‘The problem with refugees’: international protection and the limits to solidarity

Kelly Staples¹

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Abstract This article demonstrates the ambiguity of solidarity as articulated in the European Union’s 2015 relocation schemes for persons in need of international protection. These schemes are shown in turn to reflect the wider limits to solidarity when it comes to the location of people in need of protection. The article also argues that in International Relations theory, the present limits to solidarity are still often either reified or denied, which limits in turn our ability to understand the ethics of global problems and interventions. The final section of the article sketches out a via media which collapses—rather than bridges—the ‘real’ and the ‘ideal’ and which might better serve our understanding of the ethics of difficult problems like the refugee ‘problem’.

Keywords Refugees · Relocation · Responsibility · Solidarity · Ethics

Introduction

This article demonstrates the ambiguity of solidarity as articulated in the European Union’s 2015 relocation schemes for persons in need of international protection. These schemes are shown in turn to reflect the wider limits to solidarity when it comes to the location of people in need of protection. The article also argues that in International Relations theory, the present limits to solidarity are still often either reified or denied, which limits in turn our ability to understand the ethics of global problems and interventions. The final section of the article sketches out a via media which collapses—rather than bridges—the ‘real’ and the ‘ideal’ and which might

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✉ Kelly Staples
kls25@le.ac.uk

¹ School of History, Politics and International Relations, University of Leicester, University Road, Leicester LE1 7RH, UK

better serve our understanding of the ethics of difficult problems like the refugee ‘problem’.

The first section sets up the article, outlining the methodological assumptions underpinning the analysis of the refugee ‘problem’. The next section addresses the refugee ‘problem’, focusing on the case study of the European Union’s two relocation schemes of September 2015. It focuses in particular on the concepts of responsibility and solidarity, as well as the relationship between the two. The final section addresses the problem International Relations (IR) theory still has in theorising solidarity, before sketching the basis of an alternative approach to reimagining the scope of solidarity in response to global problems like the refugee ‘problem’.

Conceptualising ‘problems’ in international relations

In its basic sense, the word ‘problem’ connotes a difficult question or task. In this article, I address some of the difficult questions raised by the arrival in Europe by sea of an estimated 150,000 people between January 2015 and the time of writing (IOM 2017; UNHCR 2017). In addressing Europe’s ‘problem’¹ with refugees, I make the methodological assumption that problems are not fixed, but rather ‘named and framed in the process of responding to them’, which implies ‘a constitutive relationship between problems and solutions’ (Lawler 2008: p. 386). The relationship between problem and response has been much discussed in the context of Europe’s alleged refugee ‘crisis’, and is simply put in Philip Cole’s (2015) point that ‘there is no “global migration crisis”’. There is global migration. Whether it’s a crisis or not depends on how you *respond* to it’. In turn, this approach to researching problems in world politics entails looking to the responses of specific actors who thereby implicate themselves in problems. This is why the article uses the phrase ‘the problem with refugees’ in a contingent rather than objective sense. As Mervyn Frost argues (2002: pp. 112–13), ‘we are constituted as the actors we are within social practices’, each with their own ethics and rules. For example, the concepts of responsibility and solidarity (though not always clear) are central to European Union (EU) policy on relocation, as well as to the scholarly literature on global problems. This highlights the co-constitutive character of actors, practices, and ethics, as well as the potential for problems.

Taking this social approach makes clear also the practices and ethics of nationality, location and return (see Staples 2012) which produce, and are produced by, policies like the EU’s 2015 decisions on relocation. These make the EU relocation measures a particularly interesting case study for understanding the problem international actors have (again, in a contingent rather than objective sense) with refugees. By looking at the wider social and political practices within and against which the problem of (re-)location is constituted, we are able to understand the sense in which people moving from their own countries in fear of their life,

¹ Henceforth written without the scare quotes, though the article contends throughout that problems are framed by specific actors in their responses to events and routine practices.

liberty and security is problematic. Recent literature on refugees in international relations has addressed the construction of refugees as ‘a global problem’ (e.g. Barnett 2011: p. 109). A refugee (as defined by the 1951 Convention Relating to the Status of Refugees) is someone unwilling or unable to return to their own country, in opposition to the normal practice in which people are at least *able* to do so without fear for life or liberty. It is for this reason that the prohibition on returning refugees—explained by a right to non-refoulement—has emerged as the cornerstone of the regime for international protection (UNHCR 1997). However, as Hannah Arendt recognised prior to the creation of this regime (Arendt 1973: p. 278), this entrenches refugees as problematic in a system premised on the possibility of return, or ‘deportability’.

The relationship between norm and exception, or routine and problem, when it comes to refugees has been subject to considerable discussion. In Jeandesboz and Pallister-Wilkins’ analysis, the challenge lies ‘precisely in understanding how crisis and routine are articulated in practice and [...] the effects of this articulation’. For them, responses to problems or ‘crises’ often focus ‘only on patching the rupture’ (Jeandesboz and Pallister-Wilkins 2016: pp. 317–18). Emma Haddad’s observation (2003: p. 10) that ‘some regulation of the refugee problem is necessary if it is not to totally destabilise the international system’ clearly reflects the way that the refugee problem is an exception which props up the norm. In Phil Orchard’s words, (2014: p. 5) refugees ‘are a relief valve for the state system’. If conceived as a ‘relief valve’, it is clear that there have been considerable attempts in the last few decades to prevent the ‘flow’² of refugees into developed countries, with effects on the world’s problem with refugees.

It follows that even the term ‘refugee’ must be interpreted within the context of the actors and practices partly constitutive of it. The Office of the United Nations High Commissioner for Refugees (UNHCR 1977) maintains that refugee status is in fact independent of state recognition. However, the extent to which international protection rests on state willingness to shoulder responsibility for international protection complicates this claim. Without documented state recognition of refugee status, a person’s very need for international protection is ambiguous, and therefore often hotly contested. Border control and control of migration have become increasingly politicised (see, e.g. Gibney 2008), or even, arguably, securitised (Bigo 2014) in recent years. The tendency of many developed states either to limit the entry of people seeking international protection in order to stay out of the problem of location, to drag out and deny the claims of those who do make it, and to resort to detention and deportation have been well-documented (on this, see, e.g. Coleman and Kocher 2011; Gibney 2008; Schuster 2005).

To be clear, positioning refugees as a problem itself raises a range of questions that need addressing. First, is the issue of whether this risks reifying not only the general term ‘problem’, but also the ‘refugee problem’, and even the term ‘refugee’ (Crawley and Skleparis 2017). The approach taken in this article sets out to explicitly avoid this issue in its assumptions regarding the contingent and

² The quotation marks here are intended also as ‘scare quotes’ to highlight the ethical implications of using the language of ‘flows’ and ‘floods’ in relation to migration.

constitutive aspects of problems. A further consideration when talking of a refugee problem relates to the chosen case study. Given the focus on Europe, talk of a problem risks exaggeration insofar as only a very small percentage of those fleeing conflict or persecution leave their own country, let alone make the long journey to Europe. For this reason, many scholars of migration dispute the often-used term, 'crisis' (e.g. Crawley and Skleparis 2017; Gilbert 2015; Ibrahim and Howarth 2017; Jeandesboz and Pallister-Wilkins 2016). Geoff Gilbert contends that 'Europe does not have a refugee crisis', for reasons related to the number of arrivals relative to the resources available, the policy construction of existing issues, and the reality that any response will need to be global rather than just European' (Gilbert 2015). Others claim that a narrative of crisis 'has been used to justify policies of exclusion and containment' (Crawley and Skleparis 2017: p. 1). Crisis narratives serve to 'Other' people on the move (Ibrahim and Howarth 2017), and—as work in Critical Security Studies (e.g. Bigo 2014) has shown—to 'produce collective indifference' (Basaran 2015: p. 205). The articulation of a distinctly European crisis has also been shown to reproduce a 'linear' conception of migration, and a binary between Europe and 'outside' which obscures 'the complex economic, social and political realities of the "in between"' (Crawley and Skleparis 2017: p. 2).

Even so, the construction of these people as a problem in need of solution is revealing of the way that responsibility, solidarity and location are conceived by the EU in relation to people who have first relocated themselves a considerable distance from their country of origin. Therefore, mindful of the relationship between 'problem' and solution; the legal and political context of location and relocation both globally and within the European Union; and the specific framings of problem, solution, responsibility and solidarity, the conclusion to this article sketches a theoretical paradigm for reimagining solidarity in world politics.

Europe's problem with refugees

The case study of European Union (EU) relocation policy examined in this section was selected in part because of the central importance of location to people unable to return to their own country without fearing for their life and liberty. EU policy here is also of interest because of ambiguities, which I will shortly outline, in relation to its contentious status and (at the time of writing) mixed success in implementation. As the first section of the article explained, this article is interested in the way that relevant actors implicate themselves in problems in their responses to phenomena such as the irregular arrival of large numbers of people. As it will show, the concepts of responsibility and solidarity do considerable work in the EU's relocation response, and hence in the framing of the refugee problem. Of course, responsibility, and—to a lesser extent—solidarity are key concepts in political and international theory. However, their contingent and constitutive character in the EU case study here examined stand in contrast to more abstract conceptions. Even so, it is useful to have in mind a general and provisional understanding of both terms. Taking just a dictionary definition as a starting point, responsibility entails the

liability in some sense of a specific cause or actor, whereas solidarity generally implies some unity of interest, objective, or—perhaps – liability.

In the context of international protection, responsibility is very clearly defined. ‘Dublin III’ (European Union 2013) enshrines the responsibility of the first safe country of asylum for refugee status determination. It requires states such as Italy and Greece to examine asylum claims, to receive back people who breach the regulation by engaging in secondary migration,³ and to support the EU in removing failed asylum seekers from Union territory:

Although a mechanism directly concerned with the allocation of responsibility amongst EU states according to specific criteria laid therein, the Dublin system [...] was not, since its conception, intended to be a mechanism for equitably sharing responsibilities with regards to the examination of asylum claims. Its very foundation counteracts solidarity, primarily in the interstate dimension, as it shifts responsibility for the examination of asylum claims to front-line Member States (Karageorgiou 2016: p. 205).

The shifting of responsibility to frontline states has been further supported through ‘careful use of visa requirements and carrier sanctions to ensure the arrival of asylum applicants by land’ (Guild 2006: p. 637), or sea, rather than air. Today, the continued legitimacy of Dublin is up for debate within the EU. In September 2015, the European Parliament (2015a) lamented that Dublin’s ‘negative impact [...] regrettably has not yet led to the suspension of that regulation or at least the removal of the reference to the first country of entry into the Union’. The European Commission’s (2015a) evaluation of the Dublin III regulation is a wide-ranging analysis, which argues in conclusion that Dublin is valuable in part because it prevents member states from disputing ‘who should take responsibility’.

As might be expected, there is a significant literature which theorises the extent to which the EU is based on, or produces, solidarity in this general sense. Andrew Moravcsik’s (1998) theory of ‘liberal intergovernmentalism’ has been particularly influential. I do not intend to address this work here, except to note its support for other theories which identify continuing *dis*-unity in interests of international actors on issues of ‘high politics’ (e.g. Boudreau et al 2010). On refugees specifically, the weakness of burden sharing norms has been subject to much discussion (Betts 2009). In recent years, the relationship between the EU’s responses to refugees and the Union’s ‘crisis of solidarity’ have also been debated (Ibrahim and Howarth 2017: p. 7).

In considering Europe’s problem with refugees, the principle of subsidiarity, outlined in the Treaty on European Union (TEU), is significant. The principle states that in areas that do not fall within its exclusive competence, the Union will only act:

if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale or

³ Although, at the time of writing, Dublin III returns to Greece continue to be suspended following the 2011 *M.S.S v. Belgium & Greece* ruling of the European Court of Human Rights.

effects of the proposed action, be better achieved by the European Union (European Union 2008a: Art. 5).

Though this principle is carefully qualified and open to specific challenge (European Union 2008c: Art. 6), it outlines the expectation that some problems require unity and hence exceptional and coordinated responses. Further provision for EU solidarity can be found in the Treaty on the Functioning of the European Union, which states that the policies of the Union and their implementation 'shall be governed by the principle of solidarity and fair sharing of responsibility' (European Union 2008b: Art. 80). On refugees in particular, there is a solidarity provision for 'an emergency situation characterised by a sudden inflow of nationals of third countries' (European Union 2008b: Art. 78(3)). This mechanism allows the Council of the EU to 'adopt provisional measures for the benefit of the Member State concerned', and is also foreseen by migration specific directives (e.g. European Union 2014: Art. 16; 44). In spring of 2015, the scale of migration into the frontline EU states, in particular Italy and Greece, put relocation on the agenda. Going forward, I consider a range of EU documents on the refugee problem produced between April and September 2015, and culminating in two ostensibly binding agreements on relocation, the first dealing with 40,000 people in need of international protection, and the second providing for an additional 120,000 relocations.

A European Council statement (2015: p. 3) issued in April affirms the importance of existing regulations, but acknowledges the need to consider options 'for organising emergency relocation between all Member States on a voluntary basis'. It also includes a range of further measures intended to 'reinforce internal solidarity and responsibility', where the former is identified as voluntary, and the latter refers to the existing legal responsibility of frontier countries for refugees (European Council 2015: p. 1). Later in the same week, the European Parliament (2015b: p. 3)⁴ issued a resolution outlining the need 'for the EU to base its response to the latest tragedies in the Mediterranean on solidarity and *fair sharing* of responsibility'. This resolution calls on the European Commission to initiate 'a binding quota for the distribution of asylum seekers', and makes pointed reference to 'the lack of commitment from the European Council to setting up a credible EU-wide binding mechanism for solidarity' (European Parliament 2015b: p. 4).

The *European Agenda on Migration*, published in May, emphasises the need for concerted and effective cooperation between the EU and its member states. It refers to 'international and ethical obligations' and restates a commitment to principles of solidarity and shared responsibility (European Commission 2015b: p. 2). It also follows the parliamentary resolution in outlining a non-voluntary approach to relocation. However, it explicitly affirms the temporary character of any measures, and reiterates the fundamental responsibility of the receiving state for examining applications for international protection. This means that judgments on the merits of an application are not deferred to the EU, but remain in the decision of the member state who will receive the applicant. On the whole, the proposed measures relating

⁴ My emphasis.

to relocation provide for, without being able to ensure, solidarity with frontline member states in fulfilment of *their* responsibility, rather than any substantive sharing of responsibility.

On 27 May, the Commission set the legislative process in train by submitting a formal proposal to the Council of the EU for the relocation of 40,000 persons in need of international protection from Italy and Greece. In the Commission proposal (European Commission 2015c: p. 4), there is still less emphasis on the sharing of responsibility, and more on solidarity in the form of ‘provisional measures [...] for the benefit of Italy and Greece’. The need for concerted EU action is also, however, outlined, as is its basis in subsidiarity. The proposal also sets out a ‘binding’ distribution key based on population size, GDP, recent efforts in processing spontaneous asylum applicants and resettling refugees, and the unemployment rate. There is considerable emphasis on the responsibility of the frontier states in relation to ‘asylum, first reception and return’ (European Commission 2015c: p. 6), on which the provisional solidarity of the EU and the other member states is contingent.

At the 20 July meeting of the Council of the European Union’s Justice and Home Affairs Council (JHA) (2015a: p. 2), Germany, an early outlier here, immediately pledged an additional 1700 places. In a joint statement at that meeting, France and Germany pledged their support for the programme, and recalled ‘that solidarity and responsibility are closely interlinked’. Their statement also outlines conditions ‘essential to the necessary balance between responsibility and solidarity needed’. More critical of the scheme is the statement of the Czech Republic in the Council meeting’s minutes (Council of the European Union 2015a: p. 3). This stresses the voluntary character of the country’s participation, though it also emphasises ‘the inseparability of the aspect of solidarity and the aspect of responsibility’. Indeed, each statement at the meeting, with the exception of that made by Greece as ‘beneficiary’ emphasises this relationship.

The outcome document of this meeting, at which the vote took place, demonstrates a gap between the 40,000 relocations legally foreseen in the original Commission proposal, and an allocated total of 32,356. Just six member states included in the proposed allocation accepted their total allocation,⁵ while Portugal, Bulgaria, Czech Republic and Luxembourg (by increasing rate of commitment) all agreed a number over 75% of the proposed target. The remaining seventeen countries rejected their allocations by varying margins. The biggest point of note is perhaps the refusal of Austria and Hungary to participate at all. Slovakia, Estonia, Malta, Spain, Latvia and Slovenia (by increasing rate of commitment) all proposed a figure at less than 50% of the figure envisioned by the Commission’s distribution key. This document went to the European Parliament for consultation, and was issued as a binding EU decision on 14 September 2015 (Council of the European Union 2015b).

The final text is closely based on the initial Commission Proposal, with a few changes worthy of note. Point 12 of the Commission Proposal refers to ‘provisional measures in the area of international protection’, whereas the equivalent point in the final Decision (point 13) refers to such measures ‘in the area of asylum and

⁵ These were Belgium, Cyprus, Finland, France, Netherlands and Romania.

migration’, demonstrating a broader interest in control of the EU’s external border. Several paragraphs emphasising the aspects of existing regulations which remain in force have also been added to the initial Proposal text. Perhaps most significant here is the insertion of the claim that this Decision ‘entails a derogation from the consent of the applicant for international protection’ (Council of the European Union 2015b: paragraph 18). This refers to the provision of article 7(2) for *ad hoc* relocations in the 2014 Regulation establishing the Asylum and Integration Fund (European Union 2014: Art. 7(2)). This raises issues around justifiable coercion, reflected in criticisms made by the European Parliament (2015a: Amendment 23), but ignored by the Council of the EU.

Paragraph 28 of the Decision expands on paragraph 26 of the Proposal, providing greater opportunity for member states to express preferences based on ‘demonstrated family, cultural or social ties’ in the interests of integration. This is said to have reflected the preference of some member states for Christian applicants (Rettman 2015), and has been pinpointed by UNHCR (2016) as complicating and slowing down the relocation process. Also expanded are the provisions for avoiding irregular secondary movements, through measures such as reporting obligations, provision of material support in kind only, direct transfer to the relocating state, withholding of travel documents during examination of claims, and avoidance of financial incentives for onward migration (Council of the European Union 2015b: paragraph 33). The Decision also provides for the possibility of return in the case of irregular onward migration, and the possibility of national entry bans in such cases, and emphasises more strongly the responsibility of Greece and Italy in respect of identification, registration and fingerprinting (Council of the European Union 2015a: Article 5). Between April and September, then, responsibility becomes even more allocated than shared, and solidarity more contingent. Even so, the final Decision renders the commitment to 40,000 relocations part of EU law, in spite of the gap between what was legally foreseen, and what emerged in the consensual allocation, which is not annexed to the Decision published in the Official Journal of the European Union.

Concurrently, the Commission set out a proposal to relocate a further 120,000 people in need of international protection. This time, a per-country allocation devised using the distribution key was annexed to the Proposal. This attempt to enforce intra-Union solidarity effectively rendered consensus on the Proposal impossible. While the Decision was approved by qualified majority voting, the Czech Republic, Hungary, Romania and Slovakia voted against, and Finland abstained (Council of the European Union 2015c: p. 3). The annex allocates 66,000 relocations, with the remaining 54,000 unallocated at first,⁶ and later attached instead to resettlements from Turkey as envisaged in the controversial EU-Turkey humanitarian admission scheme (European Commission 2015d). It was also unpopular with states that had voluntarily committed to their allocations earlier in the year. The Finnish delegation stated that while it ‘was prepared to accept the proposed allocation and to show solidarity to the affected countries’, it ‘could not

⁶ These places were initially allocated to Hungary, which rejected its inclusion as a frontline beneficiary.

vote in favour for a solution where the allocation was part of the Council Decision'. The statement by Finland also notes that:

For us, it was particularly important that the allocation would have been separated from the Decision made today and the allocations would have been agreed by the Member States separately by a resolution (Council of the European Union 2015c: p. 6).

In its statement, the Czech Republic claimed that the 'proposed relocation scheme will never be functional', in large part because of its intention to 'handle refugees as mere objects, which can be moved around' (Council of the European Union 2015c: p. 4). While there are, no doubt, less high-minded concerns factoring into the Czech position, this is indeed an implication of the schemes. The Czech statement also challenges the Decision's basis in qualified majority voting rather than consensus, and the 'enforceability as legal acts' of such majority decisions (Council of the European Union 2015c: p. 4). In its statement appended to the minutes of the same meeting, the Czech Republic also raised concerns about the EU's shift from the concept of voluntary participation in the proposed relocation scheme. It's submitted statement argues that:

Forcing Member States to participate could be perceived as an unfortunate step threatening to weaken the spirit of cooperation within the European Union – even should it be taken in the name of solidarity (Council of the European Union 2015c: p. 4).

An almost identical position is articulated in the Slovakian and Romanian statements, the latter of which states that given that;

Member States, on a voluntary basis, have shown solidarity with the persons in need of international protection, Romania considers that imposing mandatory quotas does not represent a viable solution to the refugee problem (Council of the European Union 2015c: p. 7).

As of July 2017, 24,676 people (of the 98,255 which excludes the 54,000 reallocated to resettlement from Turkey) had been relocated (European Commission 2017b). This represent a notable increase in the pace of relocations. According to the European Commission (2017a, b: p. 2), this:

is the result of procedures becoming fully operational during the second half of 2016, the majority of Member States currently pledging on a regular basis and the continued efforts from the two beneficiary Member States to improve mutual cooperation and trust.

The Commission's Thirteenth Report on Relocation and Resettlement also notes that 'most of the Member States are now contributing fairly and proportionally', although Hungary, Poland and the Czech Republic are 'in breach of their legal obligations'. For that reason, the Commission (2017a: p. 9) has launched infringement procedures against them. Five additional countries were running at

below 20% of their target in the Fourteenth Report,⁷ while five countries were running at 50% or more of their target.⁸

Solidarity, as framed by the two EU relocation schemes of 2015 emerges as somewhat ambiguous. Member states, and especially the smaller and less powerful ones, have tended to stress its voluntary character. The recent upsurge in relocations might be interpreted as evidence of greater solidarity. The majority of member states have participated in a fairly substantial way, while at the same time stressing the voluntariness of their contribution, and its contingency on the willingness and ability of the states with primary responsibility to receive, identify, and process arrivals efficiently. However, the European Parliament has pushed for a version of solidarity that sees responsibility as collective, or shared. The decision to annex the allocation to the second decision, and an as yet unapproved proposal by the President of the European for a permanent crisis relocation scheme (Juncker 2015) also reflect a tension between a voluntary and more binding conception of solidarity, which future research should revisit.

A key constitutive effect of the two Decisions under consideration has been the attempt to shore up the ailing Dublin system. The EU's conception of solidarity taken overall remains in tension with responsibility, and hence with routine practice. The temporary exceptional measures provided for in the EU's 2015 relocation measures represent just the kind of relief valve discussed earlier for the routine arrangements of the common EU asylum system. The concept of solidarity as framed in Europe's problem with refugees is clearly of the kind 'through which social and political orders are stabilised and reproduced' (Weber 2017: p. 693). This is evident in the fact that solidarity is framed by the EU's most powerful actors (states and the Council of the EU) as a relationship between member states or an unusual and unified response, rather than as a relationship between EU actors and refugees. While it is not possible to generalise from a single case, there is ample evidence that it is not only Europe that frames solidarity as contingent on other actors' responsibility for refugees.⁹ A question remains, however, as to whether imagining alternative futures is feasible given the current limits to solidarity.

The problem with solidarity: refugees in world politics

Having outlined the vital importance of *location* to refugee protection, and examined the recent EU attempt to relocate up to 160,000 people recognised as being in need of this protection, the article now considers alternative ways of conceiving of responsibility and solidarity in thinking about the world's problem with refugees. Here, I sketch a heuristic of three kinds of answer: real, ideal, and via media, and again examine the constitutive role of responsibility and solidarity in the framing of problem and solution. I argue in the conclusion to this section for the

⁷ Slovakia (2%); Bulgaria (4%); Croatia (8%); Spain (12%); Romania (17%).

⁸ Malta (105%); Finland (87%); Ireland (77%); Latvia (67%); Luxembourg (59%); Lithuania (57%).

⁹ (See also *Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of Australia, relating to the Settlement of Refugees in Cambodia*, 2014).

merits of approaches that chart the (admittedly unsteady) course between realism and utopianism in trying to imagine solidarity in response to refugees.

In the literature on global problems, a line can generally be drawn between those theories premised on realist assumptions, and those founded on utopianism. I continue here to address the relationship between problems and solutions; in Nigel Dower's (2010: p. 174) account of 'what makes a problem global', he suggests that problems can be global if they require 'actions by many actors all over the world'. The centrality of human location both to states (which are premised on having a permanent population and which seek in various ways to limit this population), and to refugees (unwilling or unable to return to their own country without fear for life or liberty) suggests that the location of refugees is indeed a global problem. Similarly, the willingness of EU actors (and a range of other states and institutions) to implicate other actors as responsible suggests that the world as a whole has a problem with refugees. As noted in the first section of this article, responding to refugees inevitably entails framing the refugee problem. The claim that problems and solutions are co-constitutive bears repeating in considering the ethics of the refugee problem, and the scope of solidarity. The articulation of realistic, utopian, or via media ethics in response will be contingent on the way the research 'problem' is framed. Laura Valentini (2017: p. 662) suggests that 'there is no right answer to the question of whether normative political theorising should be 'ideal' or 'non-ideal' (meaning more-or-less realistic)'. Rather, this will depend 'on the particular question the theory itself is meant to answer'. While the focus in the previous section was broadly, empirical, this section addresses a separate (but related) question. Here I ask how solidarity might be reimagined.

One approach to theorising the current relocation problem which leaves millions of people stuck in a 'middle space between flight and solution' (Aleinikoff 2015) is found in theories which take for granted the structural constraints associated with the state system. The 'realistic' paradigm includes, but is not limited to, the kind of structural realist international relations theory commonly associated with Kenneth Waltz (1979). We can also include others sceptical about the scope for distributing responsibility in global politics, particularly when it comes to the richest and most powerful states. In Robert Keohane's words, it is naïve to believe that the United States, for example 'will be easy to hold externally accountable' (2003: p. 152). More-or-less 'realistic' theories tend to assume that states will avoid taking responsibility for global problems, especially when there is a sovereign interest at stake, as there is on questions of human relocation. The answer of these types of theory to my current question is likely to be that the real world is constitutive of substantial limits to solidarity.

In the interests of resisting 'the path of least ethical resistance towards fatalism, dogmatism, and cynicism' (Der Derian 1995: p. 5), however, let us turn to the utopian paradigm. Dower's (2010: p. 174) account of global problems, as ones requiring coordination action, is said to presuppose a global ethics in which 'human suffering anywhere is regarded as bad' and 'we have a duty to cooperate'. The claims that human suffering anywhere is bad, and that this creates a duty, are moral claims, abstracted from the state system in which solidarity is more ambiguous. These claims, for Dower (2010: pp. 180-1), are part of an 'ethics of globalization',

which presumes that our responses to global problems can impact on the world as it is currently ordered. Dower (2010: p. 181) is interested in how we get from 'a global ethics in principle to a global ethics in practice'. This presumes that principle is—or at least can be—pre-practice, and hence pre-political. For him, ethics has to be abstracted from the particularism of existing practice if the goal is to transcend that particularism (Dower 2010: p. 181). Similarly, David Miller (2001: p. 454) claims that:

The problem is to find a principle, or set of principles, for assigning such responsibilities which carries moral weight, so that we can say that agents who fail to discharge their remedial responsibilities act wrongly and may properly be sanctioned'.

Leaving to one side the question of how we 'find' these principles, Miller (2001: p. 454) here fails to specify the 'we', and elides the space between saying and sanctioning. In fairness, Miller fully acknowledges that 'very often, [... a] problem arises precisely because of the lack of any institutional mechanism that can assign responsibilities'.¹⁰ He contends, on that basis, that 'meanwhile, the best we can do is to lay out some principles for distributing responsibilities that we hope will command widespread agreement'.

This approach to ethics is shared by scholars writing on the specific problem of refugee (re-)location. Nils Holtug (2017: p. 279), for example, grounds his fair distribution theory, and his arguments about how the EU 'should' respond to the refugee 'crisis' in moral claims about the obligation of states to admit refugees. He also considers 'whether other states are required to pick up the slack if some refuse to admit their fair share' (Holtug 2017: p. 279). Given the approach to conceptualising problems outlined in the first section of the current article, my own distance from this mode of theorising may be obvious. In our world, responses to problems are, inevitably, both constraining (in their connection to the framing of the problem at hand) and constrained. In what remains of the article, I therefore provide an alternative way of thinking about relocation as a global problem, and of conceptualising responsibility and solidarity in response.

Solidarity and the social

The question of how to conceive of solidarity, both within and beyond existing political communities, remains a subject of vigorous and continuing debate (e.g. Banting and Kymlicka 2017). Indeed, Robert Fine (2017: p. 376) claimed recently that when it comes to solidarity beyond the state, 'a concept that perhaps ought to be more central to the cosmopolitan literature than it is: "cosmopolitan solidarity"'. Solidarity has often been used in IR in ways that are 'murky and unclear' (Weber 2017: p. 693). In his discussion of solidarity in IR theory, Martin Weber argues the case for a social approach to the concept which also considers its normative implications. This is in keeping with the approach of this article, and avoids the

¹⁰ Interestingly, the EU does have an institutional mechanism that can assign at least *de jure* responsibilities.

conception of solidarity as either necessarily constrained by sovereignty (Weber 2017: p. 693), or as ‘a class of duties’ (Scholz 2015: p. 725). The former more realist-inspired approach tends to produce a conception of responsibility that ‘proceeds outwards from the small and near at hand’ (Darling 2009: p. 1945). For David Smith (1998: p. 36), this is problematic in ethical terms, as ‘unrestrained partiality easily leads to conservative parochialism’. This is the sense in which, in some theories, ‘the world is too much with us’ (Barder and Levine 2012).

On the other hand, abstract conceptions of solidarity may well model ideals at odds with the world. It is not clear, for example, that solidarity today, contrary to Roman times,¹¹ is a concept ‘denoting [...] shared responsibility’, as Fine would have it (2017: p. 384). Though it may be lamentable, there is considerable evidence that ‘countries remain generally indifferent to Syrian refugee movement. In fact, they do not see the issue as their own problem’ (Özdemir and Özdemir 2017: p. 33). This article has identified the world’s problem with refugees, and the present limits to solidarity within and beyond the EU. What remain unclear at this point are the implications for the study of ethics in world politics. In asking how solidarity might be reimagined, I argue that solidarity must be understood not just in connection to sovereign interests, nor in the abstract. Instead, we must engage with the ‘social space’ (Barder and Levine 2012: p. 598) of solidarity. This approach provides for a reimagining of solidarity which collapses the distinction between what is realistic and what is ideal.

There is a long tradition in IR theory of trying to chart a middle way or compromise between revolutionary and realist paradigms, ranging from constructivist and English School perspectives to post-structuralism. However, as noted in the first part of this article, problems and solutions are always mutually implicated. For that reason, it is unproductive to see the task as one of clearing a path or building a bridge between the real and the ideal. In the words of Kimberly Hutchings (1999: p. 62), accepting this is to acknowledge that when we look closely, ‘reality and ideality are always already indistinguishable’. Even so, there remains a marked tendency for work in global ethics theorising the relationship between real and ideal to assume or reproduce an *a priori* separation between the two (Hutchings 1999: p. 62). The task of an alternative *via media* approach is not to clear a path, nor build a bridge, but to contract the space between real and ideal in order to examine the social space co-constitutive of both (see also Barder and Levine 2012).

This line of thinking is in tune with Andrew Linklater’s criticisms of English School theories in which ‘the issue was how “solidarist” principles could be embedded within global arrangements that are “pluralist” at core’ (Linklater 2011: p. 1179; see also Weber 2017). Very recently, scholarship in IR theory—including the articles in the present issue—are again attempting to understand the complex relationships between problems and solutions, the real and the ideal. In a recent volume on the future of human rights and the so-called international ‘responsibility to protect’, a range of IR scholars address the future of human rights, seeking to

¹¹ When it ‘was used to refer to refer to the joint liability or joint responsibility a number of people have for the debt of any one individual within the community’ (Fine 2017: p. 376).

avoid both fatalism and denial (Hehir 2017). This kind of theorising is inescapably messy, and poses difficult questions regarding future prospects in the absence of artificially clear pathways or bridges. If the founding assumption is not separation, but is rather indistinguishability, then the space between the present and the future is contracted. While this doesn’t provide any straightforward answers, it outlines the complex social space in which solidarity might be reimaged.

Conclusion

In this article, I have demonstrated the ambiguity of solidarity as articulated in the EU’s response to its refugee ‘problem’. The EU’s recent relocation schemes demonstrate the world’s big problem with relocation, particularly where an expectation of international protection arises. In scholarly responses to the refugee problem, the refugee ‘problem’ is still often either denied in the articulation of abstract principles, or reified through a ‘realistic’ or fatalistic approach to world politics. The alternative set out here is a *via media* which collapses the real and ideal in acknowledgement of their co-constitution. The specific questions of how and whether the relationship between solidarity might extend, rather than limit, responsibility, and reframe the problem of relocation cannot be answered here. Instead, those interested in solidarity will need to continue to examine case studies of responses, through which ‘global assumptions, relationships, and responsibilities are negotiated, solidified and questioned’ (Smirl 2008: p. 236). Without looking to the social (and conceptual) space in which specific actors frame their problems with—and responses to—refugees and others in need of international protection, the limits to solidarity will likely be reified or overlooked.

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