Liberation theology, which grew out of a pastoral movement to revitalize the faith among the poor, was a movement that originated in Brazil and spread throughout Latin America. This theology developed as a new way of thinking about who Christ is and what Christ desires from humanity in light of the oppression of marginalized people in Latin America. This theology also examined the Catholic Church's role, both historical and current, in supporting structures of oppression and exploitation. For centuries, the Catholic Church, almost without exception, enforced and supported the power of European colonizers in their oppression of indigenous peoples. Moreover, the Church encouraged the poor of Latin America to resign themselves to their own suffering.

Liberation theology originated out of small ecclesial communities, made up of the poor, who in their reading of scriptures, recognized the liberating message of their faith: God was on the side of the poor and desired the liberation of the poor. Liberation theology views poverty structurally: "By poor we do not really mean the poor individual who knocks on the door asking for alms. We mean the collective poor, the 'popular classes,' . . . the workers exploited by a capitalist system, the underemployed, those pushed aside by the productive process."<sup>10</sup> Thus the focus of oppression was structural, and liberation theology made use of Marx's analysis of exploitation in unpacking the nature of this oppression.

From this perspective, theology begins with praxis: passionate and committed involvement and critical reflection arising out of involvement living in solidarity with the poor. Because the principal suffering of the poor comes from exploitation and marginalization, living one's faith means working to eradicate such injustices. While conventional Christianity points to prayer, scripture, or worship as the principal means of knowing God; liberation theologians hold that one knows God through solidarity with the poor and work for their liberation: "To place oneself in the perspective of the Kingdom means to participate in the struggle for the liberation of the oppressed."<sup>11</sup>

While liberation theology originated in the 1960s, its message speaks to the heart of Jesus's teachings. Jesus promised to bring good news to the poor and set the captive free.<sup>12</sup> He provided the criterion from which souls will be judged only one time in the gospels, and that criterion was to care for the vulnerable: to feed the hungry, drink to the thirsty, showed hospitality to the stranger, and visit the sick and imprisoned.<sup>13</sup>

## SOCIAL SIN

In a conference of bishops held in Medellin in 1968, Latin American bishops formalized the teachings of liberation theology. In this conference, they adopted the notion of social sin to capture the institutionalized violence suffered by the poor at the hands of the powerful, including the Church itself.<sup>14</sup> The failure of the Catholic Church to address structural injustice, liberation theologians argued, was in part due to an individualistic understanding of sin in modern Christianity. Christians tend to regard righteousness in an apolitical, private way: praying, going to services, being good to one's family. In this way, identifying as a "good Christian" was consistent with being complacent in the face of gross injustice. Liberation theologians emphasized that tolerating unjust systems is a form of sin and was the primary form of sin in a world where the primary source of suffering is structural injustice: "sin is not considered an interior reality. . . . Sin is evident in oppressive structures, in the exploitation of humans by humans, in the domination and slavery of peoples, races and social classes."<sup>15</sup> Social sin exists in the unjust structures that cause oppression, but also encompasses "distorted consciousness and collective action and inaction that facilitate injustice and dehumanization."<sup>16</sup>

I would argue that this approach enhances that of Iris Marion Young's, as it requires persons in positions of privilege to not only address injustices but also to grapple with their own ignorance regarding their responsibility for injustice, an ignorance that comes from "the ways we are susceptible to a captivating environment or cultural blinders that prevent us from seeing rightly."<sup>17</sup> As with Young's account, social sin moves away from an individualistic account of blame and obligation, and recognizes the complex, often unintentional structures that are responsible for injustices. However, while Young's account focuses on strategies to address injustice, social sin also focuses on identifying the socially constructed perspectives that perpetrate oppression. This can include the cultural or religious symbols that reinforce unjust structures as well as the "false consciousness created by institutions and ideologies that allow people to participate in a network of oppression with self-righteousness."<sup>18</sup> This false consciousness can lead to complacency in the face of oppression and distort the approaches, often well-meaning, of those in power regarding treatment of the vulnerable.

Addressing this false consciousness requires examining histories of domination to learn the origins and purposes of these ideologies. Thus, while Young's approach is future-oriented, the notion of social sin requires an excavation into the past. This is not for the purpose of assigning blame; rather, it is in order to identify the myths that perpetrate ignorance and complacency in the face of oppression. Critical race theory provides a good model of how facing up to a nation's own history can help uncover the ways that ideology shapes perspectives.

Feminist theologian Kristin Heyer has applied the notion of social sin to the ethics of immigration, specifically regarding the immigration of Latin American immigrants into the United States.<sup>19</sup> Like Young's notion of structural injustice, she posits that social sin "incorporates the reality

of unjust institutions that contribute to border crossings."<sup>20</sup> At the same time, social sin also is comprised of "ideologies and symbolic systems that perpetrate blindness to such realities."<sup>21</sup> This includes "the cultural and political patterns inherited from the colonial past, or economic and social practices resulting from Latin America's role in global capitalism."<sup>22</sup>

Parekh notes that Western states have shaped the norms regarding the treatment of refugees: "One global norm that wealthy countries have perpetrated, for example, is that states are free to treat refugees and asylum seekers however they think best, even if this fails to adequately respect generally accepted human rights."<sup>23</sup> Tracing the history of dehumanization and exploitation helps to disclose the ways that Western states are desensitized to the concrete suffering of immigrants from the Global South. The current complacency or hostility to immigrants at the United States' Southern borders today, for example, cannot be separated from a long history of such dehumanization that shapes the nation's identity, according to Heyer: "Pervasive, internalized ideologies make us susceptible to myths; operative understandings influence our actions or inaction. When bias hides or obscures values, it becomes more difficult to choose authentic values over those that prevail in society."<sup>24</sup>

Heyer points to the law-and-order rhetoric regarding addressing the plight of immigrants on the Southern Border as one such myth. Legislative debates tend to focus on national security, and regard immigrants through a law-and-order lens, as is illustrated by Trump's campaign promise to "Make America Safe." This framework scapegoats immigrants as threats to the rule of law despite well-established evidence that immigrants are less likely to commit crimes than American citizens. At the same time, Heyer notes, this law-and-order rhetoric contrasts sharply with the practices of Border Patrol agents: they operate without accountability or transparency, and detainees are denied any form of due process.<sup>25</sup>

A particularly shocking image of the Border Patrol has emerged recently in their treatment of Haitian asylum seekers: border agents are on horseback, brandishing whips at men, women, and children alike. Reporters have pointed out the resemblance between the Border Patrol agents and overseers on slave plantations. Addressing the structural injustice of this development requires reshaping the United States' norms regarding the treatment of Haitian asylum seekers. Examining this issue in the context of social sin would also necessitate examining this development in the context of the history of slavery in this country and the symbolic power of Haiti, a country that originated from the most successful colonial slave rebellion in history and threatened the very institution of slavery.

**NOTES**

1. "Religious Landscape Study," Pew Research Center, <https://www.pewforum.org/religious-landscape-study/>.
2. Serena Parekh, *No Refuge* (Oxford: Oxford University Press, 2020), 169.

3. See Charles W. Mills, "Revisionist Ontologies: Retheorizing White Supremacy, Social and Economic Studies," *New Currents in Caribbean Thought* 43, no. 3 (September 1994): 105ff. See also Charles W. Mills, *The Racial Contract* (Cornell: Cornell University Press, 1997), 120–23.
4. See Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll, New York: Orbis Books, 2015), 3–133.
5. For an overview of this history, see Daniel B. Lee, "A Great Racial Commission: Religion and the Construction of White America," in *Race Nation and Religion in America*, ed. Henry Goldschmidt and Elizabeth McAlister, 85–110 (Oxford: Oxford University Press, 2004).
6. Michael Sandel, *Justice* (Farrar, Straus and Giroux, 2010), 256. He is quoting from Barack Obama's Call to Renewal Keynote Address June 28, Washington, DC.
7. See the editor's description of the issue at <https://www.journals.uchicago.edu/journals/qrb/pr/160901>.
8. Kristin Heyer, *Kinship Across Borders: A Christian Ethic of Immigration* (Washington, DC: Georgetown University Press, 2012), 142.
9. For a history of the movement, see Rev. John Fife, "From the Sanctuary Movement to No More Deaths: Challenges to Communities of Faith," in *Religious and Ethical Perspectives on Global Migration*, ed. Elizabeth Collier and Charles R. Strain, 257–72 (Lanham, Maryland: Lexington Books, 2014).
10. Leonardo Boff, *Introducing Liberation Theology*, trans. Paul Burns (Maryknoll, NY: Orbis Books, 2004), 3.
11. Gustavo Gutiérrez, *A Theology of Liberation* (Maryknoll, New York: Orbis Books, 2004), 116.
12. *Gospel of Luke* 4:18.
13. *Gospel of Matthew* 25:31–46.
14. Understandings of social sin existed prior and outside of the liberation theology tradition. However, liberation theology was unique in emphasizing the unintentional or unconscious nature of social sin. For a history of the term, see Kristin Heyer, "Social Sin and Immigration: Good Fences Make Bad Neighbors," in *Theological Studies* 71 (2010): 410–36.
15. Gustavo Gutiérrez, *A Theology of Liberation* (Maryknoll, New York: Orbis Books, 2004), 102–3.
16. Heyer, *Good Fences*, 413.
17. Heyer, *Good Fences*, 424.
18. Heyer, *Kinship Across Borders*, 58.
19. Heyer refines the notion of social sin employed by liberation theology insofar as she recognizes both its unconscious and deliberate elements. Liberation theology emphasizes unconscious elements, while later magisterial teaching emphasizes the role of personal choice in order to affirm the freedom of the will. For an overview of the divergent understandings of social sin, see "Social Sin and Immigration," 410–25.
20. Heyer, "Social Sin and Immigration," 421.
21. Heyer, *Kinship Across Borders*, 42.
22. Heyer, *Kinship Across Borders*, 42.
23. Parekh, *No Refuge*, 173.
24. Heyer, *Kinship Across Borders*, 48.
25. Kristin Heyer, "Migration and Structural Injustice," in *Christian Theology in the Age of Migration: Implications for World Christianity*, ed. Peter C. Phan (Lanham Maryland, Lexington Books, 2020), 188.



## *No Refuge for Latin American (and other so-called Global South) Nations?*

Allison B. Wolf

UNIVERSIDAD DE LOS ANDES

In her 2020 groundbreaking book, *No Refuge: Ethics and the Global Refugee Crisis*, Serena Parekh presents us with a much-needed corrective for understanding and responding to the refugee “crisis.” Parekh eloquently notes that philosophers (and others) have wrongly taken the “crisis” to be one for receiving states trying to manage the influx, rather than focusing on the crisis for refugees themselves, especially the fact that they cannot actually find safe refuge. This is not only wrong because it pits concerns about national sovereignty against human rights protections for refugees, says Parekh, but also because this framing of the moral debate inaccurately depicts Western states as the (potential) rescuers of refugees, while simultaneously ignoring how these same states and their policies contribute to an unjust refugee system and generate the second crisis.<sup>1</sup> As Parekh notes, Western states

have tolerated, financially supported, and even encouraged a situation in which the vast majority of refugees are effectively not able to access refuge. Globally, refugees are not able to access the *minimum conditions of human dignity*. All of the options that the international community offers to refugees who are in dire need of aid and protection may serve to keep refugees alive, but they do not provide sufficient autonomy, dignity, or security.<sup>2</sup>

Western states do not simply passively allow an unjust system to flourish, however. To the contrary, they actively maintain this unjust system by implementing policies to keep refugees away from their shores via “deterrence regimes” that make it near impossible for people to seek and receive refuge in their countries. In large part, they are supported by various international agreements, like the 1951 UN Refugee Convention requiring states to follow the principle of non-refoulement (not to send people back to a nation where they are at risk) but not requiring them to take in refugees from other places. Worse, the options for refugees provided by the international community—refugee camps, urban settlement, and migrating to seek asylum in the West—are terrible and dangerous.

Based on this, Parekh moves to suggest ways forward. First, she argues that Western states are morally obligated “to ensure that refugees can access the minimum conditions of human dignity while they are waiting for a solution to their situation.”<sup>3</sup> But we must go further and, following Iris Marion Young, Parekh notes that we must also “frame the crisis for refugees as a kind of *structural injustice*—an injustice that wasn’t intentionally caused by any particular state but that nonetheless we must take responsibility for”<sup>4</sup> so that we see the Global Refugee System as unjust and that it is Western states that are *politically responsible*

for working to improve it. In other words, even if Western states did not intentionally produce the injustices many refugees face, because of their role in creating the system, the fact that they benefit from it, and the fact that they have the power and resources to effect change, Western states are politically responsible for improving the global refugee system in the ways Parekh indicates.

It is important to note that while Parekh acknowledges that the nations of the Global South must protect human rights of refugees, these nations are not her focus in this book. Instead, Parekh chooses to focus on wealthy Western states because (1) these states have the resources to help; (2) these states claim to adhere to principles of justice, fairness, and human rights that require them to act in certain ways to adhere to their stated values; and (3) Western states have played a powerful role in shaping and creating the second crisis for refugees. Despite the fact that it is refreshing to see an author take Western states to task, especially as a US citizen who wants to hold her government accountable and who thinks we often are too quick to let these nations off the hook, it is on this point that I want to push back on Parekh a bit.

Generally speaking, I am concerned with limiting attention to Western states for the following reasons. First, while I am very confident that this is *not* what Parekh intends, exclusively focusing on Western nations’ obligations risks reinforcing ideas about white saviors and the need for these nations to “save the day” for refugees from and residing in Asia, Africa, and Latin America. Second, centering Western responsibility risks condescending to the majority of nations who actually house most of the world’s refugee seekers (“you all do your best but let’s let the adults take over”) and can inadvertently legitimize a paternalistic response where the United States and Europe must lead efforts to help refugees because only they can protect their human dignity.

Third, focusing on Western states’ moral obligations to the exclusion of the moral obligations of nations in the so-called Global South threatens to undermine the agency of those nations. And, finally, failing to hold non-Western and/or less wealthy nations to account not only lets those countries off the hook and implicitly propagates a view that they are somehow less important in this struggle, but also leaves many injustices endured by refugees in those parts of the world ignored and without response.

To help illustrate my concerns, especially the last two issues, allow me to discuss my own adopted country of residence—Colombia—which is currently trying to figure out how to respond to various displaced and refugee populations, most prominently Venezuelans and Haitians. Let me begin by providing some context, starting with the Venezuelan situation. As of late 2019, over 4.5 million Venezuelans had left their country,<sup>5</sup> over 13 percent of its total population.<sup>6</sup> By March 2020, the number reached 5 million,<sup>7</sup> or 16 percent of Venezuela’s total population.<sup>8</sup> In 2020, the number of Venezuelan nationals who fled their homeland was estimated at over 5.2 million and is expected to surpass 7 million in 2021, making it the world’s largest exodus.<sup>9</sup>

Almost 30 percent of these displaced migrants go to Colombia, making the South American nation the primary recipient of Venezuelan nationals (UNHCR and IOM 2020). As of September 2020, the Colombian migration authority—*Migración Colombia*—approximated that 1,715,831 Venezuelan nationals were living in their territory.<sup>10</sup> Despite the COVID-19 pandemic and the Colombian government's response to it that forced tens of thousands to return to Venezuela,<sup>11</sup> the population of displaced Venezuelans in Colombia remains high and is expected to continue rising in 2021.

At the same time as Colombia tries to determine the best way forward with respect to Venezuelans, new groups of refugee seekers are making their way through Colombia. According to the Colombian government, at least 33,000 migrants—mostly from Haiti, Cuba, Senegal, Ghana, Somalia, Guinea, Congo, and Burkina Faso—have crossed Colombia into Panama in 2021 and currently there are an estimated tens of thousands of Haitian asylum-seekers stranded in northern Colombia, primarily in the small Colombian Caribbean city of Necoclí.<sup>12</sup> Unlike the Venezuelan population, however, none of these asylum-seekers actually intend to stay in Colombia. Instead, their goal is to take ferries from Necoclí across the Gulf of Uraba and then continue to the even smaller Colombian border town of Capurgana, where they will begin their journey through the jungles of Panama known as the Darien Gap. They hope to then continue on the other side up the Pan-American highway to the United States, where they plan to seek asylum.

The problem is that there are now so many refugees trying to make this trek that there is now a bottleneck in Necoclí. More specifically, while the capacity of the ferries crossing the Gulf of Uraba of between 500–750 people per day (depending on the weather conditions) there are around 1,500 arriving per day.<sup>13</sup> And so thousands of asylum-seekers are in a holding pattern in Colombia. As Necoclí's Mayor Jorge Tobón reports, "They're stuck, they're desperate, they're anguished, with an uncertainty about when someone will sell them a ticket. . . . They're crammed into hotels or small rooms of humble residents. . . . In a room of 15 square meters, 20 people are living there and spending the night."<sup>14</sup> Worse, the hospitals lack the capacity to treat so many people, the town's trash collection system cannot keep up so there is trash in the streets, and with so many people using the municipality's water, the outdated aqueduct system has collapsed.<sup>15</sup>

How should Colombia respond to these situations? Although Parekh herself is not focused on these questions, many of her solutions nevertheless seem germane. For example, I think it is clear that Colombia is morally obligated to ensure these groups have access to the *minimum conditions of human dignity*. In fact, Colombia's ombudsman, Carlos Camargo, agrees and said his office has asked municipal, departmental, and national officials to develop contingency plans to address the backup in Necoclí and "guarantee the safe return and protection of human rights of this population."<sup>16</sup> Similarly, I think Colombia must follow Parekh's recommendations to try to integrate refugees into Colombian life,<sup>17</sup> let them work in the formal economy, and

work collectively to create refugee policies and not make them unilaterally.<sup>18</sup> The issue, then, is not that Parekh has nothing to offer to nations like Colombia. The problem, though, is that if we take Parekh's cue and focus on what Western nations owe refugees, it seems that the question with which I am concerned—namely, what moral obligations does Colombia have toward these refugees?—never gets asked. But it must. To fail to do so not only lets Colombia off the hook, but also fails to analyze and respond to the actions it has taken.

Allow me to briefly elaborate. While it is true that Colombia may not have all of the resources it needs to secure good living conditions for millions, it can and must provide access to the *minimum conditions of human dignity* and maintain safety of refugee seekers. And when it fails to do so, it should be called out, especially given that it is a middle-income economy with many natural resources and economic promise. Granted, the nation is rife with ubiquitous economic inequality and corruption, but sometimes (often?) these decisions not to direct resources to poor and other vulnerable populations result from a lack of political will to do so more than lack of ability. In fact, we have evidence that when Colombia wants to act in the service of refugees and displaced migrants, it can. For example, in March 2021 President Iván Duque signed a decree providing Temporary Protective Status to almost one million displaced Venezuelans in the country, thus allowing them to work in the formal economy and gain access to health care and education. Equally illustrative, in response to the Haitian backlog in Necoclí, Colombia's Institute for Family Welfare has set up a tent there to help families with children, where the kids are weighed and measured and their nutrition levels assessed.<sup>19</sup> So, while wealthy Western states can and should do more, there are moral obligations that Colombia can and should meet; we should show the South American nation the respect it deserves by demanding that they do what they can.

This leads me to a second issue, which is that when we assume less wealthy nations, like Colombia, have no (or few) moral obligations (or that we do not focus on them), when they do act, we often fail to adequately scrutinize those responses. Let's take the Temporary Protective Status Decree, for example. While I agree that Colombia should be lauded for this action, the statute is far from perfect. It leaves many vulnerable populations unprotected, leaves exploitative and violent working conditions (especially for cis and trans Venezuelan women) in place, and does nothing to address the increasing violence and xenophobia Venezuelans face on a daily basis. Moreover, one has the impression that the Colombian government sees its job as done—it legalized many in the hopes of securing more international funding—providing little hope that other migration injustices will be resolved going forward. Similarly, although sending food and health-care assistance for children during a pandemic is important, the government could do more (such as giving refugee seekers some sort of work permit and allowing children into the schools). But when we focus primarily on the actions and moral responsibility of wealthy Western states (of which there are many affecting these situations in Colombia, such as the US visa and asylum policy that forces folks to take

this risky journey in the first place), these other issues do not get raised. And this not only contributes to the plight of refugees, but also may obscure or prevent us from discovering other moral obligations of the very wealthy Western nations that Parekh wants to hold to account and call to action. Let me provide just one more example.

Some might suggest that I am painting too rosy a picture of what Colombia can do, and they may be right. First, I admit to being a bit defensive against various problematic and false stereotypes about the country that I have come to appreciate that may lead me to go too far to the other extreme. Second, and more germane to this conversation, an objector would rightly point out that even if what I said were partially true, it is simply a fact that Colombia does not have enough resources to adequately fulfill its moral obligations to asylum-seekers and displaced migrants. That is, we could fix all of the corruption, economic inequality, and internal conflicts, and Colombia would still not have the resources to spare to meet all of its justice obligations. And the evidence supports the objector. For example, even though The World Bank estimated that Colombia spent “roughly \$900 million [in 2018] to meet only the basic needs of Venezuelan migrants, . . . [its] 2019 campaign . . . to help raise funds to assist Colombia in settling Venezuelan migrants raised only \$32 million.”<sup>20</sup> “The 2020 appeal called for over \$782 million to assist Venezuelan refugees and migrants but, as of Dec. 1, had only been 37.5% funded.”<sup>21</sup> Additionally, during 2020, the United Nations released a report noting that Colombia will need \$641 million to meet the needs of this population in 2021, but little widespread response was forthcoming at the time of writing (early 2021). The Brookings Institute now calls the Venezuelan refugee crisis the least funded such crisis in modern history.<sup>22</sup>

This lack of international response should be strongly condemned; yet again the United States (in this case) and its policies have contributed to structural injustice in the refugee system, Colombians and the asylum-seekers themselves are paying the price, and the US needs to step up but fails to do so. Ironically, though, we cannot see this as easily if we limit our inquiries to the obligations of wealthy Western nations; we needed to take the Colombian’s obligations seriously first in order to see what they realistically can and cannot do and why before we could even discover the US obligations. So taking the moral obligations and responsibilities of the nations in Latin America, Asia, and Africa seriously and not pretending that they do not exist or are less important has the paradoxical effect of not only treating that these nations with more respect, but also of better identifying and clarifying the moral obligations of wealthy Western nations to help refugees—Parekh’s express objective.

I hope that these observations are seen as reflecting the strengths of Parekh’s work rather than its faults. *No Refuge* uses feminist philosophy and engaged empirical analysis to challenge conventional philosophical approaches. It highlights a mistake in our philosophical discussion (framing refugees as a “crisis” for wealthy nations) and refocuses us on what really matters: the lives and experiences of refugees themselves. Beyond that, I tend to think when we

are left to critique what is *not* in a book, it is a testament to what is there. So let us continue Parekh’s work by bringing our Latin American, Asian, and African neighbors into the discussion so that all of the nations of the world can do their part to improve the Global Refugee System and, most important, the everyday lives of the estimated 26.4 million refugees around the world.<sup>23</sup>

NOTES

1. Serena Parekh, *No Refuge: Ethics and the Global Refugee Crisis*, (New York: Oxford University Press, 2020), 79.
2. Parekh, *No Refuge*, 104.
3. Parekh, *No Refuge*, 20.
4. Parekh, *No Refuge*, 22-23.
5. “Refugees and Migrants from Venezuela Top 4 Million,” UNHCR, June 7, 2019, <https://www.unhcr.org/en-us/news/press/2019/6/5cfa2a4a4/refugees-migrants-venezuela-top-4-million-unhcr-iom.html>; Merrit Kennedy, “Venezuelan Refugees and Migrants Top 4 Million, U.N Says,” *National Public Radio*, June 7, 2019, <https://www.npr.org/2019/06/07/730687807/u-n-says-more-than-4-million-people-have-left-venezuela>; UNHCR, “Venezuela Situation,” <https://www.unhcr.org/venezuela-emergency.html>, last accessed July 30, 2020.
6. *Report to Address the Regional Crisis Caused by Venezuela’s Migrant and Refugee Flows*, Organization of American States Report, June 2019, <http://www.oas.org/documents/eng/press/OAS-Report-to-Address-the-regional-crisis-caused-by-Venezuelas-migrant.pdf>.
7. International Organization for Migration, “Venezuelan Refugee and Migrant Crisis,” <https://www.iom.int/venezuela-refugee-and-migrant-crisis>.
8. Jorge G. Castañeda, “Colombia Is Dealing with a Terrifying Refugee Crisis. Will Wealthy Nations Step Up to Help?” *New York Times*, March 10, 2020, <https://www.nytimes.com/2020/03/10/opinion/international-world/venezuela-colombia-refugees-crisis.html>.
9. Organization of American States. *Situation Report: Venezuelan Migration and Refugee Crisis*. Office of the General Secretariat for the Crisis of Venezuelan Migrants and Refugees, 2020.
10. *Migración Colombia*, 2020.
11. Stefano Pozzebon, “COVID-19 Forced Tens of Thousands of Venezuelans to Go Home. But Crossing the Border Is No Easy Task,” *CNN*, July 14, 2020; John Otis, “Thousands of Migrants Head Back to Venezuela to Flee Colombia’s COVID-19 Lockdown,” *National Public Radio*, April 28, 2020.
12. Marko Álvarez and Astrid Suárez, “Colombia Coastal City Crowded with African, Haitian Migrants,” *Associated Press*, July 30, 2021, <https://apnews.com/article/joe-biden-health-colombia-africa-coronavirus-pandemic-7cc42ff893a6fab97f1d371d5d2316c1>.
13. Álvarez and Suárez, “Colombia Coastal City Crowded with African, Haitian Migrants.”
14. Álvarez and Suárez, “Colombia Coastal City Crowded with African, Haitian Migrants.”
15. Samantha Schmidt, “Thousands of Migrants Overwhelm Colombian Coastal Town,” *Washington Post*, July 28, 2021, <https://www.washingtonpost.com/world/2021/07/28/colombia-migrants-haiti-africa-necocli/>.
16. Schmidt, “Thousands of Migrants Overwhelm Colombian Coastal Town.”
17. Parekh, *No Refuge*, 183.
18. Parekh, *No Refuge*, 191.
19. Astrid Suárez, “Children a Big Part of Migration Through Perilous Darien Gap,” *Associated Press*, September 14, 2021, <https://apnews.com/article/lifestyle-colombia-caribbean-forests-united-states-6ca1218ee74a1a29750ec0850240a771>.

20. Anatoly Kurmanaev and Jenny Carolina González. 2019. "Colombia Offers Citizenship to 24,000 Children of Venezuelan Refugees," *New York Times*, August 5, 2019, <https://www.nytimes.com/2019/08/05/world/americas/colombia-citizenship-venezuelans.html>.
21. Teresa Welsh, "\$1.44B Needed for 2021 Venezuela Response," *Devex*, December 12, 2020, <https://www.devex.com/news/1-44b-needed-for-2021-venezuela-response-98770>.
22. Dany Bahar and Meagan Dooley, "Venezuela Refugee Crisis to Become the Largest and Most Underfunded in Modern History," *Brookings Institute*, December 9, 2019, <https://www.brookings.edu/blog/up-front/2019/12/09/venezuela-refugee-crisis-to-become-the-largest-and-most-underfunded-in-modern-history/>.
23. UNHCR, "Figures at a Glance," <https://www.unhcr.org/figures-at-a-glance.html>.

## On No Refuge as Public Philosophy

David Owen

UNIVERSITY OF SOUTHAMPTON

Serena Parekh is an exceptional scholar of refugee and forced displacement studies, and this book builds on and extends the important contribution of her previous book, *Refugees and the Ethics of Forced Displacement* (Routledge, 2018), which focused on the problems of encampment or warehousing of refugees. While she revisits those problems in this book, she extends her analysis considerably in order to bring into focus what she refers to as "the second crisis" or "the hidden crisis," namely, that refugees are essentially trapped in a condition of *our making* in which the minimal conditions of human dignity are not available to them in camps, in urban setting, or in dangerous transit to seek asylum in the Global North (three options that exhaust their choices). Through vivid and lucid prose descriptions of the two crises and compelling use of individual stories, she makes clear the ethical stakes of refugee protection and the responsibility of the Global North for the post-flight predicament in which refugees now find themselves.

These considerations of prose are significant in part because this is intended as a work of public philosophy. *No Refuge* is written for the interested and intelligent lay reader. This raises the immediate question of how we should read this book—as a work of philosophy or of rhetoric? Or should we follow Cicero in insisting that a constitutive part of philosophy's ideal of reflectiveness is that it engages us at an affective level?

Let us at least acknowledge that the fact that this book is intended as a work of *public philosophy* matters for its composition because its primary aim is to persuade its public readers to see the current predicament of refugees in a particular way and to motivate readers to action on the basis of that perception—indeed, the book concludes with examples of how individuals can respond in the face of state inaction. *No Refuge* is probably best characterised as an exercise in "re-orientation in thinking" designed to bring the American or European reader from a narrow and inaccurate frame in which they see their (Northern) State as having obligations of rescue towards poor benighted refugees, which the reader may perceive it as discharging well or badly, to a wider frame in which they come to see

their State as an active participant in the development and reproduction of a structure of injustice that denies refugees access to the minimal conditions of human dignity.

The central claims that Parekh advances are twofold. First, that working out our ethical and political responsibilities requires an adequate descriptive framing of the contemporary refugee regime—of its composition and its functioning—in order to elucidate the ethically salient features of this regime. Second, that we need to develop a two-layered frame to address the injustices confronted by refugees which involve both direct injustices (for example, by the home state or by border guards at an admitting state) and structural injustices, namely, the operation of the refugee regime to prevent refugees being able to access what Parekh takes to be the requirement owed to refugees, namely, the minimum conditions of a decent life.

In Chapter 1 of her book Parekh provides a nuanced account of the difficulties of giving a determinate answer to the question "Who is a refugee?" or even of whether there is any determinate answer to this question, but she ends up adopting a concept of the refugee defined in terms of those who have fled their country because their basic human rights are severely threatened—and endorsing the view that it is the degree of threatened harm that matters rather than the source of harm. This is something of a pragmatic choice in order to get the main argument of the book started without engaging in too much controversy—and enabling her to go on to consider a variety of grounds on which our moral or political obligation to refugees may be justified. It is not, though, a choice that is innocent of implications. Although we might agree that the issue for the scope of refugeehood can be addressed in terms of the degree of human rights directed harm threatened, it does not follow that the sources and types of harm are not salient for the question of what is owed to particular refugees. If we compare the person fleeing persecution by the state to those fleeing civil war or those fleeing famine, it is not at all obvious that what we owe each of them is the same. Nor that providing each with the "minimum conditions of human dignity" when specified in terms of an adequate level of food, clothing, shelter, medical care, education, and personal security is sufficient to meet our obligations to them.

Couldn't Parekh simply reply, first, that she is concerned to persuade a public audience for whom the notion of the basic conditions of human dignity gets a rhetorical grip and, second, that the current conditions of most of the world's refugees are so bad that even achieving a widespread commitment to such minimum conditions of a decent life would be a major improvement? These are fair points. But I do think that this choice constructs problems for her argument further down the line—and I'll come back to these—but let me first sketch out the main argument proposed by Parekh's book.

In Chapter 2, Parekh considers three grounds on which moral obligations to refugees might be proposed. The first is an account based on causal responsibility (perhaps better, "outcome responsibility") that generates an interactional notion of reparative justice (you broke it, you



fix it) of the kind that James Souter has recently developed with great subtlety in his work *Asylum as Reparations*. The second is an account based on the legitimacy conditions of an international order of sovereign states of the kind that Gillian Brock, Joe Carens, and myself have recently proposed and which the refugee regime is conceived as a legitimacy-repair mechanism. The third is an account based on humanitarianism as a moral commitment represented by the parable of the Good Samaritan which is appealed to by, for example, Betts and Collier in their co-authored work *Refuge* as well as many others.

Parekh then raises what we might think of as “quasi-objections” to each of these views. She notes that the “you break it, you bought it” principle has great intuitive plausibility and hence gets a grip on us as actors, but that the scope of the principle is narrow and it cannot accommodate many cases of refugee flows that are not the direct result of the wrongful actions of external states. In relation to the legitimacy view, she claims that it provides clear guidance on what obligations states have, but that its coolly rational character means it is less likely to motivate people than the “you break it you bought it” principle. Its lack of intuitive affective power means, she fears, that “in practice, it’s harder to see how it might convince people to accept more refugees or significantly help refugees in other locations when they believe that it goes against their interests.”<sup>1</sup> On the Good Samaritan view, she argues that it is has considerable affective power but “doesn’t tell us much about what kind of help is required,”<sup>2</sup> and also doesn’t help us navigate between the moral claims of refugees and of states in providing guidance on how much states are obliged to help or to sacrifice in support of refugee protection.

I call these “quasi-objections” because I don’t think any of them are deeply compelling rebuttals of these principles or that Parekh intends them to be so. So we may note that pretty much no one denies the narrow scope of the “break it, bought it” principle; that the legitimacy view is focused on grounding norms of international law and institutional practice; and the humanitarian principle may not be able to say how much states should be willing to help or sacrifice, but can perhaps develop an account of fair processes for determining this. But if these quasi-objections are not intended as rebuttals, then what role are they playing?

My hunch is that they are intended to serve as indicators of what Parekh takes to be needed for her “public philosophy” purposes and as rhetorical ground preparation for her own proposal. What she is aiming to provide, I think, is an ethical basis for thinking about refugees in the wider frame that she will articulate that meets the desiderata identified by these quasi-objections in that it has:

- (1) Immediate intuitive grip
- (2) Affective power
- (3) Provides clear guidance on state obligations

It is this that the ethical frame of structural injustice is meant to provide. Does it?

Recall the wider frame that Parekh is aiming to provide is one that encompasses the second crisis in which refugees are prevented from attaining the minimally decent conditions of a human life as a product of the interaction of the policies of a diverse plurality of states. It is this that the concept of structural injustice is meant to capture, and Parekh uses Marilyn Frye’s image of the bird cage to provide an intuitively gripping image for the phenomenon of structural injustice.

The point of this image is to draw attention to the idea that in our normal close-up perspective, we typically only see the one wire of the bird cage that is directly in front of us and hence wonder why the bird could not just fly around it; but it is only when we step back and see the whole structure of wires that it becomes clear to us that, and how, the bird is caged. In the case of refugees, we might imagine each wire as the policies of a particular state. Looking at the wire in front of us amounts to saying, “They don’t need to come here, there are plenty of other places they could go.” Only when we step back do we see that all the pathways to the minimal conditions of a decent life have been shut off. As soon as we see this, the image gains affective power; it can motivate actors that endorse the thought that all human beings are entitled to, at least, the minimal conditions of a decent life and who now recognize that their own state’s actions are contributing to this state of affairs. But does it provide guidance for states or citizens?

Parekh successfully shows that states of the Global North can be held responsible for their important role in generating this structural injustice and that because they have the power to change the situation they should do so. But that does not by itself get us very far. It simply tells us that the states of the Global North should act in ways that ensure that refugees can access the minimum conditions of a decent life, which, let us remember, is specified in terms of a range of basic human rights concerning food, clothing, shelter, education, medical support, and access to employment. But it doesn’t tell us anything much about how this should be done.

Consider Young’s point about structural injustice involving what Sartre calls “counter-finalities,” namely, that the product of outcomes that are not intended by any of the actors also applies to attempts to reform or transform such structures. Among the implications of this point is that if each state of the Global North pursues its own preferred option for addressing the structural injustice, the collective effects produced by these individual actions may not suffice to address the problem and may create new problems. What is needed, then, is *action in concert* by the state of the Global North in cooperation with states of the Global South as Parekh recognizes. We might also, though, want to argue here that given that refugees are the most vulnerable to unintended outcomes of any such changes, their voices should be represented in any such process.

It is here too that Parekh’s focus on treating the concept of refugeehood in terms of minimal standards of human dignity has two significant side-effects. The first is that, to a significant degree, it aligns Parekh’s view with the “protection there” agenda advanced most notably by

Betts and Collier as a refugee protection/development nexus, and it is notable that she discusses the example of Jordan in which Betts's idea of the use of Special Economic Zones has been trialed as well as the case of Uganda that Betts and Collier also highlight alongside other ideas such as cash transfers to refugees. This type of view focuses precisely on securing socioeconomic autonomy construed in terms of basic needs. What this does not do, however, is address the loss of political membership and political rights suffered by refugees and which are constituent feature of refugeehood. In this respect, it is somewhat puzzling that Parekh has a discussion on political integration in her conclusion because, as far as I can tell, nothing in her appeal to the minimum conditions of human dignity or to structural injustice normatively underwrites the proposals she makes there. It would require at least an argument that political rights are instrumentally necessary (or prudent) for securing socioeconomic autonomy to underpin her suggestions—and no such argument appears to be made. The second side-effect is that when thinking about resettlement, Parekh—like Betts and Collier—uncritically follows the UNHCR view which addresses resettlement in terms of need, and fails to acknowledge that those who are fleeing persecution may have a special claim to resettlement and access to robust rights-protecting membership of a new state.

These concerns do not, however, detract from my overall admiration of this work as a piece of public philosophy. Parekh's main task is to show us, academics and public alike, that grasping what obligations we have to refugees requires that we engage with it through a frame that is phenomenologically adequate to the contexts in which refugees find themselves and the choices that are available to them. Shifting this frame to encompass "the second crisis" is a necessary move, on this view, if we are to understand our own moral position and its responsibilities. This is a claim that Parekh's work fully vindicates—and it is one those implications for public discourse are significant and far-reaching.

**NOTES**

1. Parekh, *No Refuge*, 84.
2. Parekh, *No Refuge*, 87.

**REFERENCES**

Betts, A., and Collier, P. *Refugee*. Penguin, 2017.  
 Parekh, S. *Refugees and the Ethics of Forced Migration*. Routledge 2018.  
 Souter, J. *Asylum as Reparations*. Palgrave 2022.

*Displacement*, was directed at philosophers and other scholars, *No Refuge* is directed at a much wider, public audience. Impressively, I do not think anything significant is lost in the analysis, and much is added. *No Refuge* not only provides a persuasive analysis of our shared responsibility to reduce the unjust outcomes of our collective refugee policies and structures, it also presents a compassionate understanding of the plight of refugees. *No Refuge* has the potential to change hearts and minds, not only because of the strength of its analysis, but also because of Parekh's compassionate discussion of the experience of refugees and her thoughtful response to common objections and challenges.

I will focus my comments on four areas: (1) Parekh's analysis of the refugee crisis as a structural injustice and our shared responsibility to address this; (2) the extent to which a shared responsibility framework is reflected in recent developments in international refugee law, such as the *Global Compact on Refugees*; (3) the role of personal stories; and (4) Parekh's response to the problem of despair.

**PAREKH'S ACCOUNT OF OUR SHARED RESPONSIBILITY**

Discussions of "the refugee crisis" in the media and in political discourse in 2015 focused on the large numbers of refugees who entered Europe, how this affected Europe, and what European countries should do. Parekh focuses on the larger underlying crisis for refugees themselves and on the responsibility of Western states. A vast number of refugees have not been able to find refuge and they have not been able to attain the minimum conditions of human dignity.

Parekh sets out the overall problem based on data from 2019. Sadly, the numbers have continued to grow. According to the most recent data available from the United Nations High Commissioner for Refugees (UNHCR), the number of forcibly displaced people grew to 84 million in mid-2021.<sup>1</sup> Of these, 26.6 million were recognized as refugees (refugees are people who are forcibly displaced outside their country of origin), while the rest were internally displaced. Around half of these refugees are under the age of eighteen. There were 4.4 million asylum seekers in mid-2021. These are refugees who reach the border of another state and claim asylum in that state. While these numbers are overwhelming, Parekh puts this in perspective and reminds us that in a world of over seven billion people, it should be possible to find a safe place for all refugees if there were only the political will to do so (4).

Parekh argues that most philosophical and political discussions of how states should respond to refugees have been inadequate because they have focused on resettlement in Western states. Unfortunately, only about 1 percent of refugees have been resettled through UNHCR in the best of years, and it has been far less than 1 percent in recent years. 55,680 refugees were resettled in 2018, 63,726 were resettled in 2019, and only 22,800 were resettled in 2020, and 39,266 were resettled in 2021. As of August 2021, only 19,900 refugees have been resettled this year.<sup>2</sup> Given this reality, Parekh argues that it is crucial

---

## Our Shared Responsibility for Refugees

Sandra Raponi  
 MERRIMACK COLLEGE

Serena Parekh's *No Refuge: Ethics and the Global Refugee Crisis* provides an important theoretical framework for understanding our moral responsibility to refugees. While her previous book, *Refugees and the Ethics of Forced*

that we consider our moral responsibilities to *all* refugees, particularly those who languish in camps and urban areas and those who take dangerous journeys in the hopes of being granted asylum in a Western country (7). Parekh's book makes an important contribution to the urgent and much-needed discussion of our responsibility towards the vast number of refugees for whom resettlement is not an option.

What happens to the vast majority of refugees who are not resettled? The majority remain in the poorest countries. About half live in squalid camps run by UNHCR with insufficient food and security and with severely limited freedoms. As Parekh explains, refugee camps were once viewed as a temporary solution, but now, the average length of time that one remains a refugee is seventeen years. The other half live in urban centers in poor conditions with little or no access to international assistance, and they are often exploited. Parekh argues that in both scenarios, refugees do not have the minimum conditions of human dignity. Given these two terrible options, it is understandable why many refugees try to bypass this system to seek asylum in Western countries, risking their lives and the lives of their children.

As Parekh discusses, the situation today is much different than what is set out in the *1951 Refugee Convention*. There are three scenarios considered in the *Convention*: (1) voluntary and safe return to one's home country; (2) integration into the host country; and (3) full resettlement in another country. The *Convention* lays out an extensive list of rights, including the right to work (self-employment and wage-earning employment), public education, and freedom of movement. Up until the 1970s, most refugees were integrated into the local population. This is drastically different from the current situation in which the vast majority of refugees spend many years with limited freedom in refugee camps and with limited rights and support in urban areas. Refugees are usually not able to work, and many children are not able to attend school.

Parekh asks, how should we think about the responsibility of Western states and its citizens towards refugees? Parekh considers different philosophical, moral, and religious approaches to this question and demonstrates the inadequacy of these accounts. According to a corrective or historical account of moral responsibility, states that have caused a particular refugee situation have a duty to fix this by resettling and helping these refugees. For example, during the Vietnam War, the US accepted Vietnamese refugees. The US is currently resettling Afghan refugees, but only to a very small degree by focusing on people who assisted the US military. Parekh argues that this model is limited because the causes of refugee situations are often complex, it is often difficult to prove direct causal connections, and states who believe that their past actions were justified refuse to take responsibility when these actions lead to forced displacement.

Parekh makes a very strong case for favoring Iris Young's account of our shared responsibility for structural injustices as the best approach to this problem. Under this account, individuals, states, and other agents bear responsibility

when, through our combined actions, we contribute to processes that produce or sustain unjust outcomes (169). Although some of the harmful consequences of our refugee, immigration, and border policies may be unintended, we nonetheless have a responsibility to mitigate the harm caused.

Parekh argues that the manner in which Western countries have responded to refugees has worsened their situation. Western states have deliberately made it more dangerous to reach Western countries, they have made it more difficult for refugees to claim asylum in their countries, and they have made it more difficult for refugees to have access to the minimum conditions of human dignity (6). For example, consider the agreements that the European Union has made with Libya and Turkey to prevent refugees from entering their borders. Refugees in Libya have been confined in overcrowded and unsanitary detention centers, and they have been physically abused, tortured, and subjected to other forms of cruel treatment. Some have been forced to work or sold into slavery. Parekh connects the actions and policies of Western states to serious human rights violations (7).

Parekh argues that our primary moral duty is to address the political structures that unjustly prevent refugees from accessing the minimum conditions of human dignity. We all have an obligation to work together to transform these structural processes and make the outcome less unjust. Parekh argues that this may require us to work together to reevaluate and change our institutions and to monitor their effects to ensure they are not harmful. It may require us to help each other see how particular policies and actions are connected to a particular structural injustice and to work, collectively, toward addressing it (170).

Parekh observes that few countries are going to admit that they are responsible for the current outcome in which the vast majority of refugees are not able to access the minimum conditions of human dignity. The political responsibility model allows us to approach this question in a different way:

It stresses that we are responsible not because we have done something wrong, something that we should feel guilty about, but simply because we participate in unjust structures that are unfair to refugees. It is also a view of responsibility that allows discretion on what we can and should do to address this responsibility. There are different ways that an individual or collective entities like a state may be connected to an injustice, and so we must be able to think about responsibility in these different ways, keeping in mind that it is always forward looking—aiming to make structures less unjust—not to find fault, blame or punish. Political responsibility is not something that can be determined through a causal connection to the harm. (171)

While other philosophers use the language of duties or obligations to talk about what we owe refugees, Parekh suggests that "responsibility" offers a better way of

thinking about structural injustices (171). She writes that a duty is a specific moral requirement that makes clear what we are obligated to do, while responsibilities allow for more discretion in determining how to rectify structural injustice (171).

One concern that can be raised against the structural injustice model is that it allows too much discretion. It is less clear who should do what, or what the priorities should be. I think that maintaining the corrective model while supplementing it with the shared responsibility model allows us to determine some of these priorities. States would then have a stronger obligation to help refugees who are displaced as a result of that state's military actions or interference with a country's political or economic system, and they may be expected to give priority to resettling and assisting these refugees. While the causal connections may be difficult to prove in some cases, they may be harder to deny in other cases. States that have contributed the most to greenhouse gas emissions may be expected to do more to mitigate the harm caused to climate refugees. This is compatible with Parekh's overall account since she supports a two-layered frame that includes both direct, intentional injustices (this includes direct harm, violence, and human rights violations against refugees), and indirect or structural injustices that prevent refugees from being able to find refuge (160).

Second, one may be concerned that while we shouldn't feel guilty or be blamed if we are genuinely not aware that our actions or policies are contributing to unjust outcomes, once we are made aware of this, we can be blamed if we refuse to rectify this. Parekh acknowledges this on page 170. Unfortunately, if states are not willing to admit that they are responsible for the current unjust outcomes, they may also be less willing to address this problem. We will need to criticize them and hold them accountable.

### THE SHARED RESPONSIBILITY MODEL IN INTERNATIONAL REFUGEE LAW

Parekh provides a useful philosophical framework for justifying, interpreting, and further developing contemporary international refugee law. The *1951 Refugee Convention* acknowledges in the Preamble that "the grant of asylum may place unduly heavy burdens on certain countries," and that, given the international scope and nature of the problem, a satisfactory solution "cannot be achieved without international co-operation." It assigns to UNHCR the task of supervising international conventions for the protection of refugees and recognizes that the effective co-ordination of measures depends upon the cooperation of all states with UNHCR.

Recent developments in international refugee law have continued to emphasize the importance of international cooperation, and they have also promoted a model of shared responsibility and burden-sharing. In the *2001 Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, states committed to developing comprehensive strategies to improve refugee protection within "a framework of international solidarity and burden-sharing" (Article 12).

This article sets out the goal of strengthening response mechanisms in economically challenged countries that host large-scale or protracted refugee situations in order to ensure that refugees "have access to safer and better conditions of stay and timely solutions to their problems."

The language of sharing burdens and responsibilities more equitably is affirmed in the third goal of the *2002 Agenda for Protection* and in the *2016 New York Declaration for Refugees and Migrants*. The *2016 Declaration* developed a Comprehensive Refugee Response Framework (CRRF) with the following objectives: (1) ease pressure on host countries; (2) enhance refugee self-reliance; and (3) expand access to third country solutions; and (4) support conditions in countries of origin for return in safety and dignity. While I have concerns with the term "self-reliance" given its association with "pull yourself up by your bootstraps" style arguments that are used to deny aid to people in other contexts, the third objective of enhancing refugee self-reliance is intended to open up opportunities for refugees to work and start businesses. This is one of the solutions that Parekh proposes and defends in her book. It would be better to replace this term with a commitment to enhance self-determination, agency, or autonomy. Parekh provides a good analysis of why allowing refugees to work enhances their agency and autonomy.

The CRRF also aligns with Parekh's account of our shared responsibility by promoting a "whole-of-society" approach that involves "national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and the refugees themselves." Parekh's *No Refuge* and her presentations on our shared responsibility towards refugees is an example of how academics can contribute to this goal, particularly since *No Refuge* is directed at a broader public audience.

These features are also present in the *2018 Global Compact on Refugees*. The *Global Compact* has been described as historic. One hundred eighty-one states voted to adopt it. Only the US and Hungary opposed it, while the Dominican Republic, Eritrea, and Libya abstained. According to the Guiding Principles, "The global compact emanates from fundamental principles of humanity and international solidarity, and seeks to operationalize the principles of burden- and responsibility-sharing to better protect and assist refugees and support host countries and communities." It includes the same three objectives from the CRRF and adds an additional one to expand access to third country solutions. Specific arrangements to share burdens and responsibilities are to be negotiated through a Global Refugee Forum every four years and operationalized through voluntary but dedicated contributions and pledges.

These recent international declarations and agreements emphasize that all states have a shared responsibility to improve the living conditions of refugees and to enhance their agency, regardless of where refugees are located. They recognize the importance of coordinating the actions of states, and they also extend this shared responsibility



to various non-state actors. The challenge is to pressure states to honor these international commitments.

### THE ROLE OF PERSONAL STORIES

Unfortunately, well-reasoned philosophical arguments are sometimes not enough to challenge people's prejudices and fears or to motivate people to take necessary collective action. Various fears about refugees have been fueled by politicians and the media. Parekh not only addresses these fears with compelling arguments and evidence, she also includes personal stories throughout the book that generate a personal connection to refugees. These personal stories allow readers to understand the experience of refugees in different situations and to cognitively empathize with them.

Personal stories also help to counteract what Paul Slavic and other psychologists have called "psychic numbing." When the number of victims or the number of people who need help is large, rather than increasing people's motivation to help, many people become numb to the problem—with the exception of good utilitarians.<sup>3</sup> As will be discussed further in the next section, people can become overwhelmed by the large numbers and this can lead to inaction. Many human beings tend to be more responsive to particular individuals who need help and personal stories. This is referred to as the "identifiable victim effect."

Paul Bloom and others have highlighted problems with relying on, and appealing to, empathy to address moral or political problems. It can be partial, biased, limited, and unreliable. It can lead to excesses, and it can be manipulated to unfairly attack others instead of motivating positive action.<sup>4</sup> However, Bloom and others also recognize the importance of cognitive empathy—being able to understand what it's like for someone who has to flee their home and is then unable to find refuge—as well as the importance of a rational kind of compassion that can motivate us to take action to help others. Parekh does not attempt to persuade her readers by simply using sad personal stories to appeal to our emotions. Rather, she uses individual stories to help us understand the nature of the problem, what is needed to address this injustice, and why it is morally unacceptable to let this situation continue.

### MOVING BETWEEN DESPAIR AND RECKLESS PESSIMISM

While there is much more I would like to discuss about Parekh's comprehensive book, I will end with an issue that I have struggled with both personally and in teaching and giving talks about refugees. When discussing the global refugee crisis, many people comment that the problem seems overwhelming or impossible to solve, and they express feelings of hopelessness and despair.

The refugee crisis seems to get worse each year as more people have been forced to flee their homes. The response of many Western states has also gotten worse. Fewer refugees have been accepted for resettlement in the last few years. Refugees have been spending longer periods of time in overcrowded and underfunded refugee camps, detention centers, and in other living situations far below minimum standards of human dignity. More countries

have taken draconian measures towards asylum-seekers—separating children from their families, putting children in detention centers, taking measures to keep asylum-seekers in other countries where they are unsafe and subject to serious human rights violations, letting asylum-seekers drown at sea or starve in the desert, and even prosecuting individuals and humanitarian organizations that have tried to save refugees by rescuing them at sea or providing water in the desert.

As Parekh reminds us, in a world of seven billion people, it is possible for us to absorb all refugees (4,175,190). Unfortunately, there does not appear to be sufficient political will or sufficient recognition of our shared responsibility to address this problem. Instead, political attitudes seem to have moved in the opposite direction. Refugees and asylum-seekers have been demonized and xenophobia has grown.

In addition, the pandemic has presented new challenges. Governments have used the pandemic to stop asylum seekers and to halt refugee resettlement, including for refugees who have been approved for resettlement after a long and difficult process. There are concerns that as countries deal with economic recovery from the pandemic, there will be less willingness to provide resources to improve the condition of refugees. Another challenge we face is the large number of people who will be displaced due to climate change. As Parekh notes, some estimate that the amount of climate refugees may be quite large by 2060—from 50 to 200 million refugees (41).

How can one not feel depressed, pessimistic, and hopeless? It is natural to be overwhelmed by problems of this scope. Unfortunately, this can lead to inaction.

In the final chapter of her book, Parekh considers Hannah Arendt's analysis of "reckless despair"—believing that a problem is so bad that we can't do anything about it. This is reckless because it usually leaves the injustice in place and allows the status quo to continue unchallenged. She writes that Arendt also cautioned us to avoid "reckless optimism"—"a kind of optimism that believes that making a difference will be easy and we can be certain that we can make things better. This optimism is reckless because it doesn't appreciate the depth of the problem and all that would need to change in order to address it" (196).

Parekh argues that both attitudes are problematic because they ultimately lead to inaction: "they prevent us from engaging deeply with the problem and doing what is in *our power to change it*" (196). She argues that we need a different attitude to deal with complex global problems that involve profound human suffering and that do not have simple solutions. She writes,

I hope that readers take a nuanced stance and acknowledge that though the problem for refugees is complex and will not be easy to change, it is an injustice so profound that we cannot ignore it. As the philosopher Kate Norlock put it, we need an attitude of "sustained moral motivation, resilience and even cheer" that would allow us a "willingness

to return to the same task repeatedly, to maintain efforts and to continually renew commitments.” (196)

We also need to remind ourselves that though it sometimes seems improbable, the status quo can change (196).

Rebecca Solnit’s writing on hope is also helpful here. In *Hope in the Dark: Untold Histories, Wild Possibilities*, Solnit provides a conception of hope that is distinct from passive or reckless optimism and that is able to counter reckless despair. Solnit writes,

It’s important to say what hope is not: it is not the belief that everything was, is, or will be fine. The evidence is all around us of tremendous suffering and tremendous destruction. The hope I’m interested in is about broad perspectives with specific possibilities, ones that invite or demand that we act. It’s also not a sunny everything-is-getting-better narrative, though it may be a counter to the everything-is-getting-worse narrative. You could call it an account of complexities and uncertainties, with openings. . . .

Hope locates itself in the premises that we don’t know what will happen and that in the spaciousness of uncertainty is room to act. When you recognize uncertainty, you recognize that you may be able to influence the outcomes—you alone or you in concert with a few dozen or several million others. Hope is . . . the belief that what we do matters even though how and when it may matter, who and what it may impact, are not things we can know.<sup>5</sup>

One of the problems with social structures, is that they often come to appear natural and inevitable. We need to imagine that a different world is possible. As Parekh writes,

Of course we put refugees in camps—where else would we put them? Of course refugees aren’t allowed to work; otherwise there would be too much competition with citizens for jobs. Of course we only resettle a handful of refugees; we can’t be expected to do more than that if it’s unpopular with our citizens. Yet these structures are not inevitable, and they can be challenged in many different ways. Many individuals have, in fact, challenged them. (196-97)

Parekh begins her book with a quotation from a filmmaker working in the Democratic Republic of the Congo: “If you look at the statistics, you get depressed, but if you look at the people, you find hope” (vi). Parekh includes stories of people who have helped refugees at great personal cost, with an attitude of defiance. These stories can inspire us and remind us of the importance of our shared responsibility to do what we can to help refugees and to address injustice, even when others fail to do this, even when it’s difficult, and even when we do not know if our efforts will be successful.

Parekh ends her book with this:

I’ve written this book with the belief that we cannot change unjust situations until we fully understand them. . . . My hope for this book is that understanding will lead to action and more people will respond like the courageous individuals . . . described. Our response must be nothing less than to insist on the rights and dignity of refugees wherever they are. (200)

I hope *No Refuge* will be read by many and that it will inspire its readers to do what we can to secure the rights, dignity, and well-being of refugees.

#### NOTES

1. UNHCR, “Refugee Data Finder,” <https://www.unhcr.org/refugee-statistics/> (updated November 10, 2021), accessed March 31, 2022.
2. UNHCR, “Resettlement Data Finder,” <https://rsq.unhcr.org/en/#7S8v>, accessed on March 31, 2022.
3. Paul Slovic, “If I Look at the Mass I Will Never Act: Psychic Numbing and Genocide,” *Judgment and Decision Making* 2, no. 2 (2007): 79–95; “A Psychologist Explains the Limits of Human Compassion,” *Vox*, September 5, 2017, <https://www.vox.com/explainers/2017/7/19/15925506/psychic-numbing-paul-slovic-apaty>.
4. Paul Bloom, *Against Empathy: The Case for Rational Compassion* (Random House, 2017).
5. Rebecca Solnit, *Hope in the Dark: Untold Histories, Wild Possibilities* (Haymarket Books, 2016), xiii-xiv.

## Response to Critics

Serena Parekh  
NORTHEASTERN UNIVERSITY

It’s an honor to have a group of scholars you deeply respect discuss your work. I would like to sincerely thank each of them for their careful reading of my book and their thoughtful engagement with the ideas in it. A special thanks to Lauren Freeman for suggesting and editing this symposium and for bringing together this diverse group of scholars.

Mary Troxell focuses on an aspect of my book that has not received much attention from philosophers, namely, my discussion of the religious foundations for our responsibility for refugees. Many philosophers consider themselves secular, and if they are religious, their philosophical work does not usually rely on religious foundations. From this perspective, this part of my book is unusual. I appreciate that Troxell made clear why including a discussion of religion was important for my project. She writes that this is

a book written for largely a US audience, 70 percent of Americans identify as Christian. Sadly, many Christian faith communities have been in the forefront of defending some of the most egregious aspects of US policy regarding displaced persons. Arguing for the ways that Christian theology stands against these policies holds the promise of reshaping the views of many ordinary citizens.

*No Refuge* was intended as a work of public philosophy, so I wanted to address the widest possible audience, including both people with faith commitments and those without. Troxell's comments helped me see how I could have made this connection in an even deeper way.

In *No Refuge*, I show that there is an overlapping consensus among secular and religious philosophies that we have strong obligations to help refugees. Though there is disagreement about what these obligations are, I try to show that there is no moral argument that can justify the way we treat refugees around the world. I argue, in particular, that anyone who has roots in one of the Abrahamic traditions has strong reasons to support refugees. My argument is based primarily on the injunctions that are found in all three traditions—Judaism, Islam, and Christianity—to give special concern to refugees. As Troxell notes, "Welcoming the stranger is a foundational value to all of the Abrahamic religions." I hoped that this argument would provide a motivation to continue reading the book for those who are religious but skeptical about whether or not we have moral obligations to refugees. This argument does not, however, connect specifically to my later discussion on structural injustice. Troxell's discussion of social sin bridges these two parts of my book.

Troxell introduces the ideas of social sin and liberation theology. Social sin refers to "the institutionalized violence suffered by the poor at the hands of the powerful, including the Church itself." This concept defines unjust social structures as sinful and therefore as something Christians should be concerned with. Liberation theology holds that "tolerating unjust systems is a form of sin," and it identifies those systems as "the primary form of sin in a world where the primary source of suffering is structural injustice." These concepts provide deep theological support for the argument that we ought to be thinking about justice structurally and not just individually. This perspective is important not only when it comes to addressing the global refugee crisis, but other important challenges such as climate change.

This theological approach dovetails nicely with the argument I make in *No Refuge*. I take Troxell's point to be the idea that Christian faith requires a structural approach to injustices such as the refugee crisis. The idea of "welcoming the stranger" seems to require only individual action: perhaps donating money to a refugee NGO or organizing canned food drives to help newly resettled refugees. But understanding Christian obligations to refugees in this way does not push believers to think about the problem structurally. Liberation theology and the idea of social sin require Christians to move beyond only thinking about what to do as individuals to welcome the stranger. Instead, liberation theology and the idea of social sin ask Christians to think about injustice *structurally*, to take seriously the problems inherent in the status quo, and to think about the ways that we may unintentionally be contributing to the harms experienced by refugees. This framework seems much more demanding but also more appropriate for a complex global injustice such as the refugee crisis.

My view in *No Refuge* differs from Troxell's analysis, at least on the surface, in terms of the emphasis we each put on the necessity of looking backwards. I think, inspired by Iris Young, that responsibility ought to be primarily oriented towards improving conditions in the future. Social sin, by contrast, requires us to examine the past in order to identify the myths and ways of thinking that perpetuate structural injustice. Some of these myths—such as the idea that justice requires that we simply enforce "law and order" at the border—allow us to remain complacent in the face of grave injustice. The concept of social sin asks believers to bring these myths and norms to light and to interrogate their truthfulness and implications for the most vulnerable. This way of examining our beliefs can help us to see how we are often desensitized to the suffering of refugees, which normalizes our neglectful and often cruel policies towards them. For this reason, the kind of backwards interrogation social sin requires is important. I thank Troxell for persuading me of the value of this way of thinking about the past for addressing structural injustice.

Allison Wolf's response provides a global perspective on some of the themes raised in my book, and she points to one of its shortcomings, namely, my exclusive focus on relatively wealthy liberal democracies. While acknowledging my reasons for not discussing the obligations of countries in the Global South, Wolf pushes back against my limited focus for a number of reasons. I'm very sympathetic to her critique, especially the point that by focusing exclusively on Western countries, we are letting countries in the Global South "off the hook," failing to push the countries to adequately protect refugees and ignoring many of the injustices that refugees living in these countries endure. I'd hoped that by discussing the conditions that refugees face in refugee camps and urban centers in the Global South I would bring to light some of the problems faced by refugees in these countries. But Wolf's critique is, nonetheless, an important one.

Wolf describes the current situation in Colombia for asylum-seekers from Venezuela and around the world. Given the anguish and suffering of these asylum-seekers, it's a fair question to ask what Colombia's responsibility is and what it might mean to expect Colombia to provide the minimum conditions of human dignity, which I claim all countries have a responsibility to provide for refugees. Wolf points out two important features that we should keep in mind when thinking about the responsibility of countries in the Global South like Colombia. The first is the sheer desperation of the situation: refugees are "stuck, they're desperate, they're anguished, with an uncertainty about when someone will sell them a ticket. . . . They're crammed into hotels or small rooms of humble residents. . . . In a room of 15 square meters, 20 people are living there and spending the night." Second, the Venezuelan refugee crisis is among the least funded refugee crises in history. Taken together, these reasons highlight the importance of international cooperation, a point that Raponi stresses in her response.

Here Wolf makes a valuable point: it is only by taking seriously Colombia's responsibility to refugees that we can see the ways that international policies (such as policies

about funding refugee crises) contribute to structural injustice. These funding policies make it harder and sometimes impossible for middle-income countries like Colombia to provide the minimum conditions of human dignity for refugees. Wolf explains,

Colombians and the asylum-seekers themselves are paying the price, and the US needs to step up but fails to do so. Ironically, though, we cannot see this as easily if we limit our inquiries to the obligations of wealthy Western nations; we needed to take the Colombian's obligations seriously first in order to see what they realistically can and cannot do and why before we could even discover the US's obligations.

In other words, if we genuinely believe that Colombia, like all countries, has an obligation to provide the minimum conditions for human dignity, we must also ask what is preventing them from doing this. In this case, it may primarily be a lack of international support. While it may also be a lack of political will—as Wolf points out, when the political will is there, Colombia can do a lot—the lack of adequate funding to meet the demands of the situation is a real obstacle for Colombia, and one that Western states are positioned to respond to.

I agree with Wolf that we ought to be insisting on the rights and dignity of refugees in the Global South. While Wolf is perhaps rightly critical of Colombia's response to Venezuelan refugees, it's harder to criticize their actions from the outside: I find myself reluctant to do so in my own work. I worry that as a scholar based in the US, such criticism will come off sounding hypocritical.

Colombia and other countries in the Global South lack the material resources of wealthier countries, but they are often already hosting more refugees than wealthier countries and doing more for these refugee populations than many wealthier countries do. As Wolf explains, in March 2021, Colombia provided Temporary Protective Status to almost one million displaced Venezuelans in the country, thus allowing them to work in the formal economy and gain access to health care and education. This stands in stark contrast to the treatment of Central American refugees in the US who are often detained and then deported to Mexico while they wait in terrible conditions for a chance at an asylum hearing in the US.

Wolf is right that Colombia can and should do more, but I think that as a US-based scholar, my criticisms are more powerfully aimed at US policies. I would be delighted if my work was used by scholars in the Global South to extend my criticism of countries that fail to provide the minimum condition of human dignity. Like Wolf, they may see connections between my work and the treatment of refugees in their country. I thank Wolf for raising this possibility.

I appreciate David Owen's characterization of *No Refuge* as an exercise in "re-orientation in thinking" designed to bring the American or European reader from a

narrow and inaccurate frame in which they see their (Northern) State as having obligations of rescue towards poor benighted refugees . . . to a wider frame in which they come to see their State as an active participant in the development and reproduction of a structure of injustice.

This way of phrasing the orientation of my book helps to distinguish it from other philosophical work on refugees. I hope to move the debate away from thinking of the problem of refugees as one of distributive justice, where the good to be distributed is political membership. Instead, I think we should focus on the larger, structural harm. In particular, we need to pay more attention to the ways in which we have created a global system that renders some—refugees and asylum-seekers—vulnerable to domination and oppression while benefiting others—namely, those of us living in relatively wealthy, stable countries that have benefited historically from colonialism and neo-colonialism and now have a strong interest in keeping people out, or at least being in control of who enters. In other words, I do think we've been focusing on the wrong harm, and *No Refuge* is an attempt to reorient the attention of philosophers as well as the general public to this different way of understanding the problem.

Owen raises some objections around the criterion that I suggest we ought to aim for, namely, that we ought to focus on providing the minimum conditions of human dignity for refugees. In particular, he denies that "providing each with the 'minimum conditions of human dignity' when specified in terms of an adequate level of food, clothing, shelter, medical care, education, and personal security is sufficient to meet our obligations to them." He rightly anticipates my response that the "conditions of most of the world's refugees are so bad that even achieving a widespread commitment to such minimum conditions of a decent life would be a major improvement." Yet I agree that the "minimum conditions of human dignity" aren't sufficient to fully exhaust our obligations to refugees. But nonetheless, in a non-ideal world, I think it is the goal we should be aiming for. In a world where even the most basic conditions of dignity aren't being met and where even widely agreed-to duties like nonrefoulement are routinely violated, establishing a minimum floor seems like a prudent goal.

Here, my commitment to non-ideal theory becomes clear. I think in an ideal world, it makes sense to set out norms that would allow us to fulfill our obligations to refugees, such as resettlement, asylum, or sanctuary (options which Owen discusses in his book, *What Do We Owe Refugees?*). However, though this is important as an ideal that we should aim for, we need to take seriously the fact that states are not likely to comply with these norms. In the more than seventy years that we've had the global refugee protection system, resettlement, a widely accepted way to discharge our obligations to refugees, has not succeeded in adequately addressing the needs of refugees. In fact, fewer than 1 percent of refugees are resettled each year. This is why I think it is important to address the non-ideal circumstances in which the vast majority of refugees only have access to refugee camps or informal urban settlements and in which most do not have access to the



basic conditions of human dignity. While I believe that resettlement and asylum remain extremely important as a durable solution, we ought to be paying more attention to the vast majority of refugees who will never be able to avail themselves of it. For these reasons, I argue that we must insist on the minimum conditions of human dignity for refugees while they wait for long-term, durable solutions. I agree with Owen that this does not fully exhaust what we owe to refugees, but nonetheless think that it's where we ought to be starting.

Another criticism Owen offers of *No Refuge* is that I don't pay enough attention to political agency or show how this is part and parcel of the minimum conditions of human dignity, and I think he is correct in this critique. He's also right that my emphasis on the "protection there" approach prioritizes social and economic rights rather than political rights and inclusion. I am of course concerned with the loss of political rights and agency that come from losing membership—my last book, *Refugees and the Ethics of Forced Displacement*, was devoted precisely to this issue—but I agree with Owen that I do not highlight this sufficiently in *No Refuge*. In the final part of my book, I do argue that resettlement is part of what is needed to dismantle structural injustice, and I show throughout the book how problematic our asylum policies are because they prioritize deterrence over protection. Owen is right, though, that I don't ground these claims in the value of political agency, and this would have made my argument stronger. I do, however, think "protection there" and social and economic rights are crucial and that most philosophers don't take them seriously enough. Most refugees will never be resettled, and by many accounts, many refugees would prefer to remain in countries close to home. Perhaps in a way I'm compensating for the excessive focus from philosophers on membership or admission; I worry that the emphasis on political membership obscures the importance of "protection there" since the "there" is where, in these non-ideal conditions, most refugees end up. Ultimately, of course, refugees need both immediate protection that will involve social and economic rights as well as meaningful political inclusion and political rights.

Sandra Raponi's response elucidates some of the main arguments of my book and ties them to the wider context of international law and current norms around global refugee protection. I appreciate her discussion of the use of stories in *No Refuge*. It's really gratifying to hear that this rhetorical choice was effective in creating personal connections to refugees that encourage readers to "cognitively empathize" with them. While Raponi and I are in agreement about a number of points, I'll comment briefly on the places we disagree.

Raponi raises the concern that the structural injustice model may allow too much discretion in terms of what individuals or states are responsible for doing to repair an injustice. In her view, the structural model needs to be supplemented with a corrective model, one that requires states who are causally connected—such as through military action—to take the lead in assisting and resettling refugees from the conflict. While I would certainly support states taking such responsibility, I worry that focusing on corrective justice would take away from the larger project of addressing

structural injustice. The US, for example, seems to be doing, at the moment, exactly what Raponi thinks states ought to do—resettling tens of thousands of people who became refugees once the US pulled out of Afghanistan. Yet there are millions of other Afghan refugees who will not receive any help from the US because they were not directly connected to the military, including people experiencing persecution from the Taliban, or people fleeing the current drought that is connected to climate change. I think Raponi's framework could allow the US to believe that it's done its part for refugees, and this perspective ultimately will leave the majority of refugees without access to the minimum conditions of human dignity.

Raponi and I also differ in our views about the role that guilt and blame should play. Raponi writes:

One may be concerned that while we shouldn't feel guilty or be blamed if we are genuinely not aware that our actions or policies are contributing to unjust outcomes, once we are made aware of this we can be blamed if we refuse to rectify this. Parekh acknowledges this on page 170. Unfortunately, if states are not willing to admit that they are responsible for the current unjust outcomes, they may also be less willing to address this problem. We will need to criticize them and hold them accountable.

Here we disagree. I don't think that admitting responsibility for harm caused by past actions is necessary to take responsibility for the future. I can imagine, for example, the newly democratically elected leader of a country that was formerly authoritarian deciding that from now on her country will fully commit to human rights, without believing that they were responsible for past institutional failures. Or a young person who first learns of all the environmental damage that has been done before and during his young life, and though he does not believe that he is responsible for causing this harm, he nonetheless is resolute in his decision to make the climate cleaner and climate policy more just in the future, even if this requires personal sacrifice. In both cases acknowledging guilt is not necessary for forward-looking responsibility.

I'll end by commenting on Raponi's discussion of despair and hope, which many of us experience on a day-to-day basis, especially those of us who read, think, and teach about the global refugee crisis. Despair and hopelessness aren't just uncomfortable feelings. They can threaten the whole project of working towards refugee rights since they lead people to turn away from the problem and focus instead on other issues. Given what I describe throughout the book, I agree with Raponi's statement: "How can one not feel depressed, pessimistic, and hopeless?"

It's true that there are many reasons to despair for refugees: from the global rise of xenophobia to the increasing cruelty towards asylum-seekers arriving in Western countries—children in cages in the US, offshore processing in Australia, criminalizing people rescuing refugees in Europe. But is there any reason for hope?

I think some people's responses to the treatment of refugees do give us reason to hope. The examples at the end of my book highlight the rather extraordinary ordinary people who take a stand for refugees, even at great personal cost. These courageous people make me believe that the current status quo is not inevitable. I often think of the protests in many different countries regarding the treatment of refugees. In the US, when pictures of asylum-seeking children being held in cages made the news, the policy was widely condemned. The short-lived refugee ban in the US under the last administration also led to a national protest movement and a new awareness among many about the plight of refugees. These examples show that there is at least a back-and-forth between treating refugees like they are disposable and taking seriously the rights and dignity of refugees. I think it's important to keep open this space of possibility and not resign ourselves to the feeling that all is lost, or that everything is and always will be terrible for refugees. I really liked the way that Raponi drew on Solnit, and I agree that hope is "not the belief that everything was, is, or will be fine." I think we can find the kind of hope that holds open the space of uncertainty and believes that "in the spaciousness of uncertainty there is room to act."

ablism, transphobia, homophobia, classism, and other forms of oppression (12). Taking inspiration from Kimberlé Crenshaw's (1989) basement metaphor for intersectional oppression, Hay writes:

Crenshaw "saw that intersectional oppression can work like being in a basement, where people who are disadvantaged on the basis of one or a few identities stand on the shoulders of those who are disadvantaged by a larger number of identities. Rather than focusing on those who need help the most, anti-oppressive movements have historically tended to concentrate on getting people who are closest to the basement's escape hatch out, ignoring those who are worse off." (111)

Sneak preview: in the afterword to the March 2022 paperback edition, Hay revisits this metaphor, emphasizing that now more than ever, "the whole point of social justice is to make the world better for those who are worse off than we are." It's true that we haven't done this yet. But, Hay says, it is in our power to get there. In being brutally honest about the failings of feminism, Hay is optimistic that keeping these failures at the forefront will allow those with privilege within liberation movements to fight for the liberation of the worst off.

## BOOK REVIEWS

### *Think Like a Feminist*

Carol Hay (W. W. Norton & Company, 2020). 240 pp. ISBN 978-1324003090.

Reviewed by Samia Hesni  
BOSTON UNIVERSITY

The world would be a better place if everybody read this book. In *Think Like a Feminist: The Philosophy Behind the Revolution*, Carol Hay gives us a philosophical analysis of intersectional feminism that is valuable to theorists and everyday thinkers alike, seamlessly blending the history of feminist thought and theory with investigations of pressing contemporary issues. The book begins with a history of the term "feminism" and its accompanying activism, then takes us through illustrations and definitions of oppression, and theories of gender and sex. The rest of the book turns to discussions about gender-based violence, resistance, solidarity, and questions about the value and efficacy of feminism itself. And Hay does all this with pithy, infinitely accessible, and delightful writing. This book educates and inspires. The themes I will focus on are solidarity and intersectionality as they come up in the book, and as they interact with Hay's earlier work, and with feminist philosophy, queer theory, and trans studies.

One of the many things Hay does particularly well in this book is center the importance of the many and often multiply-marginalized identities that (white) feminism has historically left behind. As Hay notes, patriarchal oppression is not the only game in town. And it is intimately bound up, historically and today, with racism, white supremacy,

Another inspiring part of Hay's picture of resistance is her emphasis of shifting the focus away from individualism and towards a way of understanding things socially, culturally, and structurally. To a reader who faces oppression along any dimension, Hay says: "you're not the problem here; the world is" (65). For someone picking up this book and thinking about feminism and oppression for the first time, this is a powerful message. And for someone thinking about it for the hundredth time, it lands just as powerfully. Hay not only presents this message, but she explains clearly how the very opposite of this message is *itself* one of the tools of patriarchal—and many other, related and intertwined—oppressions. Being made to believe that you are the problem reinforces the dominant ideology that the world is fine. And in turn, this can create a complacency or a felt helplessness about the state of the world. So, in teaching us this important fact, Hay, like many before her, is helping us undo oppression by writing about it.

Much of Chapter 4, "The Social Construction of Sex," discusses the historical and contemporary failures of feminism to do right by transgender women, and the transgender community in general. In much the same way as she challenges white feminists to do better on issues of race and racial equity, Hay pushes cisgender feminists to do more to fight transphobia and cis-normativity. This is good. Yet, I wonder if Hay is overly optimistic about the ability of feminism to do this. One thing that comes to mind is the historical rift between a largely cis-centric feminism and transgender theory and politics. In expressing the possibility and the imperative for feminism to encompass, champion, and center trans rights, I would have loved to have seen more of a discussion of transfeminism in the text. As Talia Mae Bettcher writes: "the discipline of philosophy has been extremely slow to register trans feminism as an explicit point of departure."<sup>1</sup> This is one reason much

academic (and activist) literature around transgender theory and politics has made a break with feminism.<sup>2</sup>

One question asked by those who are skeptical of feminism's ability to truly center trans rights is "What can feminism offer us, other than historical continuity with anti-oppression and liberatory aims, that queer theory and transgender theory can't?" Hay's answer is, I believe, that the best version of feminism is one that is centered on trans issues, just as it centers the experiences of all marginalized identities. I think Hay's book gives us the tools to make this powerful (and, again, inspiring) point, and I'm curious to know more about what this would look like. Julia Serano, whose work Hay discusses in Chapters 4 and 6, has a slightly different picture of transfeminism, on which an inclusive feminism includes rethinking (and reclaiming) attitudes towards femininity itself, in order to avoid transmisogyny. Serano's picture, too, seems consonant with Hay's, especially Hay's nuanced discussions of femme and femininity in her introductory chapter on oppression. Hay might also imagine a transfeminism like that coined by Emi Koyama (2003), where the liberation of trans women is "intrinsically linked to the liberation of all women and beyond."<sup>3</sup> For Koyama, like for Hay, feminism at its best is coalitional, mutually supportive, and affirms the way in which all women face oppression, and as such must participate in their collective liberation. We can hear echoes of Koyama's *Transfeminist Manifesto* in Hay's calls for solidarity: "transfeminism embodies feminist coalition politics in which women from different backgrounds stand up for each other, because if we do not stand for each other, nobody will."<sup>4</sup> Both Koyama and Hay understand that coalition is not simple, and both give us pictures of resistance on which activism is central to their theories. As Hay reminds us, facing—and fighting—oppression is exhausting. It is difficult, it is work, and it is infinitely worth it. The calls for—and insistence on—solidarity in Hay's work are important, and crucial for the increased recognition of and engagement with transfeminism in feminist philosophy and beyond.

This brings me to another thing that Hay does really well: situating (an ideal version of) contemporary feminism in its historical and present-day context. As she notes early on in the book, feminism is often criticized on the left for being too old-fashioned, and on the right for pushing for too much too fast. Hay considers whether feminists are trying and failing to please everyone, or else stuck in a kind of limbo. She gives us a comforting "no" to both questions. By stressing the intimate link between feminist theory and feminist activism, Hay gives us a rock-solid sense of the kinds of everyday behaviors that feminist commitments and activities can give rise to, and the impact that has on the world. This book is full of actionable advice: from how to talk to children about feminism and oppression, how to think more carefully about sexual consent, and how to respond to, and support those who suffer from gender-based oppression and violence.

Philosophical discussions of resistance and responses to oppression are familiar territory to Hay, and I love the way solidarity runs through much of Hay's work. In her earlier (2005) work on duties to resist oppression and harassment,

Hay argues (convincingly!) that women have self-regarding duties to resist harassment because they are harmed by patriarchal ideology. If we extend this line of argument, we might ask whether men, if they are also hurt by the patriarchy, also have a duty to resist women's oppression. I think *Think Like a Feminist* gives us the tools to answer the question with a yes. Much of this book reads like an homage to bell hooks's formative book, *Feminism Is for Everybody*. And much as the same way that hooks slowly peels back the layers of the white supremacist cis-hetero-patriarchy to show us that the world would be better for *all* of us if we embraced feminism, Hay does this with *Think Like a Feminist* (notably adding more about trans rights and issues, and with a more inclusive and capacious view of gender). In this and so many other ways, I take Hay to be carrying on the important path lit by hooks and many others: inviting everyone to think like a feminist.

NOTES

1. Bettcher, "Trans Feminism," 1.
2. Bettcher, "Feminist Perspectives on Trans Issues."
3. Koyama, "The Transfeminist Manifesto," 1.
4. Koyama, "The Transfeminist Manifesto," 3.

REFERENCES

Bettcher, Talia Mae. "Trans Feminism: Recent Philosophical Developments." *Philosophy Compass* 12, no. 11 (2017): 1–11.

———. "Feminist Perspectives on Trans Issues." *Stanford Encyclopedia of Philosophy*. 2014/2009. Available at <https://plato.stanford.edu/entries/feminism-trans/>.

Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum* 1 (1989): 139–67.

Hay, Carol. "Whether to Ignore Them and Spin: Moral Obligations to Resist Sexual Harassment." *Hypatia* 20, no. 4 (2005): 94–108.

hooks, bell. 2000. *Feminism Is for Everybody: Passionate Politics*. Cambridge, MA: South End Press.

Koyama, Emi. "The Transfeminist Manifesto." In *Catching A Wave: Reclaiming Feminism for the Twenty-First Century*, edited by R. Dicker and A. Piepmeier (Northeastern University Press, 2003).

---

## *Hood Feminism: Notes from the Women That a Movement Forgot*

Mikki Kendall (United Kingdom: Penguin Publishing Group, 2020). 288 pp. ISBN 978-0525560555.

Reviewed by Oluwatomisin (Tomi) Ogungbenle

UNIVERSITY OF LOUISVILLE

Mainstream feminism has failed to be inclusive of all women. Or at least, this is what Mikki Kendall argues in her book, *Hood Feminism: Notes from the Women That a Movement Forgot*. She contends that mainstream feminism has historically prioritized the liberation of white women, often at the expense of the basic needs of Black women and other marginalized groups. I unpack her book in three folds. First, I discuss how Kendall believes that mainstream

feminism has failed to be inclusive of Black women and other marginalized groups. Second, I examine other issues the author believes should be a concern for mainstream feminists but that are presently overlooked. Lastly, I review a practical solution Kendall offers for mainstream feminism to be more inclusive.

Kendall creates the hashtag #solidarityisforwhitewomen in response to the failures of mainstream feminism. White women have pleaded for solidarity amongst all women, yet their reciprocity has been minimal at best and nonexistent at worst. White women contribute to and reinforce growing myths about Black women specifically and marginalized people as a whole. For example, Kendall recognizes that rapists receive blame for their immoral acts; however, our society approves of rape culture when it fetishizes women of color. She uses Aaliyah and Pocahontas as her compelling examples, stating how it is easier for blame to be placed on these girls rather than their predators (50) and discussing how white women treat Pocahontas as a sex symbol rather than an underaged girl who was a victim of rape culture (56). She considers how hypersexualization based on gender expression, skin color, and age feeds into the false rhetoric that such a group are “fast-tailed girls” (66), despite society subjecting these Black girls and women to sexual abuse throughout American history. This narrative thereby places rape blame on the women themselves, which mainstream feminism has contributed to. To better illustrate how white women specifically, and mainstream feminism generally, have contributed to the oppression of Black women, Kendall gives an account of when she was sexually harassed at work and then blamed for it by her white female supervisor who accused Kendall of being too friendly and dressing inappropriately (which she was not) (105). And yet, Black women are supposed to be flattered by the attention we receive.

Respectability politics have tried to govern the behaviors of Black women. Kendall argues that such politics have been established by white supremacy, even if enforced by Black people themselves. One example is policing not only the language and tone, but also the outward appearance of Black women and, specifically, their hairstyles as not being acceptable or “professional.” When Black women do succumb to such standards, they are welcomed by backhanded compliments such as “being pretty for a Black girl” (100). Kendall argues that the problem is intensified when respectability becomes a precursor to being treated with dignity. Mainstream feminism, therefore, contributes to the exclusion of Black women by insisting they are acceptable so long as they adhere to white mainstream standards, rather than offering protection for cultural differences.

Acting without conscious racial bias also supports white supremacy. Kendall gives the example of Rachel Dolezal, a white woman who identifies as Black without any concern for the lived experiences Black people undergo (123). She also discusses other ways in which white women make their racist aims clear, for example, voting for Donald Trump despite his shameless misogyny. More specifically, white suffragettes such as Laura Clay<sup>1</sup> and Belle Kearney<sup>2</sup> were explicit about their racist objective of only supporting

women who were white and educated (177-78). Some white women, Kendall argues, are led by racism to vote against their interests (183). It is not enough to not be racist; that is simply the bare minimum. Kendall notes that being driven by fear to remain silent when others are racist is a clear depiction of white feminists supporting the status quo (172).

People from marginalized groups are placed in double-binds: situations where there are only a few choices and all of them are bad. Lack of resources means that Black women like Kendall had to make hard choices (241). An example of such a difficult choice is abortion. While many mainstream feminists support abortions, they often fail to grasp that the desire for members of marginalized groups to obtain an abortion is influenced by systemic issues surrounding class, race, and poverty, as marginalized people are susceptible to poorer health outcomes and lack of recourses to best raise a child (235-36). Instead, the discourse surrounding abortion and marginalized groups glorify promiscuity and irresponsibility as the reason why such a service is needed and sought out by these marginalized women.

In recent years, there has been a lack of affordable housing. This housing crisis disproportionately falls on marginalized groups. Specifically, women in abusive relationships are forced to remain put for two main reasons: they need a place to live and they lack the resources to leave (206). Rather than working to provide affordable homes, white women are often involved in broader gentrification efforts and see this as a solution for the housing crisis (210). In theory, gentrification brings services and jobs to communities. Even so, gentrifiers hold the belief that mixed-income neighborhoods lower the exposure to poverty. However, their solution of young, white women opening fashionable businesses in low-income neighborhoods is futile. This solution exposes long-term residents of these gentrified neighborhoods to homelessness or a lifetime of inadequate housing as they flee (or, are sometimes forced to leave) these gentrified neighborhoods. While new job opportunities do surface in these gentrified neighborhoods, marginalized residents are not necessarily getting hired. The promise that a mixed-income neighborhood would lower the exposure to poverty is mistaken, as these are the same neighbors who are not familiar with the neighborhood norms/culture and therefore call the police over mundane things. Gentrification forces those most in need into blighted areas, where they once again struggle to access the most basic level of goods and services (211-12).

Anything that affects the lives of all women should constitute as a feminist issue. Kendall mentions several challenges that Black women and other marginalized groups encounter, yet such challenges are not being acknowledged as feminist issues by mainstream feminism. For instance, gun violence. Kendall admits that she is not a victim of gun violence from a domestic relationship, but that is only because her ex-partner did not have a gun. The presence of guns in domestic violence incidents makes it five times more likely that a woman will be killed. During this violence, Black women cannot seek help from law enforcement, as that will only invite further violence to her and her partner.<sup>3</sup> Mainstream feminists’ solution to



domestic violence is carceral feminism, which continuously separates the homes of Black families. Ultimately, Black women are left to defend their spouses to protect their homes (26). Gun violence is killing children from marginalized groups. Gun violence is preventing children in marginalized groups from getting an education. Gun violence is a community health problem. Kendall urges mainstream feminism to consider gun violence as a feminist issue not only when it plays out in cases of domestic violence or mass shooting, but also when it impacts marginalized communities at disproportionate rates (29).

Like gun violence, Kendall discusses hunger as another topic that mainstream feminism fails to engage with as a feminist issue. She first gives the testimony of how she has managed to escape from poverty, but this is not the reality for many women. Kendall notes that roughly 66 percent of households faced with hunger are single-mother homes (33). Specifically, when Black mothers face food insecurity, Black babies are viewed as meal tickets (232-33). Lack of access to nutritious meals forces those in marginalized groups to turn to whatever they can for consumption, often at the expense of their health. Focus has shifted to creating obesity programs and not combating the root issues of hunger itself (37). Instead, there have been strict protocols on government-funded programs such as SNAP, thus creating barriers to food security. This thereby feeds into the repugnant ideology that marginalized people should accept their fate because they do not meet certain parameters to receive federal aid (43-44).

Kendall offers several solutions to a more inclusive mainstream feminism. The first is for white feminists to be accepting of inconvenient truths. She asks white feminists to stop viewing themselves as oppressed. Without this self-realization, the work of mainstream feminism will ultimately be misdirected and unaccommodating (250, 256). Next, Kendall urges mainstream feminists to be guided by the lived experiences of marginalized women. She introduces a term many of us are familiar with to best grasp this solution—intersectionality (252). Intersectionality, as we know, is the recognition that a single factor cannot represent an individual enmeshed within a societal context, but rather multiple vectors form one’s lived experience.<sup>4</sup> The new type of feminism Kendall advocates for, hood feminism, recognizes the intersectionality between gender and other identities. This will allow mainstream feminists to view all forms of oppression as a feminist issue. Lastly, mainstream feminism is instructed to be angry about the issues impacting marginalized groups. The right anger can help push so-called allies on these issues to become genuine accomplices as we strive for a more inclusive feminism (257).

I hope to have brought to light some of the key themes of Mikki Kendall’s important book, in particular, her compelling argument that mainstream feminism ought to be more inclusive of Black women and other marginalized groups. Through this review, we observed how mainstream feminism has contributed to and reinforced the growing myths about Black women and other marginalized groups; other issues the author believes should constitute feminist issues; and finally, some solutions to aid mainstream feminism’s desire to be truly comprehensive and just.

**NOTES**

1. Cofounder and first president of the Kentucky Rights Association
2. First woman elected to the Mississippi State Senate.
3. A classic example discussed in Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43, no. 6 (1991): 1241–99.
4. Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *The University of Chicago Legal Forum* 140 (1989): 139–67.

---

## *Caring for Liberalism: Dependency and Liberal Political Theory*

Asha Bhandary and Amy R. Baehr, eds. (New York: Routledge, 2021). 305 pp. ISBN978-0-8153-9434-1.

Reviewed by Margaret A. McLaren  
ROLLINS COLLEGE

Can liberalism accommodate the dependency critique raised by feminists? *Caring for Liberalism: Dependency and Liberal Political Theory* brings together essays that answer this question in a variety of ways. Eva Feder Kittay in *Love’s Labor* (1999) argued that liberalism must take into account the “fact of dependency,” that is, the fact that all humans begin their lives as utterly dependent, some remain dependent, and even those who are able to meet their material, physical needs as adults will likely experience times of dependency during illness, accidents, or old age. The dependency criticism of liberalism strikes at the core of liberal theory which is often viewed as perpetuating a split between the public and the private, fostering individualism, and harboring the assumption that humans are independent. Recognizing the fact of dependence directly counters the assumption of independence, challenges the public/private split, and raises questions about the extent and value of individualism. Acknowledging our dependence as humans brings to light that care and care work are essential to society and thus need to be included in political and social theory.

*Caring for Liberalism* brings the liberal tradition into conversation with care ethics, querying not only how care can be included in liberal theory but also asking which aspects of liberalism help secure justice for carers and the cared for, and which aspects are transformed by the introduction of the plethora of issues raised by care and care work. The book is divided into four parts: historical sources, key conceptual issues, working with Rawls, and policy.

Three initial chapters provide a historical perspective by examining three figures in the liberal tradition: Rousseau, Kant, and Mill. In “On Domination and Dependency: Learning from Rousseau’s Critique of Inequality,” Christie Hartley and Lori Watson explore notions of dependency, inequality, and domination in Rousseau’s work. Notably, they claim that Rousseau’s notion of dependency offers the insight that “[d]ependency is not a special problem

for justice but fundamental to properly appreciating the problem of justice itself" (41). Dependency, on their view, ranges from help meeting basic material needs, to cooperative social and economic relationships, to the human need for "recognition respect" (acknowledging an individual's standing as a moral person) from others. In "Kantian Care," Helga Varden argues that Kant's work has been misinterpreted as characterizing the self as purely rational. A closer look at Kant's corpus reveals that his notion of self includes social and emotional aspects (51–59). Varden connects this richer concept of self to Kant's rights theory to argue that Kant's work can provide a "multifaceted analysis of care relations" (53). In "Mill's Liberalism," Wendy Donner claims that Mill recognized that care work is valuable. She argues that despite Mill's writing that the "common arrangement" of marriage entailed gender-specific roles with women doing the work of caregiving and social reproduction, he values care and believes it must be balanced with the other virtues for both men and women. Taken together, the historical part of this anthology mines the classic liberal tradition for resources that support the centrality of care and dependency to any social or political theory. Because liberalism has been criticized for the omission of care, the ignorance of dependency, and a view of the self as atomistic and purely rational, much of this section defends these thinkers from misinterpretations and misunderstandings.

The next section, "Individualism and Autonomy," takes up central conceptual issues for liberal theory. Addressing the heart of liberal theory, Daniel Engster claims that the freedom and autonomy central to liberalism is not possible without a "relational care perspective" (98). Engster shows that care and freedom are not opposed; both are essential for liberal theory. In his words, "[a] caring liberalism is not a new breed of liberalism but rather a better—because fuller and freer—liberalism even by the standards of liberalism itself" (98). Serene Khader addresses the relationship between feminism and liberalism in her chapter, "Individualism, Embeddedness and Global Women's Empowerment." Khader specifically engages with liberal feminism and its commitment to individualism (121, 137) arguing that feminism does not require a concept of normative individualism (121). Ultimately, she concludes that liberalism is too individualistic to promote gender justice in part because of its commitment to an individualistic social ontology (136–37). Moreover, she notes that liberalism also plays a role in justifying imperialism, specifically with respect to the ways that development theory imposes liberal notions of freedom and independence on women in the Global South.

Part III, *Working with Rawls*, focuses on how to accommodate care and dependency in Rawls's liberal theory. Asha Bhandary draws upon Kim Anderson's work on indigenous care practices to expand the ways we think of reciprocity in caregiving. Bhandary seeks to develop a "theory of liberal dependency care" (146) that views caregiving as part of the basic structure of society. Viewed in such a way, caregiving arrangements must be transparent and subvert racialized and gendered patterns of caregiving structured on racial and gender subordination. Bhandary argues that liberal society should broaden its notion of customary care

arrangements as well as the notion of reciprocity. In "Moral Desert, Rawls's Justice as Fairness, and the Gendered Division of Labor," Cynthia Stark argues that genuine equality of opportunity requires abolishing the gendered division of labor (181). Working within a Rawlsian framework, Stark challenges the received view of Rawls as having no pre-institutional notion of moral desert, thus desert having no role in assessing political institutions (171). She shows that "an enforced division of labor based on the doctrine of natural sex differences [described earlier] would not likely arise within that basic structure" (176). Gender-just basic structures would need to be designed in such a way that educational opportunities for boys and girls—and, I would add, kids of all sexes and genders—are equal, jobs would not assume that the worker has a wife who can perform (unpaid) care work, and work and the public domain would not be treated as a male domain (177). In "Political Constructivism and Justice in Caregiving," Amy Baehr reworks Rawls's idea of the political conception of justice to center caregiving. She amends Rawls in significant ways, first, by changing the original position to include two additional facts: human dependency and past group-based injustice (188). Additionally, she points out that Rawls's political conception of justice begins from the point of view of heads of households who historically have not been primary caregivers; shifting the perspective to women (especially poor women and women of color) and people with disabilities changes the assumptions (considered judgments) we begin with when constructing a political conception of justice (192). This shift centers the concerns of care, consequently highlighting the importance of having principles of justice that support care and equitably distribute caregiving.

The final three chapters of the book address which policies and institutional designs best support caregiving and caregivers. Elizabeth Brake calls our attention to the exploitation of caregivers and urges us to conceptualize caregiving as work. Aiming to expose the exploitation of unpaid caregivers, Brake argues that "liberalism has the theoretical resources to address such exploitation" (217). She illustrates how both emotional and material care can be imbalanced and asymmetrical attributing this to women's socialization as carers in patriarchal society (222). Taking on the Marxist critique that liberalism cannot address exploitation, Brake argues that "gendered socialization of attitudinal caring and emotional labor falls under the remit of liberal justice" (227). Furthermore, "so far as [these] hierarchies of race, class, and gender emerge from the basic structure, they are injustices." (227). The solution is to recognize caregiving (both material and emotional) as work and regulate and compensate it. Some issues arise from this proposal: How would an imbalance of emotional labor be quantified? How would compensation work in relationships that are not legally recognized? Brake raises these issues and suggests that the main import of viewing care as work may be symbolic. By recognizing care as work, we may begin to challenge the gendered and heteronormative assumptions surrounding care work, as Brake says, "queering care" (229). However, Brake ends her article by noting that care ethicists and socialist feminists may object to her strategy of seeing care as work because it extends the commodification of intimate life.

In the “Free Market Family: Liberalism, Families, and the Government’s Responsibility to Regulate the Market” Maxine Eichner points out that families are the basic unit through which caregiving, particularly, but not only, of children is provided. She rightly notes that the fact of dependency means that liberalism must extend its purview beyond a defense of freedom and equality. If liberalism is concerned with justice, it must “regulate societal institutions in order to support the circumstances that families need to thrive” (239). Eichner shows how markets, especially the long work week in the US combined with the expectation of an unpaid caregiver at home, undermine the well-being of families. She points out that the market is merely one aspect of the economy and that economy in its original sense meant an extended family unit (250). Thus, properly understood, economy should include provisions to support the conditions for families to flourish. What type of support would be needed for families to flourish? Eichner suggests five ways the state should support a “pro-family” policy: 1) Care for babies and toddlers in the home by providing year-long paid parental leave as well as a monthly stipend to cover some of the costs of raising a child; 2) Subsidized day care and pre-K; 3) Limit inequality by raising minimum wage and raising taxes for the wealthy; limit insecurity by having more flexible work policies combined with unemployment and retraining programs; 4) Strong social safety net, provide basic income and housing for families who need it; 5) Ensure work/life balance through limiting work hours, paid vacation, predictable schedules, part-time work with benefits, flex time, and paid family leave. These pro-family policies would support caregivers and those cared for. As Eichner says, “The transformation of the liberal project required by the recognition of dependency makes regulation of markets to support families critical” (260).

In the final chapter, “Justice and Legitimacy in Caregiver Support,” Gina Schouten discusses the trade-offs between gender egalitarianism and distributive egalitarianism. Policies that support caregiving in terms of distributive egalitarianism, such as paid caregiving leave, or basic income seem to do so in a way that is gender neutral. But given the gendered socialization and the workplace norms that disproportionately reward male workers, distributive egalitarian policies may serve to more deeply entrench the gendered division of labor (271). However, drawing on Anca Gheaus’s argument, Schouten asserts that in highly unequal societies it is more important to benefit the least well-off than to equalize advantages among the well-off (274). How then should a feminist egalitarian reconcile the trade-off between poverty amelioration and gender justice? Schouten points out that the gendered division of labor harms women of all socio-economic groups (275). She then offers some resources from within liberalism to criticize the gendered division of labor—liberal and democratic values, political legitimacy, and ideal citizenship—demonstrating that the gendered division of labor hinders autonomy (281). In the end, she concludes that both distributive injustice and the gendered division of labor are problems for liberal legitimacy, but liberalism has the resources to challenge these injustices.

The essays in *Caring for Liberalism* offer a rich and varied approach to integrating care and dependency in a

liberal framework: recovering resources from traditional liberal theorists, addressing core conceptual issues, extending Rawls’s theory of justice, and offering policy recommendations that would support caregivers and those cared for. Still, some broader questions remain unaddressed, such as the following: Even if liberalism has the resources to address dependency and care, does it provide adequate accounts of oppression, exploitation, and group-based injustice? Nonetheless, every social and political theory must account for caregiving, and this collection is an important resource for feminists, political theorists, care ethicists, and anyone concerned with how liberal theory can accommodate dependency and care.

---

## CONTRIBUTORS

**Simona Capisani** is a postdoctoral research associate in the Climate Futures Initiative in Science, Values, and Policy at Princeton University, a joint appointment held in Princeton’s University Center for Human Values and the High Meadows Environmental Institute. She holds a PhD in Philosophy from the University of California, Irvine as well as a Feminist Emphasis Certificate from the Department of Gender and Sexuality Studies. Her areas of specialty are in political and social philosophy, feminist philosophy, climate justice, and climate-related mobilities, migration, and displacement. She is currently developing a normative framework for climate mobilities justice grounded by the right to livability.

**Ryoa Chung** is co-director of the Center for Research in Ethics and full professor in the Department of Philosophy of the University of Montreal. Her fields of research are international ethics, feminist philosophy, and global health justice. Her latest article, “Structural Health Vulnerability: Health Inequalities, Structural, and Epistemic Injustice,” is published in the *Journal of Social Philosophy* (2021).

**Lisa Eckenwiler** is professor and chair of the Department of Philosophy at George Mason University, where she teaches courses in bioethics and global health ethics. Her research centers on vulnerability and global structural health injustice with special interests in humanitarian health ethics as well as the ethical significance of place for health justice, or “ethical place making.” Prof. Eckenwiler is a Fellow of the Hastings Center and serves as vice president of the International Association of Bioethics.

**Samia Hesni** is an assistant professor of philosophy and women’s, gender, and sexuality studies at Boston University. Their main research interests are in feminist philosophy, social/political philosophy, and philosophy of language. Their current research is about normative discourse and social negotiation: examining the ways in which speakers use language to propose, enforce, reinforce, and modify power dynamics within linguistic interactions. They have future projects on the role of kindness in social movements.

**Peter Higgins** is a professor of philosophy and department head of History & Philosophy at Eastern Michigan University. He primarily writes on migration justice, which he approaches from a feminist perspective. Peter is the

author of *Immigration Justice* (Edinburgh University Press, 2013).

**Margaret A. McLaren** holds the George D. and Harriet W. Cornell Chair of Philosophy at Rollins College. Her most recent book, *Women's Activism, Feminism, and Social Justice* (Oxford University Press, 2019), develops a social justice model for transnational feminism emerging out of women's grassroots activism in India. She is the editor of *Decolonizing Feminism: Transnational Feminism and Globalization* (Rowman and Littlefield International, 2017) and the author of *Feminism, Foucault, and Embodied Subjectivity* (SUNY 2002). Her articles on transnational feminism, decolonization, women, globalization, human rights, care ethics, feminism, cooperatives, economic empowerment and Foucault have appeared in a numerous journals and anthologies.

**Oluwatomisin (Tomi) Ogungbenle** is an MA candidate in healthcare ethics at University of Louisville. She holds a BA in medical humanities with a minor in sociology from Baylor University. Her interests in (bio)ethics and philosophy primarily stem from her desire to foster a more inclusive and equitable system. She hopes to focus her future research on underserved communities (more specifically Black women and persons living with disabilities) and their importance to all modern bioethical concerns, especially considering the rise in reproductive genetic technologies.

**David Owen** is professor of social and political philosophy in the School of Economic, Social and Political Sciences at the University of Southampton and a Fellow of the Academy of Social Sciences. His most recent book is *What Do We Owe to Refugees?* (Polity 2020). He has also written widely on Nietzsche, the Frankfurt School, and on democratic theory.

**Serena Parekh** is a professor of philosophy at Northeastern University in Boston, where she is the director of the Politics, Philosophy, and Economics Program and co-editor of the journal *Feminist Philosophy Quarterly*. She is the author of three books, including her most recent book, *No Refuge: Ethics and the Global Refugee Crisis* (Oxford 2020), which won the North American Society for Social Philosophy Book Award, the Choice Outstanding Academic Title Award, and was a finalist for the PROSE award for Philosophy from the [Association of American Publishers](#).

**Sandra Raponi** is associate professor in philosophy and the director of the Social Justice Program at Merrimack College. She was a legal intern at the United Nations High Commissioner for Refugees (Geneva). She has published articles on the right to food, Kant's theory of cosmopolitan law, and the role of coercion in domestic and international law. Her article on grounding a tort of torture in international human rights law was cited by the Supreme Court of Canada. She works on political, legal, and social philosophy with a focus on global justice, human rights, international law, refugee justice, and online speech.

**Amy Reed-Sandoval** is an assistant professor of philosophy at the University of Nevada, Las Vegas. She is the author of *Socially Undocumented: Identity and Immigration Justice* (Oxford University Press, 2020), and co-editor of *Latin American Immigration Ethics* (University of Arizona Press, 2021). She is also the founding director of the Philosophy for Children in the Borderlands program at the Mexico-US border.

**Carlos Alberto Sánchez** is professor of philosophy at San José State University, where he has taught for over sixteen years. He is the oldest son of Patricio and Guillermina Sánchez, immigrant farmworkers from Acuitzeramo, Michoacán, Mexico. Author, translator, and editor of books on Mexican philosophy, Dr. Sánchez has also published on issues in the philosophy of immigration and the philosophy of violence. He is the current chair of the APA Committee on Hispanics/Latinx in Philosophy and the previous editor of the *APA Newsletter on Hispanic/Latino Issues in Philosophy*.

**Mary Troxell** is an associate professor of the Practice of Philosophy at Boston College, where she primarily teaches in the PULSE Program for Service-Learning. She has published articles on Schopenhauer, Kant, and Heidegger, and more recently on intellectual empathy and social justice.

**Allison B. Wolf** is an associate professor of philosophy and researcher at the Center for Migration Studies at Universidad de los Andes in Bogotá, Colombia, where she teaches feminist philosophy, philosophy of immigration, political philosophy, and ethics. She is the author of *Just Immigration in the Americas: A Feminist Account* (Rowman & Littlefield International, 2020) and co-editor of *Incarinating Feelings, Constructing Communities: Experiencing Emotions in the Americas through Education, Violence, and Public Policy* with Ana María Forero Angel and Catalina González Quintero (Palgrave Macmillan, 2020). She is currently working on issues around immigration justice in a South-South context in the Americas as well as researching connections between feminist epistemology and skepticism.