

Why Refugees Should Be Enfranchised

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ABSTRACT *Many authors argue that refugees should be enfranchised independently of citizenship. The enfranchisement of refugees is often seen as crucial for affirming their agency in the politics of asylum. However, most arguments in the literature do not explain why precisely it matters that they exercise their agency in the realm of democratic decision-making, i.e. why it matters that refugees participate in collectively wielding the public power to which they are subjected, rather than passively enjoy protection against the excessive and intrusive exercise of this power. This leaves it unclear what value refugee enfranchisement realises precisely, and what function or role it is meant to play within the overall provision of asylum. My goal is to propose a plausible explanation of the significance of democratic inclusion from the viewpoint of refugees' agency. I argue that refugee enfranchisement affirms refugees' agency by advancing their interest in acting as makers of justice within the political context in which they find themselves.*

It is often argued that refugees should be enfranchised independently of naturalisation in order to fully recognise their agency and give due weight to their voice in political decision-making that deeply affects their lives. I agree. However, I think most arguments for refugee enfranchisement fail to explain why it matters precisely that refugees exercise their agency in democratic politics and what exactly the value of democratic agency for refugees is. This leaves it unclear what role refugee enfranchisement is meant to play within the overall provision of asylum. My goal in this article is to provide a suitable explanation. I will argue that refugee enfranchisement matters because of refugees' interest in being *makers of justice*; that is, at least one crucially important reason why the democratic inclusion of refugees is valuable is that it allows them to exercise their agency for the sake of establishing justice in the political contexts in which they find themselves. The article has the following structure. In the first section I introduce the problem of the democratic inclusion of refugees. After this, I examine a common view about the value of democratic agency for refugees which I call the Equal Autonomy View. I show that the Equal Autonomy View faces serious problems in explaining why refugee enfranchisement matters. Drawing on the lessons of examining the Equal Autonomy View, in the third section I introduce my own account of why refugee enfranchisement matters based on their interest in acting as makers of justice. The fourth section discusses the most important objections, and the fifth one concludes.

1. Democratic Inclusion for Refugees

Refugees¹ are often seen as passive recipients of benefits from host states, e.g. rights-protection, food and shelter, security, and bodily integrity, as well as opportunities to rebuild

their lives, and to pursue their life-plans. That is, they are often viewed as helpless victims to be rescued by receiving states.² Recently, however, this framework has been challenged by a number of authors, including some of its previous proponents.³ Particular emphasis is often put on the way in which refugees' agency needs to be recognised in both the politics and the theory of asylum.⁴ An important argument in this literature concerns the enfranchisement of refugees. By 'enfranchisement' or 'democratic inclusion' I mean granting refugees full democratic participation rights, i.e. rights of democratic deliberation and voting in state-level decision-making, e.g. in elections and referenda.⁵ Many argue that refugees ought to be granted such wide-ranging political participation rights amounting to full or partial inclusion as participants in the democratic life of the receiving state independently of the acquisition of citizenship.⁶

Separating refugee enfranchisement from naturalisation might seem odd. If one thinks it important to grant refugees some political rights, why not go all the way and demand full citizenship for them? Indeed, the Geneva Convention already prescribes that receiving states should facilitate the naturalisation of refugees, and some even argue for the duty to naturalise refugees.⁷ Yet many who argue for refugee enfranchisement separate this issue from naturalisation. For example, Ruvy Ziegler holds that 'while the state should facilitate naturalisation of non-citizens, especially in view of the security of residence which ensues, it should also enfranchise non-citizen residents'.⁸ Similarly, Felix Bender argues for the disaggregation of political participation rights and citizenship: 'Citizenship, then, simply does not matter for the right to political participation from a normative point of view. [...] Political rights can thus be had without possessing citizenship'.⁹ Ali Emre Benli agrees: 'The grounds of voting should, then, be *disaggregated* from the grounds of citizenship'.¹⁰

The issues of enfranchisement and naturalisation are indeed conceptually distinct. Although naturalisation should arguably entail enfranchisement, the reasons why one should become a citizen of a state and why one should have democratic participation rights do not necessarily overlap. Non-citizens can and do have democratic participation rights, mostly on the local level, but in some cases, e.g. New Zealand, Chile, and Ecuador,¹¹ on the national level as well. In 2020 Scotland also granted voting rights to refugees as resident non-citizens. Of course, one may argue that this is a mistake and enfranchisement should be closely tied to naturalisation. But such an argument must rest on a clear understanding of why enfranchisement and naturalisation matter, and particularly whether enfranchisement matters in its own right, or only as part of citizenship. Here I will bracket the question of refugee naturalisation because my goal is to address the prior problem of the significance of refugee enfranchisement.

Why, then, should refugees be enfranchised independently of citizenship? I mean to distinguish this question from the question of *whether* they should be so enfranchised. Even those who support refugee enfranchisement may disagree on why it matters. For example, some may think that it is a fundamentally important element of refugee protection on a par with protecting refugees' basic rights, while others might think that it is an optional policy whose costs and benefits may be weighed against other policy options equally suitable for achieving the same goals. Understanding why refugees should be enfranchised, i.e. what value is meant to be realised by refugee enfranchisement, settles these kinds of debates by elucidating what function refugee enfranchisement is supposed to perform, what goals it is meant to achieve within the overall provision of asylum, and how it relates to other such goals, e.g. in terms of priority.

I take it that most advocates of refugee enfranchisement accept the first view, i.e. that it is a fundamentally important element of the provision of asylum. It is not an optional policy, but one that all states must adopt in time, and which should be promoted by international organisations and law. It also seems that this conviction is, at least partly, motivated by the recognition of the importance of affirming refugees' agency. Refugee enfranchisement may be said to matter because it is essential for the full affirmation of refugees' agency, i.e. without democratic inclusion, some important aspect of refugees' agency remains unrecognised or disabled. Some advocates of refugee enfranchisement do seem to have this view in mind, e.g. Ziegler, who emphasises the 'fundamentality of voting' in affirming agency and human dignity.¹² But even if not all advocates of refugee enfranchisement share this view, I believe it is the correct view. Unfortunately, however, I do not think that the most common arguments for refugee enfranchisement provide sufficient support for it.

One such common argument begins by considering the so-called democratic boundary problem. The democratic boundary problem is the question of how the boundaries of the *demos*, i.e. the community of democratic participants, ought to be drawn for a given polity.¹³ The argument selects a specific answer to this question and then proceeds to show that under the relevant boundary principle, refugees count as claimants of democratic participation rights. For example, both Bender and Benli rely on the so-called *All-Subjected Principle*, according to which all individuals who are subjected in the relevant sense to the power of the state ought to have a say in how state power is exercised; since refugees fall within this category, they must be enfranchised. Such arguments may succeed in showing that there are *pro tanto* reasons, perhaps even a duty, to enfranchise refugees, but without further explanation of why the boundary principle in question generates claims for democratic inclusion, they cannot explain why democratic inclusion matters, particularly why, if at all, it matters for affirming refugees' agency. This is not an objection to arguments based on boundary principles; their intended purpose may be to show that, but not why, refugees should be enfranchised. Still, the question of why refugee enfranchisement matters is an important one in its own right, and to answer it we need to go beyond arguments based on boundary principles.

2. The Equal Autonomy View

Let me begin by considering what I take to be a widely accepted account of why enfranchisement generally, and refugee enfranchisement in particular, matters. I have serious doubts about whether this account is successful, but my goal here is not to refute it. Instead, I want to illustrate the challenges of explaining why refugee enfranchisement matters by discussing its problems and limitations. I call this widespread account the *Equal Autonomy View*. Arash Abizadeh formulates it as follows: 'the democratic ideal of collective self-rule is grounded in the notion that securing the conditions of individuals' autonomy and standing as equals intrinsically requires that they be the joint authors of the terms governing the political power to which they are subject'.¹⁴ In other words, democratic inclusion matters, because it is necessary for the proper recognition of what I will call, for the sake of brevity, *equal autonomy*, by which I do not mean 'an equal amount of autonomy', but individuals' standing as equal and autonomous persons subjected to political power.

Something like the Equal Autonomy View seems to underlie many arguments for refugee enfranchisement. For example, Ziegler views democratic participation as an ‘autonomy-enhancing act, ... which manifests human dignity, as well as professes the enjoyment of equal worth, concern, and respect of society’.¹⁵ Abizadeh proposes the Equal Autonomy View as the grounding for the All-Subjected Principle,¹⁶ i.e. the principle which Bender and Benli use in their arguments, and Bender in other works also invokes autonomy as central to the value of democratic agency.¹⁷ But even if not all defenders of refugee enfranchisement endorse the Equal Autonomy View, it is certainly an intuitively appealing view of why the democratic inclusion of refugees matters, particularly for affirming refugees’ agency. I would argue, however, that the connection between democratic inclusion, equal autonomy, and affirming refugees’ agency is far less clear than the Equal Autonomy View suggests.

Note, first, that the Equal Autonomy View, as formulated by Abizadeh, claims that recognising equal autonomy *intrinsically* requires democratic inclusion. That is, democratic inclusion is not a mere *instrument* of achieving equal autonomy. One may, of course, argue for refugee enfranchisement on instrumental grounds. Having a democratic say would certainly grant refugees important opportunities to protect and advance their interests which they currently lack. But the instrumental value of the democratic say for refugees is likely to vary from context to context. Enfranchised refugees’ efforts to shape state policy and laws in ways that would be beneficial for them could always be undermined by other voters. In some cases, extensive protections, e.g. through constitutional measures or human rights treaties, and securing an adequate range of options to choose from may have greater instrumental benefits for refugees than enfranchisement. On an instrumentalist view, then, refugee enfranchisement is not fundamentally important for affirming refugees’ agency; it is optional. What is fundamentally important is whatever best allows them to protect and advance their interests, whether it is enfranchisement or not. This is, of course, not an argument against instrumentalism in and of itself; it merely shows what instrumentalism implies about why refugee enfranchisement matters.

The Equal Autonomy View, however, is not an instrumentalist view; thus perhaps it is better able to support the fundamental role of refugee enfranchisement in affirming refugees’ agency, which I intend to establish here. One may argue, for example, that full autonomy constitutively requires both private and public autonomy, the latter being understood as democratic participation.¹⁸ Without enfranchisement, therefore, refugees cannot be fully autonomous. However, it is somewhat unclear how democratic participation would count as a form of autonomy at all. Although participants in the democratic process have some amount of control over political outcomes, democracy is essentially a collective matter; democratic citizens rely on each other’s contribution to shape politics, e.g. by voting with them; that is, as Thomas Christiano notes, they seem to be precisely in a state of heteronomy.¹⁹ Of course, many authors propose conceptions of autonomy that are meant to overcome this problem.²⁰ Still, there is considerable unclarity about how democratic participation could be constitutive of full autonomy.

Abizadeh himself explained the connection between democratic inclusion and equal autonomy differently. Since state power is necessarily coercive, and coercion is necessarily harmful to autonomy, state power may only be wielded over individuals if it is justified to them in a way that is compatible with their standing as equal autonomous persons. By including all as equal decision-makers, Abizadeh argued, the democratic process is supposed to provide such a justification.²¹ One may object, however, that democratic

inclusion does not justify coercion. If my friends and I coerce you to do something, this coercion is in no way justified simply by giving you a say in how you will be coerced, especially if we can outvote you. Coercion can also be justified without democratic inclusion, for example, by moral necessity, e.g. to avert a greater evil, or the existence of prior rights or entitlements on the part of the coercer, e.g. when I coerce an intruder to leave my property. One may argue that receiving states have the right to implement the necessary measures for providing asylum effectively which, although they inevitably involve coercive state power, are justified either by moral necessity or the prior entitlements of the citizenry. If the measures implemented are excessive or unjust, then the state should not enfranchise refugees, but simply desist from further such activity and simply release refugees from its power. Again, if my friends and I unjustly coerce you, that does not mean that you should get a say in how we coerce you, but that we should stop, and let you go.

Indeed, allowing refugees to move on by granting them meaningful exit options, the lack of which is widely held to be a major part of their predicament,²² would perhaps make an even greater contribution to their autonomy than enfranchisement. For meaningful exit options, unlike enfranchisement, would grant refugees autonomous choice about what policies and legal system they live under that cannot be interfered with by dissenting majorities. Of course, meaningful exit options are currently not available for most refugees and granting them is often not within the power of receiving states. And although in the long run the international refugee regime could, and perhaps should,²³ move towards enhancing those options, under current circumstances democratic inclusion would at least provide refugees with some measure of control over their situation. Still, on this view, refugee enfranchisement is not a fundamental part of asylum. It is a policy which is perhaps necessary in the short term, but overall optional, and in the long term may be substituted by meaningful exit options and free mobility. Once again, these considerations do not refute the view; they only shed light on the perhaps unexpected, and often unacknowledged, complexity of the relationship between enfranchisement and autonomy.

One may defend the Equal Autonomy View by emphasising that refugee enfranchisement is meant to secure not only refugees' autonomy, but their equal standing as autonomous agents vis-à-vis citizens of receiving states. Given refugees' extreme vulnerability, in order for them to be considered equal and autonomous persons, they must be empowered through democratic inclusion. Indeed, democratic inclusion with an equal voice might be insufficient; given their vulnerability, refugees should be granted a greater say, at least in matters pertaining to them, than citizens. Securing equal autonomy for refugees, in other words, would require introducing counter-majoritarian measures, e.g. a veto on legislation concerning asylum.²⁴

Refugees are indeed extremely vulnerable, and this does give rise to problematic power inequality. The democratic inclusion of refugees might help mitigate this not only by giving refugees some control over their situation, but also by serving as a status marker, counteracting the status inequality and stigmatisation that often afflict refugees. Consider, however, what function refugee enfranchisement is meant to serve on this view exactly. One answer might be that democratic inclusion serves refugees' interest against being under the arbitrary power of the receiving state by empowering them to counteract the state's power. But then, interestingly, the purpose of empowering refugees is simply to disempower the state, i.e. to prevent it from using its power in arbitrary or unfair ways. Constitutional measures, the division of powers, checks and balances, the rule of law, and

international law are all meant to perform this same function of disempowering states. The point, then, is not to affirm refugees' agency but to reduce states' arbitrary power. That this is achieved through enhancing refugees' capacity to act as political agents is wholly incidental.

I do not suggest that constitutional measures or international law could adequately replace enfranchisement as antidotes to problematic power inequality between refugees and receiving states. Even if they cannot, this view fails to tie the value of refugee enfranchisement to the value of affirming refugees' agency. Once again, this does not refute the Equal Autonomy View. Perhaps the reason why refugee enfranchisement matters is its contribution to reducing power inequality, rather than affirming refugees' agency. Or perhaps the Equal Autonomy View can be elaborated and amended in a way that assigns a more substantial weight to agency. In any case, the discussion in this section shows that despite its intuitive appeal, the claim that refugee enfranchisement is a fundamental requirement of affirming refugees' agency is quite difficult to substantiate. Merely invoking equal autonomy in the quite general way it is often done in the literature does not explain how precisely democratic inclusion affirms refugees' agency; it does not even explain that it is their agency that democratic inclusion affirms, rather than some other value, e.g. equality of power, incidentally connected to their agency. In the remainder of this article my goal is to present what I take to be the strongest explanation of why democratic inclusion matters for affirming refugees' agency.

3. Refugees as Makers of Justice

The view I wish to defend is that democratic inclusion is a fundamentally important element of affirming refugees' agency. We have seen that democratic inclusion can help advance refugees' interests and protect them from unjust and arbitrary treatment by the receiving state. However, refugees' agency is not essential for achieving these goals; what matters is that their rights and interests are advanced and protected, whether through their agency or not. Is there a reason, then, why refugee enfranchisement matters from the viewpoint of refugees' agency as well? Let me begin by considering a simple hypothetical scenario.

Farm. *P* suffers injury, perhaps at the hand of someone, which requires ongoing care as well as shelter and nourishment. *Q* has a farm with all the resources needed by *P*. *P* appeals to *Q* for care and protection. *Q* obliges and brings *P* to her farm. *P* is not at risk of unjust treatment by *Q* because an external agency *E* (perhaps local authorities) reliably protects her against any abuse by *Q*.

Farm is essentially a rescue scenario, and as such, it is an imperfect model for the situation of refugees. Refugees are not helpless victims of rescue and portraying them as such risks precisely downplaying the importance of their agency.²⁵ Furthermore, the relationship between refugees and receiving states is far more complex than and qualitatively different from the relationship between *P* and *Q*. For example, as it is frequently pointed out in the literature, receiving states, especially in the Global North, are often not innocent bystanders happening upon unlucky victims, but they themselves contribute to creating the conditions that imperil refugees.²⁶ And most refugees do not enjoy the reliable

protection of external agencies. Still, as long as we are clear about its considerable limitations, *Farm* can serve as a useful heuristic tool.

Does *P* have a claim for something like democratic inclusion in *Farm*, e.g. should *P* be given a say in how *Q* manages the farm? Since *E* protects *P* from injustice and arbitrary interference by *Q*, *P* cannot claim inclusion for the sake of this protection.²⁷ Can she claim a say on other grounds? Perhaps *P* can demand a say, indeed, a decisive say, in narrowly self-regarding matters, e.g. which of her injuries *Q* treats first. But these are not decisions about how *Q* manages the farm; those decisions, it seems, are up to *Q*. Consider, however, the following case:

Unjust farm. The same as *Farm*, but *Q* has a farmhand *R* who is subjected to injustice, e.g. exploitation and abuse. The resources spent on caring for *P* are partially the result of *R*'s exploitation. *R* is not protected by *E*.

It seems to me that in *Unjust farm* *P* should have a say in how *Q* manages the farm. In this scenario, *P* depends for her most fundamental interests, e.g. food and shelter, on a scheme in which *R* suffers injustice. *P* rightly wishes not to be implicated in such a scheme. It is not implied that *P* is *complicit* in *Q*'s injustice; she may not do anything to contribute to it. It is also not claimed that *P* incurs *unjust* advantages due to *Q*'s injustice. *P* may not get anything more than she is owed. Still, *P*'s fundamental interests are intertwined with this unjust scheme, and it seems to me that even if she is neither complicit in nor does she unfairly benefit from this injustice, she can rightly object to being caught up in it even in such innocent ways.

What can *P* do in response to her implication in *Q*'s unjust scheme? Suppose *P* could leave and seek care and protection elsewhere, e.g. because *E* grants her meaningful exit options. Abandoning *R* in this way seems wrong. If there is no further justification for *P*'s exit, then dissociating herself from the unjust scheme seems to be an inappropriate response to the problem of being implicated in it. The fact that she shares this scheme with *R* appears to charge her with some sort of responsibility to ensure its justice for all involved; that is, we bear responsibility for the justice of the schemes and systems that apply to us.²⁸ How could *P* act upon this responsibility? She may protest against *Q*'s injustice and try to persuade *Q* to change her ways. But in this way decision-making power remains with *Q*. Even if *P* can get *Q* to change, it is because of *Q*'s decision to listen to her that makes it the case that injustice ceases. *P* may rightly feel in this case that her ability to ensure justice in the scheme that applies to her and on which she depends for her basic needs is defective. She is at the mercy of *Q* when it comes to ensuring the justness of the scheme.

The problem of being at the mercy of others is usually discussed in relation to power inequality and even autonomy. However, it is not obvious to me that these are at stake in this situation. What *P* primarily objects to in this situation is not that she is under the arbitrary power of *Q* or that her autonomy is constrained or invaded in some ways. Of course, there are many ways in which *Q* is problematically unequal to *P*, perhaps even in terms of autonomy. But this does not seem to be what her complaint is primarily about. The complaint is that she cannot ensure justice for *R*; it is a complaint about the disconnect between *P*'s agency and the justness of the scheme on which she fundamentally depends, i.e. a complaint that she can, at best, *advocate* for justice, but is not an effective *maker of justice*. This disconnect between *P*'s agency and the justness of the scheme remains in place unless she is granted a say in how *Q* manages the farm. For this reason,

democratic inclusion in this case does not realise a value which incidentally involves *P*'s agency; the whole point of democratic inclusion is to make *P* a certain kind of agent, i.e. a maker of justice.

Arguments about simple examples like *Unjust farm* do not immediately imply anything about much more complex political matters. However, in recent years a number of democratic theorists have argued that the value of democratic agency is indeed best understood in terms of individuals' interest in being makers of justice. Jeffrey Howard put forward the view that the proper recognition of and respect for individuals' standing as possessors of the natural duty of justice and the moral power to reason about and act from principles of justice require democratic inclusion, for only this allows them to be fully recognised as agents to whom the labours of justice properly belong.²⁹ Christian Schemmel also argues that proper respect for and recognition of individuals as fully-fledged bearers of a sense of justice intrinsically require granting them democratic participation rights.³⁰ Finally, I have previously argued that under the condition of deep social interdependence, which is characteristic of modern societies, democratic participation makes an essential contribution to establishing morally acceptable relationships between individuals who, through democratic institutions, can relate not as hostile competitors, but as partners in the common project of ruling their polity justly together.³¹ On these views, the value of democratic agency lies in its essential role in allowing individuals to act as makers of justice. Of course, these arguments are not immune to challenge; they are part of an ongoing debate about the value and justification of democracy which is far from settled. Nonetheless, I find it convincing that at least part of the reason why democratic agency matters is that it allows individuals to act as makers of justice.

If we accept this approach to the value of democratic agency, what follows from it for refugee enfranchisement? The present view suggests that refugee enfranchisement also matters, at least partly, because it is the only way to enable refugees to be true makers of justice within the systems on which they depend for their most fundamental interests. As with *P* and *Q* in *Unjust farm*, refugees usually depend for their most fundamental interests on the receiving state. Furthermore, unlike *P*, refugees do not merely receive temporary support to heal and move on. They wish to lead a full life within the system of social cooperation of the receiving state by contributing to this system and receiving from it a fair share of burdens and benefits. Since their only chance for a dignified life, or one of their very few chances, is to participate in this system of social cooperation, it is pre-eminently important for them to ensure that this system is just, so as to avoid having to contribute to injustice in pursuit of asylum.

Suppose, for example, that a refugee's only option for asylum is in a state which engages in the unjust oppression of a local ethnic minority. In this case, they face the choice of either contributing to abhorrent injustice by way of contributing to the system of social cooperation that produces this injustice or subjecting themselves to the hardships from which they try to find refuge in the first place. It seems to me that they can rightly object to being powerless to change this situation, i.e. to ensure the justness of the system. Note that the objection is not simply against the injustice, but against their powerlessness, i.e. the disconnect between their agency and the justness of the system. This problem cannot be solved by external agencies, international law, or meaningful exit options. As we have seen in *Unjust farm*, simply exiting a scheme in which one is implicated is not the appropriate response to the disconnect between one's agency and the justness of the scheme. Of course, this does not mean that free mobility or meaningful exit options

should be denied to refugees; other considerations may justify moving the international refugee regime toward greater mobility and more choice for refugees. Even then, however, there remain reasons to enfranchise refugees in the states where they end up which have to do with their interest in acting as makers of justice. As for external agencies, e.g. the United Nations High Commissioner for Refugees (UNHCR), the EU, or other states that might intervene and enforce international law if the receiving state mistreats refugees, these also cannot solve the problem. For suppose that in *Unjust farm E* does intervene on *R*'s behalf after all. Even then, it seems, *P*'s complaint about the disconnect between her agency and justice would remain; if it is a problem that *P* depends on *Q* for the justness of their scheme, then it is a problem that she depends on *E* in the same way as well. Similarly, refugees must be empowered to counteract injustice in the receiving state themselves in order to be full makers of justice.

Does this also mean that refugees have claims to democratic inclusion within the international regime of refugee governance, i.e. the international systems and institutions that regulate the provision of asylum, the movement of asylum seekers, their distribution between states, and so on? I think it does. For this international regime is also a political context in which they find themselves. If refugees have an interest in acting as makers of justice within the receiving state, then, arguably, they also have a similar interest in participating as democratic agents in governing the international refugee regime, e.g. through such institutions as the UNHCR.³² Refugees' interest in acting as makers of justice in supranational political contexts may further support Benli's claim that refugees in EU countries should have the right to participate in EU-level decision-making, e.g. European Parliament elections.³³ But democracy on the supranational level brings with it its own set of problems which I cannot discuss here. Working out these implications of the argument must be postponed to later work.

One may wonder if the view I defend is just a version of the Equal Autonomy View. As I noted, I do not think that the central concern with being makers of justice has any clear and straightforward connection to concerns about equality or autonomy. But one may offer a more complex view of equal autonomy that is capacious enough to incorporate this concern about being makers of justice. Indeed, Schemmel presents his argument precisely in terms of equality and autonomy. If this strategy succeeds, then the present view is indeed a version of the Equal Autonomy View, although I am myself sceptical if this is the best way to characterise it. In any case, there is certainly nothing about the present view that would contradict the Equal Autonomy View; one can accept both and hold that each elucidates different aspects of the value of refugee enfranchisement. However, I think the present view provides the better, or at least more straightforward, explanation of why refugee enfranchisement matters for affirming refugees' agency.

4. Objections

To further clarify and strengthen my view, let me address what I take to be the most important objections to it. First, one may object that refugees can act as makers of justice even in the absence of democratic inclusion. For example, they can engage in protest or direct action, they can challenge injustice through domestic and international courts, and so on. However, recall the distinction between advocating for and making justice. I argued above that *P* in *Unjust farm* may try to persuade *Q* not to mistreat *R*, but insofar as

decision-making power remains with *Q*, *P* may rightly feel that her agency remains problematically disconnected from the justness of the scheme on which she depends. Similarly, if refugees can only protest against the injustices in which the receiving state engages, or appeal to the citizenry or other agencies to rectify these injustices, to which refugees themselves must contribute as participants in the scheme of social cooperation, then this leaves their ability to be makers of justice problematically incomplete.

A more troubling objection to my argument is that it identifies the wrong kind of reason for enfranchising refugees. Intuitively, refugee enfranchisement should be justified as a measure that mitigates refugees' excessive vulnerability. The fact that at the same time it also enables them to act as makers of justice may be a good thing, but it is certainly not the most important reason why refugees should be enfranchised. Indeed, one may even argue that thinking of refugees as makers of justice is problematic because it charges an already vulnerable group with the task of securing justice for others, while they themselves are often the ones experiencing the greatest injustices. Whatever their theoretical difficulties, views which justify refugee enfranchisement as a way to protect refugees and advance their interests have much greater *prima facie* plausibility.

I think this is a powerful objection. I agree that an argument for refugee enfranchisement, particularly one that aims at showing that it is a fundamental, rather than an optional, part of the provision of asylum, must show how this policy responds to the vulnerability of refugees. However, we should not think of this vulnerability in too narrow terms. It consists not merely in material deprivation or bodily insecurity; part of it is also the non-recognition of refugees' standing as fully-fledged moral agents. Refugees are often treated as mere moral patients whose wellbeing or suffering perhaps matters, but who are not thought of as capable of judging and acting for themselves; therefore, they are to be managed, distributed, traded, but not engaged with as full persons. This is precisely the point of those who critique portraying refugees as helpless victims to be rescued. But moral agency involves not only making judgements about and acting for one's own self-regarding interests. It is also part of moral agency to shape our interpersonal relationships in fair and just ways, and, in the political context, to shape the rules that govern our shared life in accordance with justice. Consider the following hypothetical case:

Unjust society. Refugees find themselves in a deeply unjust society, one that mistreats a local ethnic minority. Refugees themselves are vulnerable; their basic needs and rights are inadequately protected. Nonetheless, they attain some political rights. However, their participation rights are constrained to asylum policy; they have a say, perhaps even a counter-majoritarian say, for example, in how much resource is spent on refugee protection, but not on further economic matters. Using their democratic say they manage to secure more resources for refugee protection, but the legislature decides to acquire these resources by expropriating the oppressed ethnic minority.

In *Unjust society* refugees are empowered to advance and protect their own interests, thereby reducing their vulnerability. This is certainly important; it is one reason why it is good to give them political rights. Nonetheless, their political agency still seems defective. They may, of course, protest against the legislature's unjust decision, but having no democratic say in the matter, they may rightly feel that they are not capable of exercising their political agency in all the ways fully-fledged moral agents should be able to. As participants in the shared life of the polity, it is morally relevant to refugees what kinds of rules

govern this shared life, and whether the relationships these rules establish between individuals accord with justice. Of course, refugees themselves are very often subjected to injustice. For them, making justice very often means advancing their own interests. But by doing so they not only engage in a form of political self-defence; they also act as makers of justice, and this contributes to affirming their moral agency in a uniquely valuable way.

Does this argument only apply in unjust societies? One may have the impression that on my view, the point of enfranchising refugees is to allow them to avoid complicity in social injustice; a threat absent in reasonably just societies. This impression would be incorrect, however. Similarly to *P* in *Unjust farm*, refugees in *Unjust society* are not complicit in injustice; they do not facilitate or help implement the injustice; they do not encourage, incentivise, or endorse it. Although their political participation does provide an *occasion* for injustice, this surely does not suffice for complicity.³⁴ Refugees in *Unjust society* are owed full inclusion because their agency is objectionably disconnected from the justness of society. This disconnect may obtain even in a reasonably just society; even there, without full democratic inclusion, refugees remain at the mercy of others for ensuring the justness of the system of social cooperation on which their leading a dignified life fundamentally depends.³⁵

One may object that in a democracy, individuals always depend on others for the justness of political outcomes. Democracy is a collective venture where others can always unmake the justice we try to make. Earlier I objected to Equal Autonomy Views that they do not take this fact seriously enough; democracy cannot be a vehicle for autonomy because it leaves us subject to others' will. Now it seems that I make the same mistake; I expect democratic inclusion to eliminate refugees' dependence on citizens for the justness of society, but given the very nature of democracy as a collective venture, this is impossible. This objection is misplaced, however.

The challenge to Equal Autonomy Views rests on the premise that on at least some plausible views, autonomy requires full independence to determine at least some aspects of one's life. The challenge is that since democracy cannot promote such full independence, it may not promote autonomy either. But being a maker of justice on no plausible view requires such full independence; it only requires, to use the terminology from earlier, that one depends on others not as an advocate for, but as a maker, or rather co-maker, of justice. Equating the two kinds of dependence would be a mistake. When I am a mere advocate, others decide matters for me. When I am a maker of justice, we decide matters together. In neither case do I decide alone, i.e. have full independence, but in the latter case, I do decide – together with others who are included – whereas in the former case I do not decide at all, i.e. my agency is objectionably disconnected from matters of justice. The problem, then, is not that refugees depend on citizens for justice *as such*, but that they depend as mere advocates, rather than as makers of justice.

Democratic inclusion is, of course, only necessary but not sufficient for refugees to act as makers of justice. The unique deprivation refugees can experience that Gibney describes as the loss of their social world, i.e. their communities, associations, and cultural context, which results in a profound sense of disorientation,³⁶ can greatly impede refugees' ability to act as makers of justice, for example. This is why it is important that democratic inclusion is accompanied by enabling and developing refugees' participatory capabilities, e.g. by removing linguistic, epistemic, and physical obstacles to participation, and, if needed, providing training for ensuring that refugees can navigate the complexities of participation in a potentially alien social, institutional, and cultural environment. But

democratic inclusion can also help mitigate this disorientation by placing refugees in a position where the system of social cooperation in which they now participate appears to them less as a hostile alien terrain, and more as something that is theirs to engage with and improve upon in terms of justice.

One may suspect that my view presupposes a particular conception of refugeehood. For example, it may be argued that if one defines the grounds of refugeehood in terms of a specifically political harm, e.g. persecution or political oppression,³⁷ then it stands to reason that restoring one's political agency as a maker of justice is of great importance in the provision of asylum. But if instead one endorses a conception of refugeehood that focuses on mere need, or the absence of protection for basic rights at home, then political agency may be thought of as less important. However, I do not think that the importance of being makers of justice for refugees should depend in this way on one's conception of refugeehood. In *Unjust society* refugees rightly object to not having a say in how the oppressed ethnic minority is treated, whether their refugee status is based on specifically political harms or merely need. If one is left powerless to exercise one's agency for the sake of ensuring that participation in the system of social cooperation on which one's access to a dignified existence precariously depends does not require implication in and contribution to injustice, then central aspects of one's moral agency are left unrecognised. This point holds independently of why one's access to a dignified existence depends so precariously on participation in a particular system of social cooperation. Whether we think of the grounds of refugeehood in terms of political harms or generalised need, a major part of refugees' predicament consists in their state of origin's unwillingness or inability to secure the material, legal, or recognitional bases for them to act as full moral agents responsible both for their own individual lives and for the shared political life they lead together with others. The democratic inclusion of refugees matters because it restores a constitutive element of their moral agency.

5. Conclusion

In this article I wanted not simply to argue that refugees should be enfranchised, but also to explain why, i.e. what role democratic inclusion should play in the overall provision of asylum. I argued that a crucial part of this role is affirming refugees' agency, particularly their moral agency, by empowering them to act as full makers of justice. This recognition of their moral agency is important for refugees both because its non-recognition contributes to the status harms and mistreatment they suffer, e.g. by reinforcing their treatment as mere moral patients passively benefiting from receiving states' goodwill, as well as in its own right. For this reason, refugee enfranchisement is not an optional policy whose costs and benefits may be weighed against other policy options equally suitable for achieving the same goals. It is a fundamentally important element of asylum that states must adopt in time, and that should be promoted by international organisations and law, for there is no other way to fully affirm the moral agency of refugees as participants in the shared life of the polity where they are hosted.

Is this a realistic suggestion? One might have the impression that the views defended here are extremely idealistic. The fact of the matter is that many refugees worldwide are hosted in non-democracies where democratic inclusion is something not even citizens enjoy. And even democratic societies often actively try to exclude refugees from the shared life in which they are meant to participate through border externalisation, encampment, and similar measures.³⁸ Furthermore, given rising anti-refugee and general

anti-immigrant sentiment in many democracies, any policy of large-scale democratic inclusion for refugees would also probably face serious resistance. These are important problems and obstacles not only for refugee enfranchisement, but also for securing justice for refugees more generally. However, these simply highlight the many ways in which refugees' agency and other interests are ignored, i.e. the ways in which they are treated not merely as moral patients without agency, but simply as mere objects to be disposed of. In my view, what this shows is not that refugee enfranchisement and other measures necessary for affirming refugees' agency are idealistic dreams for better times that may never come, but precisely that they are urgently needed in the here and now.

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Acknowledgements

A previous version of this article was presented at the *Refugees and the Duty of Rescue* Conference at Durham University in 2022. I am grateful to the participants of the conference for the discussion, particularly David Owen and Felix Bender. I am also indebted to members of the GOODINT Project at the University of Tromsø, particularly Annamari Vitikainen, as well as to the anonymous reviewers of the *Journal of Applied Philosophy* for their valuable comments and suggestions.

Funding Information

This work was supported by the GOODINT Project, funded by the Research Council of Norway, project no. 313846.

Conflict of Interest

The author declares that there is no conflict of interest.

NOTES

- 1 In the following I will remain largely neutral about the definition of the term 'refugee', and the grounds of asylum, e.g. whether it is persecution or mere need, except in the fourth section where I briefly address how different definitions might affect the argument. I also acknowledge that there are a number of complicated cases which present specific challenges for the argument, e.g. those of asylum seekers without refugee status, refugees in transit countries, camp refugees, and recipients of temporary protection. Addressing these cases here would exceed the scope of this article; thus it must be postponed to later work.
- 2 Classic discussions of duties to refugees as duties of rescue include Gibney, *Ethics and Politics of Asylum*; Carens, *Ethics of Immigration*; and Miller, *Strangers in Our Midst*.
- 3 Gibney, "Ethics of Refugees"; Owen, *What Do We Owe to Refugees?*; Brock, *Justice*; Parekh, *No Refuge*; Souter, *Asylum as Reparation*.
- 4 Gibney, "Refugees and Justice between States"; Owen, "Refugees and Responsibilities of Justice"; Fine, "Refugees"; Vitikainen, "Refugee-Based Reasons."

- 5 This is not the only way to understand democratic inclusion. One may hold that democratic participation rights short of full enfranchisement also count as a form of democratic inclusion; see Owen, "Populus, Demos and Self-Rule." I will set these cases aside in the present discussion.
- 6 Ziegler, *Voting Rights of Refugees*; Bender, "Enfranchising the Disenfranchised"; Kapelner, "Vulnerable Minorities"; Benli, "Refugees."
- 7 Buxton, "Duty to Naturalise Refugees."
- 8 Ziegler, *Voting Rights of Refugees*, 119.
- 9 Bender, "Enfranchising the Disenfranchised," 66–67.
- 10 Benli, "Refugees," 15. Emphasis in the original.
- 11 Pedroza, *Citizenship Beyond Nationality*, 56.
- 12 Ziegler, *Voting Rights of Refugees*, 67.
- 13 Arrhenius, "Boundary Problem."
- 14 Abizadeh, "On the Demos and Its Kin," 878.
- 15 Ziegler, *Voting Rights of Refugees*, 206.
- 16 Others have, of course, offered alternative justifications for the All-Subjected Principle; see Beckman and Rosenberg, "Freedom"; Bengston, "Where Democracy Should Be."
- 17 Bender, "Refugees: The Politically Oppressed."
- 18 Bender suggests this view in *ibid.*, for example.
- 19 Christiano, *Rule of the Many*.
- 20 See Lovett and Zuehl, "Possibility"; Wilson, "Autonomy-Based Argument"; Jacob, "Every Vote Counts"; Hanisch, "Autonomy-Centered Defense."
- 21 Abizadeh, "Democratic Theory," 40.
- 22 Benli, "Refugees"; Ziegler, *Voting Rights of Refugees*, 213. See also Gibney, "Refugees and Justice between States"; Vitikainen, "Refugee-Based Reasons."
- 23 For a defence of rights of free movement for refugees, see Aleinikoff and Zamore, *Arc of Protection*.
- 24 Consider Abizadeh's more recent work: Abizadeh, "Counter-Majoritarian Democracy."
- 25 For literature on the shortcomings of the rescue-asylum analogy, see note 3 above.
- 26 Parekh, *No Refuge*; Souter, *Asylum as Reparation*.
- 27 Perhaps *P* has a claim for some sort of democratic inclusion in how *E* is managed, but let me set aside this issue for the moment.
- 28 See, for example, Young, *Responsibility for Justice*, as well as Rawls, *Theory of Justice*, 99.
- 29 Howard, "Labors of Justice."
- 30 Schemmel, *Justice and Egalitarian Relations*.
- 31 Kapelner, "Mutual Service."
- 32 For a discussion on involving refugees' voice in global refugee governance, see Owen, "Refugees and Responsibilities of Justice."
- 33 Benli, "Refugees."
- 34 For a discussion on the criteria of complicity, see Lepora and Goodin, *On Complicity and Compromise*, 41ff.
- 35 Does the argument presuppose that refugees wish to promote justice? If they prefer injustice instead, can they be excluded? The answer is no. For, again, the point is to affirm refugees' moral agency by eliminating the objectionable disconnect between their agency and the justness of society. The disconnect exists regardless of their preferences. If upon inclusion they were to pursue unjust or unreasonable political projects, they should be treated the same way as citizens who pursue such projects; cf. Quong, "Rights of Unreasonable Citizens."
- 36 Gibney, "Refugees and Justice between States," 460.
- 37 See Lister, "Who Are Refugees?"; Cherem, "Refugee Rights"; Bender, "What's Political about Political Refugeehood?"
- 38 See Shachar, *Shifting Border*; Murray, "Externalisation."

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