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# Asylum, Affinity, and Cosmopolitan Solidarity with Refugees

## Introduction

Although solidarity is often viewed as a virtue, not all forms of solidarity necessarily advance the rights of vulnerable and marginalised groups, such as refugees. On the one hand, a *cosmopolitan* form of solidarity – whereby states and their citizens recognise and act on a relationship of common humanity with outsiders in peril – can potentially lead states to protect a significantly greater number of refugees than they generally do. There were some indications of this kind of solidarity, albeit imperfectly, when Germany welcomed almost one million asylum-seekers in 2015.<sup>1</sup> On the other hand, *nationalistic* assertions of solidarity amongst compatriots work in opposition to cosmopolitan solidarity, by claiming that the prosperity, safety and cultural character of a nation, or the broader region in which it is located, requires refugees' exclusion. For instance, while Germany admitted such significant numbers, the Hungarian Prime Minister, Viktor Orbán, asserted the need to “defend our borders” against refugees in order to “keep Europe Christian”.<sup>2</sup> The recent upsurge in nationalism and populist nativism across liberal-democratic states in Europe and North America has involved a strong increase in such assertions of solidarity, as such anti-refugee sentiment has come to play an important role in recent political developments, from the rise of illiberal governments in Hungary and Poland and the growth of far-right political parties in Western European democracies, to the United Kingdom's vote to leave the European Union and the election of Donald Trump in the United States in 2016.<sup>3</sup> In such a climate, the prospects for the development of cosmopolitan solidarity with refugees look increasingly bleak.

However, there is a middle-ground between these cosmopolitan and nationalistic forms of solidarity which, unlike cosmopolitan solidarity, has more potential to gain some traction even in an increasingly nationalistic political climate. This third form of solidarity is based upon particular *affinities* shared between citizens of a state and certain refugees or migrants, which may be cultural, linguistic, religious, ideological, or even racial in nature. In contrast to their hostility to Muslim refugees, for instance, politicians within some Eastern European states recently agreed to resettle a number of Christian families fleeing Syria.<sup>4</sup> Unlike the strongest forms of nationalistic solidarity, this affinity-based solidarity towards refugees recognises

duties to protect (at least some) outsiders. Unlike cosmopolitan solidarity, however, it falls short of a general commitment to refugees on the basis of shared humanity alone. Affinity-based solidarity begins with a commitment to the welfare of particular communities, but finds that this commitment leads outwards to a concern for certain outsiders who share affinities with members of those communities.

At first glance, we might view cosmopolitan and affinity-based forms of solidarity as unequivocally opposed to one another. Indeed, from a cosmopolitan perspective, affinity-based solidarity may seem scarcely any better, morally speaking, than the growing nationalistic assertions of solidarity. From this perspective, there are many deeply unattractive features of affinity-based solidarity towards refugees, especially where it is not accompanied by other, more inclusive forms of solidarity with them: it seems callously to disregard the basic rights of refugees which lack affinities with a host state, potentially amounting to objectionable discrimination on the basis of morally arbitrary characteristics. For these reasons, it may seem highly doubtful that a genuinely “cosmopolitan state”<sup>5</sup> could countenance the selection or prioritisation of refugees on such grounds.

These troubling potential features of affinity-based solidarity are real, and should be taken seriously. However, we argue in this article that this form of solidarity, and the adoption of certain kinds of affinity-based asylum policy by states, have the strong potential in the current populist climate both to foster the development of cosmopolitan solidarity in the longer-term, and to advance the cosmopolitan goal of asylum overall. Cosmopolitan theorists, therefore, have reason to examine, and potentially to support, the development of affinity-based solidarity towards refugees in the current political context. However, in order for this support to be genuinely warranted from a cosmopolitan perspective, we suggest, certain important conditions must be met: such affinity-based policies must be expected to lead states to protect a greater number of refugees than they otherwise would; they must be in line with refugees’ interests and wishes; they must not involve deprioritising refugees on the basis of intrinsically exclusionary identities such as race; they must not harm or disadvantage other refugees lacking shared affinities with a host state; and ideally they should be expected to enable the development of a broader cosmopolitan solidarity with refugees over the longer-term.

We establish this argument in three parts. Part I introduces and explicates the theoretical contrast between cosmopolitan and affinity-based forms of solidarity towards refugees, and

gives two reasons for believing both that affinity-based solidarity can be compatible with moral cosmopolitanism, and that it may advance the cosmopolitan cause of asylum under current political conditions. First, we point to some indications which suggest that this solidarity is capable of motivating more extensive public support for asylum than cosmopolitan solidarity. Second, we observe that affinity-based practices of asylum can potentially promote refugees' own interests and wishes in a manner consistent with moral cosmopolitanism. Part II then examines which kinds of affinity-based solidarity are acceptable from a cosmopolitan perspective as a means to motivate greater public support for asylum. While recognising the difficulty of making strict distinctions between acceptable and unacceptable affinities, we rule out race, alongside other intrinsically exclusionary identities, as a basis for prioritising refugees, especially given the need to uphold and reinforce the taboo against racial discrimination in liberal-democratic states.

In Part III, we introduce two important potential objections to our argument, and address them in order to further develop our position. The first objection, already alluded to above, argues that a system of affinity-based asylum will leave certain refugees worse-off in an objectionably discriminatory manner, while the second objection is concerned that this approach may well, at best, lead only to a highly limited movement towards a more cosmopolitan future. In response to the first objection, we argue that, while certain expressions of affinity-based solidarity in domestic asylum policy which directly exclude refugees lacking shared affinities are certainly not compatible with moral cosmopolitanism, cooperation among states in refugee resettlement programmes can potentially ensure that affinity-based policies do not disadvantage other refugees. To address the second objection, we argue that originally narrow affinities can potentially be expanded outwards to generate cosmopolitan solidarity with a wider range of outsiders via a process of what we term "affinity-stretching", which allows states to take advantage of the short-term benefits of affinity-based solidarity, whilst working to broaden its scope in a cosmopolitan direction in the longer-term.

### **I. Cosmopolitan and affinity-based solidarities towards refugees**

Within much political practice domestically and internationally, and also within political theory, asylum is viewed predominantly in *humanitarian* terms, as a means of saving refugees'

lives and meeting their pressing need for protection.<sup>6</sup> Matthew Gibney, for instance, has argued that a “humanitarian principle” – which asserts that “states have an obligation to assist refugees when the costs of doing so are low” – is the “best way of capturing current responsibilities to refugees”.<sup>7</sup> Humanitarian concern is the primary rationale for the cornerstone of international refugee law, the 1951 Refugee Convention, the work of the UN refugee agency, and other aspects of international human rights law which apply specifically to refugees.<sup>8</sup> Nevertheless, as we now examine, asylum may also meaningfully express *solidarity* with refugees in two distinct ways.

It might be thought that every grant of asylum expresses at least a minimal form of solidarity with refugees. This may be so according to the term’s everyday usage, where solidarity is often taken to denote simple offers of support or assistance. However, an extensive theoretical literature has elaborated and defended more specific senses of the term. Some authors have taken it as largely synonymous with empathetic concern, or as differing from empathy due to the increased strength of the connection;<sup>9</sup> whereas others, such as Carol Gould,<sup>10</sup> have highlighted the explicitly political nature of the relationship, or the requirement of a possibility of mutual aid. Although they are important, it would take this article too far from its intended purpose to engage with such philosophical questions deeply. Instead, we draw upon Christine Straehle’s account, which captures important insights from across the debate, as a working definition. For Straehle, solidarity consists of three aspects: “(i) the postulate of equal moral worth of all participants; (ii) a sense of interdependence, empathy and common cause with others; (iii) and a concern for individual autonomy and self-determination”.<sup>11</sup> As we shall see, these features are present in two distinct forms of solidarity with refugees: a *cosmopolitan* solidarity, and an *affinity-based* solidarity. Each shall be discussed in turn.

### *Cosmopolitan solidarity with refugees*

As cosmopolitanism is a term used in a wide variety of ways by political theorists, it is important briefly to outline our understanding of it. While cosmopolitanism fundamentally posits that there are duties owed to all human beings regardless of national citizenship, our understanding rests, more specifically, on the now standard three-part conception of moral cosmopolitanism, defended by scholars such as Thomas Pogge, Simon Caney and Gillian Brock, who view it as entailing commitments to individualism, egalitarianism and universalism.<sup>12</sup> Setting aside the question of whether the full realisation of moral

cosmopolitanism ultimately requires the transcendence of the state, we observe that cosmopolitan goals such as refugee protection may meaningfully be pursued by states in their current form through practices such as asylum. We also adopt a *weak* form of moral cosmopolitanism, recognising that an egalitarian commitment to the rights of all human beings does not preclude the existence of special responsibilities to people with whom we stand in certain relations.<sup>13</sup> Applying this conception of cosmopolitanism to Straehle's definition of solidarity cited above, we can understand cosmopolitan solidarity as a commitment to the basic equal worth of, and a sense of empathy and common cause with, all individual humans, alongside a concern for their autonomy and self-determination.<sup>14</sup>

As human beings in deep peril, refugees clearly fall within the remit of cosmopolitan solidarity. In basic terms, states and their publics express cosmopolitan solidarity with refugees where they offer protection to those refugees on the basis of human need, rather than any particular affinity they may share with those refugees. Applying the vision of moral cosmopolitanism upon which we draw, cosmopolitan solidarity in this context is individualistic, concerned fundamentally with the welfare of individual refugees, and only indirectly with protecting the groups of which they form a part, insofar as these groups contribute to their welfare. In line with moral cosmopolitanism's egalitarianism and universalism, cosmopolitan solidarity assumes that there are general duties to refugees as such, such that refugees should be prioritised for protection on the basis of need alone. While the realisation of a truly cosmopolitan solidarity may ultimately require the participation of refugees in supranational democratic institutions, a cosmopolitan state would act on its duties to protect refugees up to the point where doing so would conflict significantly with its other, more particularist duties, such as those towards its own citizens.

However, let alone measures to bring about the participation of refugees in supranational institutions, even attempts to persuade states to express cosmopolitan solidarity with refugees through grants of asylum face significant practical challenges under current political conditions in liberal-democratic states. In general, much recent discussion of cosmopolitan solidarity has centred on what is taken to be its lack of motivational power,<sup>15</sup> and cosmopolitan solidarity with refugees specifically might be thought to be no exception, especially in the current climate of populist nationalism. While liberal democracies must respect refugees' rights, given their legal commitments under international refugee law, they must also respond to the wishes of their electorates, and find that many of their citizens simply do not want their state to host

refugees. For instance, one recent poll conducted across twenty-two countries, including many liberal-democratic states, found that nearly 40% of respondents want borders to be closed to refugees entirely, and over 50% believed that most people arriving to claim asylum are not genuine refugees.<sup>16</sup> In some issue areas, such as global poverty, publics in liberal-democratic states generally lack any robust sense of cosmopolitan solidarity, and this can be attributed to factors such as distance, ignorance of the scale and severity of global poverty, and a lack of identification with the world's poorest.<sup>17</sup> Yet, in the case of asylum, the prospects for the development of cosmopolitan solidarity may appear to be even dimmer, for these publics often do not see refugees merely as distant abstractions, but often as active threats to their security, prosperity and culture. For instance, a poll conducted in ten European states in 2016 found that half or more respondents believed the presence of refugees makes terrorist acts more likely, and over half also believed that refugees deny citizens jobs and social benefits.<sup>18</sup> If the global poor are too remote to reliably generate empathy, then those refugees who appear at the doors of liberal-democratic states may suffer a different problem, by being too close to home for many of these citizens.

This is not, however, to suggest that there are no ways in which a cosmopolitan solidarity towards refugees can be cultivated in liberal-democratic states. Certain political moments in recent years suggest this possibility: while the 2015 refugee "crisis" saw various acts of exclusion by European governments, the brief burst of sympathy towards Alan Kurdi, a three-year old Syrian child who drowned in flight across the Mediterranean; the initially inclusive response to refugees by the German government and many citizens; as well as the global moral outcry against the Trump administration's immigration and refugee policies,<sup>19</sup> suggest that there is a well of something approaching cosmopolitan solidarity in some segments of electorates in liberal democracies. Indeed, there is some evidence to suggest a basic level of support for the principle of asylum in such states, with another recent survey finding that respondents in EU countries were "overwhelmingly in agreement" with it.<sup>20</sup>

These more inclusive responses are a basis on which refugee advocates can seek to develop a cosmopolitan solidarity with the displaced. Practices of "sentimental education",<sup>21</sup> including the telling of "sad sentimental stories"<sup>22</sup> detailing refugees' struggles, and indeed simply interacting with refugees, are unlikely to be able to turn the tide of public hostility immediately, but may be able gradually to erode it, potentially creating conditions more propitious for an asylum policy based upon cosmopolitan solidarity in the longer-term. Nevertheless, it must be

acknowledged, for the reasons given, that the prospects for cosmopolitan solidarity in the shorter-term are far from promising overall.

### *Affinity-based solidarity*

In contrast to cosmopolitan solidarity, there is a distinct form of solidarity which stems from shared characteristics, connections and relationships among groups. This affinity-based solidarity, on the face of it, departs from cosmopolitanism's individualist and egalitarian rationale, instead taking a strongly particularist stance, in which only certain refugees are to be included within the scope of this form of solidarity. Whereas cosmopolitan solidarity envisages the prioritisation of refugees on the basis of need alone, affinity-based solidarity views prioritisation on the basis of particular characteristics as legitimate, and thereby sees group membership as affecting refugees' individual entitlements. Moreover, affinity-based solidarity relies on the idea that these affinities can generate "associative duties" or special responsibilities to certain refugees that are more demanding than our duties to human beings as such.<sup>23</sup> This broad idea has been articulated by Michael Walzer, who has claimed that "[w]e can be bound to help men and women persecuted or oppressed by someone else because they are like us. Ideological as well as ethnic affinity can generate bonds across political lines".<sup>24</sup>

Affinity-based solidarity plays an important role in binding together citizens of a particular state. Nevertheless, such affinities need not be confined to members of the same political community in order to generate solidarity, for it may develop transnationally, and encompass refugees beyond its borders. As a matter of fact, citizens of host states often share various affinities with refugees, which may be enshrined within the host state – say, if it welcomes refugees who share its official religion – or may exist at a sub-state level, in the case of refugees who share affinities with particular minority groups within that state, such as the culture of diasporas which have developed through immigration to that state over time. For instance, the history of colonialism means that many refugees have lived in states that have strong similarities – in terms of language, culture, education and public institutions – with the states in which they later seek protection. Indeed, states have at times recognised these kinds of affinity in their asylum policies. For example, during the Cold War, US asylum policy had a strongly ideological character, leading it at points to welcome dissidents from the Communist bloc over refugees from elsewhere.<sup>25</sup> Moreover, Israel – a state in which religious affinity has been an explicit basis for immigration policy – airlifted members of the Ethiopian Jewish



minority (the so-called “Falasha”<sup>26</sup>) to safety during Ethiopia’s famine of the 1980s, and during its political turmoil in 1991.

As affinities can be transnational in scope, it is possible to theorise affinity-based solidarity with refugees as involving an extension of the “social solidarity” (see Straehle, this volume), which communitarian theorists consider us to share with fellow citizens via identification with a national community, to certain refugees. If such social solidarity is grounded at least in part on affinities in culture and belonging, but it turns out that there are refugees beyond our borders who also share those affinities, then that social solidarity may be extended to those refugees too.

It is important to recognise that affinities are only morally capable of *strengthening* an existing claim to asylum, rather than creating one *de novo*. After all, it is not affinities that are doing all of the moral work in creating an entitlement to asylum. States also have affinities of various sorts with other non-citizens besides refugees and, in these cases, their admission would not be a form of asylum, but rather of immigration more broadly. What is clearly needed in order to bear an entitlement to asylum is a need for protection from serious harm. The identification of affinities is, therefore, only potentially relevant to the task of determining *which* refugees a state should admit; that is, to the *allocation* of particular refugees to particular states, and their *prioritisation* vis-à-vis other refugees whom a state might choose to take in.

A state which aimed to express affinity-based solidarity with refugees could do so in a variety of ways. First, it could do so multilaterally, by adapting international “burden-sharing” schemes, such as resettlement programmes, in which a relatively small number of refugees who have already sought refuge in another state are accepted for permanent residence by a third-country after being identified by the United Nations refugee agency on the basis of need.<sup>27</sup> While maintaining the initial selection process based on criteria of need, states could then potentially select individuals from this pool of refugees on the basis of affinities, in a manner similar to Jones and Teytelboym’s recent proposal for a “refugee match” system, in which states would indicate which refugees they would most prefer to host, while refugees would indicate which states they would most prefer to reside in, before being matched to each other.<sup>28</sup> Second, states could signal their willingness to accept refugees bearing certain affinities – as certain Eastern European states have done regarding Christian refugees in recent years – and then process their claims in the standard way once they arrive. Third, a far more controversial

way of reflecting affinity-based solidarity in asylum policy would be for states *only* to accept refugees bearing affinities with the host state who arrive at their borders, or to deprioritise the claims of refugees lacking them. Unlike these other options, as we discuss in Part III, such a discriminatory policy would be thoroughly incompatible with the egalitarianism of moral cosmopolitanism.

Regardless of its ethical merits in principle, there is potentially a practical advantage to the affinity-based approach to asylum over its cosmopolitan counterpart: its potential motivational power. It might initially be thought that, in the current populist climate, the prevalence of nationalistic forms of solidarity will make the development of even an affinity-based solidarity, which requires recognising duties to at least some outsiders, unfeasible. However, the difference that affinity can make in the context of contemporary asylum can be striking. In contrast to their frequent hostility or indifference towards refugees, states, their publics and representatives have at times in recent history instead *pushed for* the admission of members of certain groups with whom they share affinities. In some cases, states will go well beyond what they are prepared to do for refugees generally in order to secure their protection: Israel did not merely admit Ethiopian Jews who had the wherewithal to arrive at its borders, but proactively airlifted them to safety. Similarly, the inclusive response of European states to Kosovan refugees in the late 1990s – including through the Humanitarian Evacuation Programme, which transferred 96,000 refugees mainly to European states on a temporary basis during 1999<sup>29</sup> – can be explained partly in terms of a sense of “relatedness” between the refugees and host states.<sup>30</sup> Those ordinarily opposed to the general admission of refugees may begin clamouring for the entry of interpreters and translators who have served their militaries.<sup>31</sup> More recently, as noted above, some Eastern European states have agreed to resettle Christian refugees who fled Syria,<sup>32</sup> and there are various other affinities between recently arriving refugees and their host states – whether linguistic, ideological, and so on – that could also potentially motivate their admission. Incorporating an affinity-based element into resettlement programmes in the manner envisaged above has the potential in particular to motivate states to admit more refugees. Resettlement is a mechanism that can give states greater control over refugee admissions than an asylum system which waits for applicants to arrive themselves,<sup>33</sup> a fact which may potentially result in greater public support for these admissions, and lead states to increase their resettlement quotas. Overall, then, while it is important to recognise that affinities may not invariably motivate states to protect more refugees – for instance, some Western governments have *not* consistently acted in solidarity with interpreters who have been

endangered as a result of their service by granting them asylum<sup>34</sup> – affinity-based asylum policy has the potential to motivate support for the protection of greater numbers of refugees than a purely humanitarian policy.

#### *Potential advantages of affinity-based solidarity towards refugees*

As noted above, cosmopolitans may well see strong reason to be highly suspicious of, or explicitly hostile to, affinity-based solidarity towards refugees. They might then conclude that cosmopolitan and affinity-based solidarity have strengths and weaknesses which mirror each other: while cosmopolitan solidarity offers an ethically sound vision, it is unlikely to motivate citizens sufficiently to support more inclusive asylum policies under current conditions; whereas affinity-based solidarity is ethically problematic but possesses far greater potential motivational power. However, this conclusion, as it stands, would be premature, for there is another key way, besides the fact that an affinity-based approach may potentially motivate the admission of greater numbers of refugees, in which some expressions of affinity-based solidarity in asylum policy may actually work to *promote* moral cosmopolitanism: it may also operate strongly in line with refugees' own interests and wishes. While cosmopolitan theorists may ideally favour the development of highly diverse, multicultural societies in which outsiders are welcomed in the absence of specific affinities binding them to the local population, they also have very good reason to support refugees' autonomy, even where doing so might limit the development of such wide societal diversity by leading refugees to gain asylum in states where they are broadly similar to the population. Returning to Straehle's definition of solidarity as including a commitment to "autonomy and self-determination",<sup>35</sup> practices of cosmopolitan solidarity should entail support for refugees to exercise this autonomy by shaping their own protection.

Indeed, although there are a range of factors which shape refugees' preferences for protection in particular states – from social networks to employment opportunities, for instance<sup>36</sup> – there is evidence that some refugees prefer to seek asylum in states which share linguistic, historical, colonial and cultural affinities with them.<sup>37</sup> The fact that many refugees seek asylum in countries where they lack such affinities, while at times being the reflection of an active preference,<sup>38</sup> may speak to the significant constraints on their agency, as some refugees are brought by smugglers or traffickers without knowledge of their final destination.<sup>39</sup>

Furthermore, given that refugees will be able to “rebuild a meaningful social world” comparable to that which they lost through their displacement significantly more easily in some states with which they share key affinities, they often have a strong interest in gaining asylum in such states.<sup>40</sup>

As a result, it is possible for cosmopolitan solidarity and affinity-based solidarity to be consistent with one another in practice, despite the ethical tension between their underlying rationales. Although, at the level of justification, cosmopolitanism’s individualism and universalism is at odds with the communitarian and particularist commitments underlying affinity-based solidarity, their practical results can at times be confluent. In other words, justificatory divergence between these two modes of solidarity does not preclude a practical convergence between them under certain conditions.

## **II. What kinds of affinity are justified?**

If this line of argument is accepted so far, it opens out the question of whether states may select refugees on the basis of *any* affinity they see fit, or whether selection on the basis of only certain kinds of affinity can be compatible with moral cosmopolitanism. Whereas recognition that refugees share a wide range of affinities with host states can potentially motivate greater support for their admission, it may be that prioritisation on the basis of some affinities is morally unjustifiable, including from a cosmopolitan perspective. A thoroughly consequentialist approach would be to claim that, if increasing the numbers of refugees able to access asylum is our priority, then there is reason to allow states to prioritise even on the basis of these problematic affinities.<sup>41</sup> Nevertheless, as we suggest later, consideration of consequences can equally militate against the conclusion that it is acceptable for states to prioritise refugees in such ways.

As a first step, it is important to recognise the ambiguity of the term “affinity”, referring as it may to mere *similarity* or *resemblance*, or alternatively to *relationships*, *associations* and *connections*. On the one hand, it does not seem plausible to suggest that mere *similarity* is an acceptable basis for prioritising refugees. The prioritisation of red-haired refugees in a state with significant numbers of red-heads, for example, would seem morally arbitrary and discriminatory.<sup>42</sup> Yet, in circumstances where there is little public support for admitting

refugees in general, but significant public support for admitting refugees on the basis of a morally arbitrary source of affinity such as this, this could nevertheless serve to increase the overall number of refugees accepted. However, cases of affinity based on pure similarity or resemblance are of little practical significance for refugee policy, as actually existing affinities do not take this form, or at least combine resemblance with further features.

### *Affinity and meaningful relationships*

In contrast to cases of mere similarities between refugees and host populations, an intuitive moral case can be made that affinities based on *meaningful relationships* can be a morally acceptable basis for prioritising certain refugees, at least under the conditions specified in this article. Unlike strong forms of cosmopolitanism, as noted above, the weak cosmopolitanism we adopt does recognise the existence of special responsibilities in addition to our general duties to humankind. As Samuel Scheffler has observed, an important part of common-sense morality is to view relationships as generating such special responsibilities, at times even in the absence of specific interactions with those others with whom we stand in particular relations. As Scheffler puts it, “to attach non-instrumental value to my relationship with a particular person just is, in part, to see that person as a source of special claims in virtue of that relationship between us”.<sup>43</sup> In the context of asylum, this may involve seeing particular refugees as being of particular moral concern to us on the basis of meaningful relationships, whether cultural or religious, that we have with them.<sup>44</sup> This may be especially so where members of a transnational community, such as a religion or religious denomination, are under deep threat elsewhere, and offers of asylum may help that religion to survive in exile.<sup>45</sup>

### *Prima facie problematic forms of affinity*

In contrast to affinities based upon meaningful relationships, deprioritising refugees on the basis of affinities such as race, gender and sexuality can be understood as paradigmatically problematic cases. Nevertheless, offering a definitive typology of acceptable affinities which may be appealed to in order to motivate support for admitting refugees, and unacceptable ones which may not, is very difficult in practice. When identifying problematic sources of affinity, it is necessary to distinguish cases of affinity that can form the basis of solidaristic relationships from straightforward cases of prejudice with no correlative affinity. For example, a lack of public support for the admission of young male refugees<sup>46</sup> is difficult to explain on the basis of

a solidaristic affinity on the part of the public with female refugees and, more plausibly, merely reflects a prejudice based on gendered perceptions of threat.<sup>47</sup> In order to be plausible, any distinctions will also have to attend to the specific circumstances of each case. Even in the case of affinities grounded in meaningful relationships such as religion or culture, whether these constitute an acceptable basis for prioritisation, all things considered, will turn, at least in part, on the extent to which the specific religion or culture is under threat globally, and may require making controversial normative judgments over the value of the specific way of life in question.

Attempts to draw strict distinctions will also have limited pragmatic utility, as sources of affinity cannot be neatly separated in practice. This problem is particularly acute in the complex relationships between notions of race, culture and religion. Racial affinity, for example, may form part of an individual's motivation for supporting policies prioritising the admittance of refugees on the basis of culture or religion, and politicians can employ the language of religion or culture to covertly advocate asylum policies that track racial affinities. As scholars in the tradition of critical race theory have long argued, race should be understood as a social construction rather than a biological reality;<sup>48</sup> a position which blurs the boundaries between race and culture by rendering race a particularly exclusionary cultural expression. Moreover, our intuitive defence of prioritisation on the basis of affinities based on meaningful relationships may seem to fall foul of the fact that racists would find relationships with co-ethnics meaningful and indeed valuable. Therefore, we resist the temptation to offer a definitive typology of acceptable and unacceptable affinities.

Nevertheless, it is possible to go some way towards disentangling racial and cultural affinity, and to defend the distinction between affinities based on meaningful relationships and those based upon arbitrary and exclusionary ones. On the one hand, race is an especially exclusionary identity, constructed since the advent of the colonial era in order to justify patterns of privilege and domination, and operating in the contemporary world to perpetuate these patterns. While some cultural or religious formations may be similarly exclusionary, and the extent to which all cultures entail some exclusion of outsiders is debatable, others cannot be said to possess such an acutely exclusionary character, but are rather significantly more fluid and potentially inclusive. Certain cultural and religious identities – such as forms of civic nationalism and religions containing a universal concern for humankind – are far more compatible with cosmopolitan ideals and contain the resources to justify the admission of outsiders on the basis

of common humanity, in a way that racial identity simply does not. It is the fact that racial identity is intrinsically based upon exclusion that means that, however meaningful it may be thought to be by racist citizens, it is just not the kind of affinity that can ground the special responsibilities Scheffler has in mind.

In consequence, it would be highly problematic to conclude that it is acceptable for states to uphold such an exclusionary identity as racial affinity (or any other cultural formations which are inherently exclusionary) in its policies, even in the name of motivating greater support for refugees. Indeed, there is a significant difference between individuals supporting the admission of particular refugees on the basis of *prima facie* problematic sources of affinity, and states reflecting these affinities in their asylum policies. This is because state asylum policy has the potential to send a powerful and far-reaching message. Although this should not be overstated, especially in a populist context where respect for traditional sources of authority has weakened, people still look to governments as a source of normative guidance, and values being expressed through government policy significantly increases the credibility of these values.<sup>49</sup> As a result, incorporating a given affinity into a state's refugee policy can serve a didactic function, appearing to sanction and encourage further discrimination on this basis. Therefore, rather than simply capitalising on potentially problematic sources of affinity, their reflection in asylum policy can actively strengthen and develop these sources of identification. Avoiding this danger supports a strong presumption against utilising *prima facie* problematic sources of affinity as a means to motivate the acceptance of greater numbers of refugees.

This argument is further compounded with regard to racial affinities, strengthening the case against their use in this context. This is because, despite a contemporary rise in far-right and anti-immigrant rhetoric, there remains an entrenched taboo against racial discrimination within liberal-democratic states.<sup>50</sup> This incorporates both a general taboo against appeals to racial affinity and a stricter taboo against appeals to racial affinity as a legitimate form of argument within the public sphere. Refugee prioritisation on racial grounds would serve to undermine both and set dangerous new precedents regarding the acceptable content of policy within liberal democratic states. To be clear, a very strong reason to resist undermining the taboo against racial discrimination is the inherent wrongness of racism, and we concur with Raimond Gaita's assessment that, as a denial of a common humanity, racism is an intrinsic wrong that uniquely erodes the foundations of universalist morality.<sup>51</sup> We do not wish to deny this, but to argue that undermining the taboo against racism ought to be resisted also due to the serious negative

consequences of doing so. The consequences of undermining established taboos are especially risky. At a societal level, taboos are fragile and very difficult to re-establish once they are no longer regularly observed.<sup>52</sup> This concern is especially pronounced in the case of the taboo against racial discrimination, which is already under strain within liberal-democratic states.<sup>53</sup> Therefore, although sharp distinctions between acceptable and unacceptable affinities cannot be easily drawn in this context, there is good reason for intrinsically exclusionary identities such as race to be ruled out as potential grounds for prioritising refugees.

### **III. Two Objections**

So far, we have argued that some affinity-based asylum policies can, under certain conditions, be compatible with the requirements of moral cosmopolitanism, and indeed promote it. However, there are at least two important potential objections to this line of thought: one which focuses on the position of refugees lacking valued affinities as a result of such policies, and the other concerning the longer-term effects of appealing to affinity-based solidarity. We outline and respond to each in turn in order to develop the argument further.

#### *a. The distributive objection*

Scheffler has identified what he describes as the “distributive objection” to special responsibilities in general, which suggests that the assignment of such responsibilities are “unjustifiable whenever the provision of these additional advantages works to the detriment of people who are needier”,<sup>54</sup> thereby violating moral cosmopolitanism’s egalitarian commitment. This objection appears to apply strongly to practices of affinity-based solidarity with certain refugees, and their assertion of a special responsibility towards refugees bearing certain shared affinities. An affinity-based asylum policy which *only* admitted those bearing valued affinities, or which deprioritised those lacking them, would clearly fall foul of this objection, as it would leave refugees lacking such affinities unprotected, or at least lead to a longer period of limbo before they received that protection, and all on the basis of factors unrelated to their need. Indeed, the objection would be even more forceful if the refugees with whom the state shared affinities were not the refugees who were most in need. It is inconsistent with even weak cosmopolitanism for states directly to exclude or deprioritise refugees simply on the basis of a



lack of certain affinities, and these kinds of policies cannot be said to represent a genuine pathway to a more cosmopolitan future.

In further support of the objection in this context, there is evidence of a practical tendency within actual practices of affinity-based solidarity to leave other refugees worse off, for solidarity with certain refugees with whom a state shares affinities may be accompanied by a parallel exclusion of refugees taken to lack any such affinities. For instance, in contrast to the case of Israel's inclusive policy towards Ethiopian Jews noted above, the country has refused to accept a particular responsibility for the continuing predicament of Palestinian refugees, and has branded African refugees from states such as Sudan and Eritrea as "infiltrators".<sup>55</sup> The stark contrast between the welcome offered to Cuban refugees and the indifference towards Haitian refugees that marked US asylum policy during the Cold War is another example.<sup>56</sup> More recently, the moves to resettle some Christian refugees from Syria to Eastern European states have been accompanied by an explicit Islamophobia, with the head of the foundation leading the Polish resettlement initiative reportedly describing Muslim refugees as a "huge threat" to Polish citizens' culture and security.<sup>57</sup> These examples could be taken as evidence that affinity-based practices of asylum, where implemented, do discriminate against and work to the disadvantage of some refugees, who may have equally strong claims to protection.

Nevertheless, it appears that not all affinity-based asylum policies would necessarily leave other refugees worse off in an objectionably discriminatory manner. As Kasper Lippert-Rasmussen has discussed, discrimination can be seen as wrongful on account of the *harm* it causes, or the *disrespect* it may convey.<sup>58</sup> The *purely* affinity-based domestic asylum policy envisaged above would, for the reasons given above, both harm and disrespect refugees, by leaving them unprotected for reasons unrelated to their need. However, while directly incorporating affinity-based solidarity into domestic asylum policy seems to lead to discriminatory results which fall foul of the distributive objection, this is not necessarily the case for multilateral initiatives, such as refugee resettlement, which would allow states to select partly on the basis of affinities. As noted in Part I, as part of such schemes, refugees could be prioritised on the basis of need in the first instance, and then be matched with certain states on the basis of affinities, should the particular state and refugee desire it. The coordination among states that this involves could ensure that needier refugees would not be harmed or disadvantaged by affinity-based practices, given that the initial process of prioritisation would be on the basis of need, and those refugees lacking affinities with some states would be able to

find asylum in *other* states with which they do share affinities, or due to some other factor that matches them to different states. Arguably, such refugees would not be disrespected by virtue of a state's preference for refugees bearing affinities that they lack, for states would act on that preference in the context of a system which took refugees' choices seriously and ensured them protection elsewhere. Allowing states to select refugees on the basis of affinities as part of such a system would be very different, morally speaking, from permitting states to exclude refugees who arrive on their territory because they lack certain affinities, thereby leaving them unprotected. The former appears to be compatible with moral cosmopolitanism, whereas the latter is not.

*b. Long-term motivational concerns*

A second objection to the argument so far holds that, while affinity-based asylum may take us some of the way towards a more cosmopolitan asylum policy, it will ultimately serve to legitimise and strengthen affinity-based solidarities at the expense of cosmopolitan identification. Therefore, there is a risk that appeals to affinity-based forms of solidarity in asylum policy, whilst serving cosmopolitan goals in the short-term, may impede them over the longer-term. This is an important point. However, there is no reason to assume that the boundaries of affinity-based forms of solidarity are static, and, if the scope of affinity-based solidarities can be extended, then this significantly mitigates the concern that utilising these narrower forms of solidarity will compromise the development of more cosmopolitan forms of identification.

As discussed in Part I, proponents of cosmopolitan solidarity advocate a strategy of "sentimental education" in which news media and narrative art depicting distant others in a sympathetic manner can help to bring about an extension of cosmopolitan concern for these others. On the traditional model of this process, as outlined in Nussbaum's seminal discussion, sentimental education operates in a genuinely cosmopolitan manner, encouraging the individual to "recognize humanity wherever she encounters it".<sup>59</sup> However, what we are suggesting here closer reflects the model of the process offered by Richard Rorty, where the process operates *in medias res*, beginning with our pre-existing affinities and serving to extend their boundaries to encompass a greater number of people.<sup>60</sup> As Rorty notes, the aim here is to "extend our sense of "we" to people we have previously thought of as "they"". <sup>61</sup> Although it is

important to be clear that Rorty himself doubted that cosmopolitan solidarity, understood as solidarity with humans qua humans, was either a practical or a theoretical possibility, we need not endorse this claim in order to concur with his practical recommendations.<sup>62</sup> Moreover, the singular use of “sense” in this passage highlights a blindness on Rorty’s part, as the individuals of which publics in receiving states are comprised rarely share a single unified identity. Rather, as Toni Erskine has persuasively argued, individuals typically identify as belonging to multiple “We’s”; a point she illustrates via the image of a series of overlapping circles, each representing a source of identification, with “I” as the point where circles intersect”.<sup>63</sup>

We will discuss two such strategies through which existing affinity-based solidarities may be extended in a cosmopolitan direction and provide support for an asylum regime closer approximating the requirements of cosmopolitan solidarity: (i) directly extending the boundaries of existing group affinities; and (ii) extending narrower affinities outwards from within group affinities.

In the first instance, there is a certain amount of elasticity regarding the limits of pre-existing affinities between persons in receiving states and particular groups elsewhere. Just as media discourse and public debate can serve to narrow the boundaries of these identities, processes of sentimental education and sympathetic media discourse and debate can serve to extend their limits. To return to the example of Israel’s active welcoming of Ethiopian Jews, we can note the fate of the Falash Mura—members of this minority who had long since converted to Christianity, for whom there was little public sympathy within Israel, and who were initially refused residence there. A lively public debate followed this refusal, continuing for over ten years, and eventually the Falash Mura were granted asylum in Israel in 2015.<sup>64</sup> Here we can observe that the affinity with the “Falasha” minority felt by members of the Israeli public was not static, but was plausibly broadened through the work of advocacy groups within Israel, who initiated processes of public discussion and sympathetic media coverage.<sup>65</sup>

In the second case, the boundaries of pre-existing affinities may be extended in a cosmopolitan direction by attention to seemingly trivial characteristics connecting particular individuals to particular members of affinity groups. In describing the motivations of those willing to risk harm to assist European Jews during the Shoah, Rorty notes the motivational power of seemingly trivial sources of identification, such as being “a fellow member of the same union or profession, or a fellow bocce player, or a fellow parent of small children”.<sup>66</sup> The point here

of course is not, to return to an earlier point, that such connections have justificatory significance, where only “fellow bocce players” ought to be offered sanctuary, or football-loving refugees granted asylum, but that these various trivial characteristics offer a hook to motivate the broadening of pre-existing affinities in a cosmopolitan direction.<sup>67</sup> This may be understood in epistemic terms, where shared practices and understandings deriving from these practices – once recognised – can form the basis of felt affinities by providing shared understandings,<sup>68</sup> but it need not be. Instead, it may just proceed via the intuitive thought that drawing attention to similarities which form the basis of felt affinities in some cases can lead to felt affinities in other cases. For example, where an individual feels a connection to fellow football fans in Europe, drawing attention to refugees who are also football fans may serve to broaden the scope of this affinity. As Nussbaum suggests, here strategies of “sentimental education” featuring sympathetic portrayals of these individuals may be indispensable in moving from recognition of a similarity to a felt affinity.<sup>69</sup> These strategies, of what might be termed “affinity stretching”, are not merely a theoretical possibility but are already occurring in practice; for example, in the various supporters’ clubs across Europe connected to the left-wing Bundesliga team, FC. St Pauli, which works to bring together refugee and non-refugee football fans to play, socialise and engage in outreach work.<sup>70</sup>

Such strategies then, represent an opportunity to bring practices of asylum based on affinity and on cosmopolitan solidarity into closer alignment, and offer a means by which to avoid the risk that appeals to affinity-based solidarities, whilst serving cosmopolitan goals in the short-term, may impede them over the longer-term. A further advantage of these strategies is that they may help to further address the distributive objection to the use of affinity-based solidarity in refugee policy, as where affinities within receiving states can be broadened, these are more likely to incorporate larger numbers of refugees. Although it is perhaps too much to hope that processes of affinity-stretching, even at their apex, can incorporate *all* refugees, this nevertheless offers a means by which this concern can be mitigated.

## **Conclusion**

In this article, we have contrasted two ways in which grants of asylum may express solidarity with refugees: a *cosmopolitan* solidarity with refugees on the basis of common humanity, and a narrower *affinity-based* solidarity with certain refugees bearing particular characteristics. We

have suggested that, despite the ethical tensions between these two modes of solidarity, there is a case to be made that, within the current populist climate across liberal-democratic states, cosmopolitan theorists have reason to consider, and potentially to support, the development of certain affinity-based asylum policies as a means of furthering the cosmopolitan cause of asylum to the greatest extent possible.

These theorists, we have argued, have reason to support affinity-based asylum policies only under certain conditions. First, they should do so where this can be expected to motivate public support for protecting a greater number of refugees. Second, they should do so where this is in line with refugees' own interests and wishes. Third, cosmopolitans should support asylum policies which take into account affinities based upon meaningful relationships rather than intrinsically exclusionary identities, such as race, especially given the need to uphold the taboo against racial discrimination in liberal-democratic states. Fourth, cosmopolitans should support affinity-based policies only where they do not leave other refugees worse off, and should recognise that multilateral initiatives such as refugee resettlement are – if suitably adapted to ensure that the most vulnerable refugees are prioritised initially and able to exercise agency in the process – much more justifiable than direct discrimination on the basis of affinities within domestic asylum systems. Lastly, cosmopolitans have particular reason to support affinity-based asylum in such forms when doing so can be expected to lead to the development of a broader cosmopolitan solidarity through the process of “affinity-stretching” we have identified.

Laying out these conditions should make clear that our argument by no means amounts to a more sophisticated defence of current assertions of affinity-based solidarity, such as those made by politicians in Eastern Europe in the wake of the European refugee “crisis” to prioritise Christian refugees. In contrast to these conditions, such assertions have, *inter alia*, been partly motivated by a racially-charged Islamophobia, and have not ensured that refugees excluded by their lack of Christian identity are not left worse off. In order to become compatible with moral cosmopolitanism, these assertions and policies would need to change in character significantly, which seems unlikely given the populist and nationalist character of the governments pursuing them. Affinity-based policies meeting the conditions we have set out are more likely to be adopted by governments seeking to *contain* populist forces in their states, and which maintain some degree of commitment to principles compatible with moral cosmopolitanism, than by

illiberal governments which already embody these forces. Governments wishing to contain populism, and refugee advocates engaging with them, may be able to both capitalise on, stretch and draw out affinities between citizens and states in order to justify more inclusive asylum policies overall.

This article has sought to establish only the *potential* of affinity-based solidarity to lead to the protection of a greater number of refugees in line with their interests and wishes, consistent with moral cosmopolitanism. However, in order to conclusively *demonstrate* this potential, detailed empirical work would be required to map out the various forms of affinity that exist between different states and the world's refugees that could potentially motivate their admission, and to compare the numbers of refugees who could fall within the remit of affinity-based policies to the current numbers successfully accessing asylum in current circumstances. In this article, we have limited ourselves to the largely theoretical task of explaining the conditions under which affinity-based solidarity with refugees can be compatible with moral cosmopolitanism.

Some cosmopolitan theorists may ultimately feel rather uninspired and underwhelmed by our conclusion, in comparison to some of their ideals of global justice, supranational institutions, and the transcendence of the state. However, as a response to our thoroughly non-ideal political conditions, it is important to be open to a more straitened, incremental form of cosmopolitanism, which looks at the ways in which these ideals can be advanced despite the rise of nationalist pressures that are inimical to them. Overall, cosmopolitanism as a theoretical and practical project will have been advanced if its proponents can identify ways in which sentiments which seem opposed to their values can be harnessed in order to promote those values overall.

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<sup>1</sup> Nanette Funk, "A Spectre in Germany: Refugees, A 'Welcome Culture' and an 'Integration Politics'", *Journal of Global Ethics* 12, no. 3 (2016): 289-299.

<sup>2</sup> Robert Mackey, "Hungarian Leader Rebuked for Saying Muslim Migrants Must Be Blocked 'to Keep Europe Christian'", *The New York Times*, 3 September, 2015.

<sup>3</sup> See Martin A. Schain, "Shifting Tides: Radical-Right Populism and Immigration Policy in Europe and the United States", (Washington, DC: Migration Policy Institute, 2018).

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<sup>4</sup> Zosia Wasik and Henry Foy, “Poland Favours Christian Refugees from Syria”, *Financial Times*, 21 August, 2015.

<sup>5</sup> See Richard Beardsworth, Garrett W. Brown and Richard Shapcott, eds. *The State and Cosmopolitan Responsibilities*, (Oxford: Oxford University Press, 2019).

<sup>6</sup> Matthew Price, *Rethinking Asylum: History, Purpose and Limits*, (Cambridge: Cambridge University Press, 2009).

<sup>7</sup> Matthew J. Gibney, *The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees*, (Cambridge: Cambridge University Press, 2004), 230-231.

<sup>8</sup> It might be questioned what separates humanitarian asylum from the cosmopolitan approach on which we focus in this article. While fully distinguishing between the two terms would go beyond the scope of this article, and we recognise significant overlap between them, we simply note that the ideal of cosmopolitan solidarity which we outline contains greater concern for refugees’ autonomy and self-determination than many humanitarian responses to refugees in recent history, which have often focused more on satisfying basic needs than fostering this autonomy. See Barbara Harrell-Bond, “Can Humanitarian Work with Refugees Be Humane?”, *Human Rights Quarterly* 24, no. 1 (2002): 51-85.

<sup>9</sup> Kerri Woods, “Whither Sentiment? Compassion, Solidarity, and Disgust in Cosmopolitan Thought,” *Journal of Social Philosophy* 43, no. 1 (2012): 33-49.

<sup>10</sup> Carol C. Gould, “Transnational Solidarities,” *Journal of Social Philosophy* 38, no. 1 (2007): 148-164, 149.

<sup>11</sup> Christine Straehle, “National and Cosmopolitan Solidarity,” *Contemporary Political Theory* 9, no. 1 (2010): 110-120, 111.

<sup>12</sup> Gillian Brock, *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University Press, 2009); Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005); Thomas Pogge, “Cosmopolitanism and Sovereignty,” *Ethics* 103, no. 1 (1992): 48-75.

<sup>13</sup> David Miller, *Strangers in our Midst: The Political Philosophy of Immigration*, (Cambridge MA: Harvard University Press, 2016), Chapter 2.

<sup>14</sup> Straehle, “National and Cosmopolitan Solidarity”, 111.

<sup>15</sup> For example, see Patti Lenard, “Motivating Cosmopolitanism? A Skeptical View,” *Journal of Moral Philosophy* 7, no. 3 (2010): 346-371; Michael Ignatieff, *The Needs of Strangers* (London: Hogarth Press, 1984), 51.

<sup>16</sup> Ipsos Mori, “Global Study Shows Many Around the World Uncomfortable with Levels of Immigration”, 11 August, 2016. Accessed July 20, 2019. <https://www.ipsos.com/ipsos-mori/en-uk/global-study-shows-many-around-world-uncomfortable-levels-immigration>.

<sup>17</sup> Judith Lichtenberg, “Absence and the Unfond Heart: Why People are Less Giving than They Might Be,” in *The Ethics of Assistance: Morality and the Distant Needy*, ed. D. Chatterjee (Cambridge: Cambridge University Press, 2004), 75-97.

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- <sup>18</sup> Richard Wike, Bruce Stokes and Katie Simmons, “Europeans Fear Wave of Refugees Will Mean More Terrorism, Fewer Jobs”, 11 July, 2016. Accessed July 20, 2019. <https://www.pewresearch.org/global/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/>.
- <sup>19</sup> Brad Blitz, “Another Story: What Public Opinion Data Tell Us About Refugee and Humanitarian Policy”, *Journal on Migration and Human Security* 5, no. 2: 379-400.
- <sup>20</sup> Ibid, 387.
- <sup>21</sup> Martha Nussbaum, *Upheavals of Thought: The Intelligence of Emotions*, (Cambridge: Cambridge University Press, 2001).
- <sup>22</sup> Richard Rorty, *Truth and Progress: Philosophical Papers, Volume Three*, (Cambridge: Cambridge University Press, 1998), 172.
- <sup>23</sup> Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, (Oxford: Oxford University Press, 2002), 49.
- <sup>24</sup> Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality*, (New York: Basic Books, 1983), 49.
- <sup>25</sup> Gibney, *The Ethics and Politics of Asylum*, Chapter 5.
- <sup>26</sup> Although popularly referred to as “Falashas” there is some controversy over the use of this term.
- <sup>27</sup> United Nations High Commissioner for Refugees (UNHCR). *UNHCR Resettlement Handbook*, (Geneva: UNHCR, 2011). Accessed July 20, 2019. <https://www.unhcr.org/46f7c0ee2.pdf>.
- <sup>28</sup> Will Jones and Alexander Teytelboym, “The International Refugee Match: A System that Respects Refugees’ Preferences and the Priorities of States”, *Refugee Survey Quarterly* 36, no. 2 (2017): 84-109.
- <sup>29</sup> UNHCR, *The Global Report 1999* (Geneva: UNHCR, 1999), 345-346.
- <sup>30</sup> Matthew J. Gibney, “Kosovo and Beyond: Popular and Unpopular Refugees,” *Forced Migration Review* 5, no. 1 (1999): 28-30, 30.
- <sup>31</sup> For instance, see Max Hastings, “We Owe a Great Debt to Iraqi Interpreters Seeking UK Asylum”, *Daily Mail*, 9 August, 2007.
- <sup>32</sup> Wasik and Foy, “Poland Favours Christian Refugees from Syria”.
- <sup>33</sup> For a similar point, see Jones and Teytelboym, “The International Refugee Match”, 94.
- <sup>34</sup> Ewen MacAskill, “Afghan Interpreters Working for UK Army ‘Failed’ by Government”, *The Guardian*, 26 May, 2018.
- <sup>35</sup> Straehle, “National and Cosmopolitan Solidarity”, 111.
- <sup>36</sup> Heaven Crawley and Jessica Hagen-Zanker, “Deciding Where to Go: Policies, People and Perceptions Shaping Destination Preferences”, *International Migration* 57, no. 1 (2019): 20-35, 21.
- <sup>37</sup> For instance, see Vaughan Robinson and Jeremy Segrott, *Understanding the Decision-Making of Asylum Seekers* (London: Home Office, 2002), 30; Seraina Rüegger and Heidrun Bohnet, “The Ethnicity of Refugees (ER): A new Dataset for Understanding Flight Patterns”, *Conflict Management and Peace Science* 35, no. 1 (2018): 65-88.



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<sup>38</sup> For one such case, see Michael Collyer, “The Dublin Regulation, Influences on Asylum Destinations and the Exception of Algerians in the UK”, *Journal of Refugee Studies* 17, no. 4 (2004): 375-400.

<sup>39</sup> For instance, see Heaven Crawley, *Chance or Choice? Understanding Why Asylum Seekers Come to the UK* (London: Refugee Council, 2010), 26.

<sup>40</sup> Matthew J. Gibney, “Refugees and Justice between States”, *European Journal of Political Theory* 14, no. 4 (2015): 448–463, 460.

<sup>41</sup> For instance, see Peter Schuck, “Refugee Burden-Sharing: A Modest Proposal”, *Yale Journal of International Law* 22, no. 2 (1997): 243-297, 287.

<sup>42</sup> For a similar example, see David Miller, “Immigration: The Case for Limits”, in *Contemporary Debates in Applied Ethics*, ed. A.I. Cohen and C.H. Wellman (Oxford: Blackwell, 2005), 361-375, 373.

<sup>43</sup> Scheffler, *Boundaries and Allegiances*, 100.

<sup>44</sup> While Scheffler’s argument is concerned with interpersonal relationships, it is also relevant to affinities between refugees and a state, given that it can be the relationship between the states’ citizens and certain refugees that can motivate and democratically justify an affinity-based asylum policy. As Scheffler also considers that associative duties can hold among members of a community even in the absence of specific interactions between them, it can apply to the relationship between citizens and refugees sharing, say, a common religion, even if they have never directly encountered each other previously. It might be objected that, in comparison to paradigmatic cases of familial relationships where special responsibilities are particularly strong, transnational religious links typically are insufficiently important in people’s lives to generate a similarly robust special responsibility towards co-religionists across borders. However, even if this is the case, it may be seen as strong enough to at least *add weight* to a refugees’ claim to protection in another state.

<sup>45</sup> For instance, some Christian leaders in the UK have expressed particular concern for the persecution faced by Christian minorities in the Middle East, such as the Yazidis. Mark Townsend, “Bishops Urge David Cameron to Grant Asylum to Iraqi Christians,” *The Guardian*, 2 August, 2014.

<sup>46</sup> Ruth Judge, “Refugee Advocacy and the Biopolitics of Asylum in Britain: The Precarious Position of Young Male Asylum Seekers and Refugees”, *Refugee Studies Centre Working Paper Series No. 60* (Oxford: Refugee Studies Centre, 2010).

<sup>47</sup> Patrick Strickland, “Why is the World Afraid of Young Refugee Men?” *Aljazeera*, 20 June, 2016.

<sup>48</sup> Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction*, (New York and London: New York University Press, 2001), 7.

<sup>49</sup> Joshua Hobbs, “Nudging Charitable Giving: The Ethics of Nudge in International Poverty Reduction,” *Ethics & Global Politics* 10, no. 1 (2017): 37-57.

<sup>50</sup> Martha Augoustinos and Danielle Every, “Contemporary Racist Discourse: Taboos Against Racism and Racist Accusations,” in *Language, Discourse and Social Psychology*. eds. W. Ann, M.W. Bernadette, G. Cindy (London: Palgrave Macmillan, 2007), 233-254.

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- <sup>51</sup> Raimond Gaita, *A Common Humanity: Thinking about Love and Truth and Justice*, (Abingdon: Routledge Press, 2000), 57-72.
- <sup>52</sup> Jennifer Saul. "Racial Figleaves, the Shifting Boundaries of the Permissible, and the Rise of Donald Trump", *Philosophical Topics* 45, no. 2 (2017): 91-116.
- <sup>53</sup> Ibid.
- <sup>54</sup> Scheffler, *Boundaries and Allegiances*, 58.
- <sup>55</sup> Harriet Sherwood, "Israeli Parliament Shuts its Doors on Protesting African Refugees," *The Guardian*, 8 January, 2014.
- <sup>56</sup> Gibney, *The Ethics and Politics of Asylum*, Chapter 5.
- <sup>57</sup> Wasik and Foy, "Poland Favours Christian Refugees from Syria".
- <sup>58</sup> Kasper Lippert-Rasmussen, "The Badness of Discrimination", *Ethical Theory and Moral Practice* 9, no. 2 (2006): 167-185.
- <sup>59</sup> Martha Nussbaum, "Patriotism and Cosmopolitanism," 9.
- <sup>60</sup> Richard Rorty, *Contingency, Irony, and Solidarity*, (Cambridge: Cambridge University Press, 1989).
- <sup>61</sup> Ibid., 192.
- <sup>62</sup> Ibid, 190.
- <sup>63</sup> Toni Erskine, "'Citizen of Nowhere' or 'The Point Where Circles Intersect?'" Impartialist and Embedded Cosmopolitanisms," *Review of International Studies* 28, no. 1 (2002): 457-478, 476.
- <sup>64</sup> James Quirin, *The Evolution of the Ethiopian Jews: A History of The Beta Israel (Falasha) to 1920*, (Los Angeles: Tsehai, 2001).
- <sup>65</sup> Although admitting the "Falashas" was welcomed by a large number of Israelis, the minority faced discrimination from some sections of the Israeli public. Derek Brown, "The Falash Mura: Ethiopia's Other Tragedy," *The Guardian*, 11 April, 2000.
- <sup>66</sup> Rorty, *Contingency, Irony and Solidarity*, 190.
- <sup>67</sup> It may be objected that it is "common humanity", recognised through attention to these similarities, doing the motivational work here. This may be so, but what is significant for our purposes is the *practical suggestion* that we begin with pre-existing affinities and extend these outwards rather than attempting to inculcate a concern for humanity as such.
- <sup>68</sup> This may be thought to closer approximate Rorty's original intention, where solidarity is primarily an epistemic rather than an affective condition. Rorty, *Contingency, Irony and Solidarity*, 190.
- <sup>69</sup> Nussbaum, *Upheavals of Thought*, 434.
- <sup>70</sup> Richard Foster, "How a German Football Club Inspired Fans in Yorkshire to Unite and Help Refugees," *The Guardian*, 27 October, 2016.