

chapter devoted to examining the contemporary debate between Walzerian and revisionist just war theorists in light of the categories elaborated by Kalmanovitz in this study. It would have been fascinating to learn more about how Kalmanovitz sees these various positions fitting together (or not). Does, for instance, the idea of regular war cohere with certain aspects of Walzer's just war theory, and to what degree is the opposition today between Walzerians and revisionists a reformulation of the divide between regular war and just war traced in this book? These concerns appear almost to prefigure elements of Kalmanovitz's analysis, but he does not address them directly. It will be interesting to see if he engages them in his future work.

It is rare to find a book that opens up a new horizon on a well-established field of inquiry. Yet *The Laws of War in International Thought* does exactly that. Essential reading for any scholar interested in the laws and ethics of war, this superb book reopens the questions pertaining to the relation between the laws of war and the just war tradition, revealing that there is still plenty of life in the old dog yet.

—CIAN O'DRISCOLL

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***No Refuge: Ethics and the Global Refugee Crisis***, Serena Parekh (New York: Oxford University Press, 2020), 272 pp., Cloth \$24.95, eBook \$16.99.

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In *No Refuge: Ethics and the Global Refugee Crisis*, Serena Parekh masterfully accomplishes a goal that often eludes many publicly engaged philosophers: to advance an insightful, original argument on an important moral issue that is both accessible to a general audience and illuminating to theorists who are deeply immersed in the relevant academic debates. Much has been written about the so-called European refugee crisis, wherein the arrival of large numbers of Middle Eastern and African asylum seekers prompted European countries to rethink their moral obligation to help all refugees who arrive on their territory.

Parekh, however, directs our attention to a second, less visible refugee crisis, namely, the abysmal conditions that refugees must endure before—or most often, *instead of*—reaching a Western country where they can claim asylum. This crisis emerges from the very structure of the international refugee protection system—and we (wealthy liberal democratic states and their members) are responsible for addressing it.

As Parekh understands it, the second refugee crisis is that “refugees around the world are legally unable to get refuge, that is, they are unable to access the minimum conditions of human dignity while they

wait for a more permanent solution” (p. 3). Only a small fraction of global refugees will be resettled. The vast majority remain in the Global South, either in squalid refugee camps or subsisting without international aid in urban centers. Refugees living in camps are more likely to have their minimum subsistence needs met because camps typically provide housing and food rations as well as some access to education for children. But refugee camps offer little by way of privacy, safety, self-determination, or autonomy for refugees. Refugees who refuse encampment and live informally in cities have more agency and freedom than refugees living in camps but few legal protections. Urban refugees do not receive material assistance for food, housing, healthcare, or education, and although they are free to work in the informal economy, this work is often exploitative and insufficient to sustain them. The third choice available to refugees is to seek asylum directly in the West. However, because Western countries have implemented effective, sometimes brutal, deterrence policies, would-be asylum seekers have no choice but to engage smugglers, paying exorbitant fees and risking violence and even death during their journeys.

Theorizing the injustices of the second refugee crisis requires a new normative framework. According to the existing dominant framework, Western agents (states, citizens, and NGOs) are rescuers who step in to help refugees who have been harmed or abandoned by their own governments and have nowhere else to turn. The failed states that produce refugees are considered to be morally responsible for the refugee crisis because they caused the conditions that generated it. Insofar as Western actors are morally obligated to assist refugees, they have a positive discretionary duty to provide aid, grounded in a commitment to humanitarianism or

human rights. Thus, the rescuer framework focuses our attention on the question of how rescuing states can best help refugees without unduly sacrificing their national interests.

Parekh contends that the rescuer framework is too narrow: it misrepresents the nature and extent of the harms refugees suffer and Western countries’ moral responsibilities to address these harms. An adequate normative framework must include both direct and structural injustice. Direct injustice involves the intentional harms, deprivations, violence, and human rights violations that refugees experience at the hands of their governments and as they seek refuge. Examples include political repression, sexual violence, and child separation policies. A key characteristic of direct injustice is that it can be traced to a clear individual or collective agent that can be held responsible for directly and intentionally causing the relevant harms.

Structural injustice involves the harms that emerge from the structure of the international refugee protection system in which few refugees are resettled and the vast majority must choose among the three inadequate options described earlier. The injustice of these options, which is hidden in the rescuer framework, is structural in the sense that it originates in the uncoordinated actions, norms, and decisions of the states, international bodies, and NGOs that comprise the refugee regime, each pursuing its own legitimate agenda. For instance, Western states tend to support the funding of refugee camps in the Global South, rather than resettlement in the West, as the best way to assist refugees. The cumulative outcome of these actions, norms, and decisions is the current status quo in which refugees are unable to access the minimum conditions of human dignity.

Parekh's proposed two-layered framework focuses our attention on new moral questions: What harms do refugees experience as they attempt to seek refuge? Why are refugees forced to choose among three inadequate options? Whose responsibility is it to address this structural injustice? Just as two concepts of injustice—direct and indirect—are needed to answer the first two of these questions, argues Parekh, two principles of moral responsibility are required to answer the third. Backward-looking principles are needed to hold individual actors and states accountable for the direct injustices they have committed against refugees through their actions and policies. And forward-looking principles are required to assign political responsibility for addressing the structural injustice that emerges from the international refugee protection system. Because no particular actor(s) is guilty of causing this structural injustice, political responsibility for dismantling it should be assigned on the basis of how states are connected to unjust outcomes. Specifically, Parekh argues that Western states are responsible for addressing the structural injustice experienced by refugees for three reasons: they have played an outsized role in creating the norms, rules, and processes that structure the unjust refugee protection system; they benefit from this system; and they have the capacity to reform the protection system so that it is less unjust for refugees. Western states can begin to fulfill their political responsibility by supporting policies that encourage the economic, political, and social integration of refugees in host countries and by working together to increase asylum capacity and resettlement in the

West. Individuals can also play a role in mitigating structural injustice for refugees by challenging the implicit norms that permit states to treat refugees unjustly, particularly the idea that refugees do not matter morally or matter less than citizens.

Of course, philosophers will find ways to quibble with Parekh's arguments. Some will reject her starting assumptions, such as that states have a moral right to restrict immigration. Others may take issue with elements of her favored normative framework. For instance, although I consider the distinction between direct and structural justice to be enormously useful, I would argue that direct injustice need not be intentional. I would also reject any implicit suggestion that the first refugee crisis is free of structural injustice. Surely some of the problematic norms that structure the global refugee protection system, including the notion that citizens should have moral priority over foreign nationals, also structure other global institutions that contribute to refugee-generating conditions, such as famine and even armed conflict. However, none of these challenges diminishes the importance of Parekh's groundbreaking project. *No Refuge* fundamentally changes our understanding of the global refugee crisis and amplifies our moral responsibilities to global refugees.

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