

Moral Obligations, or Why We Should Help People Even If We Don't Like Them

Muna's mother and father escaped Somalia when she was six months old.¹ The three of them were among the first Somalis to arrive in the Dadaab refugee camp in Kenya. There were still animals everywhere—gazelle, zebra, and giraffes—and the refugees hunted them for food. In time, the animals would disappear, but Dadaab would grow to be one of the biggest and most populous refugee camps in the world.

Muna was part of the first generation to be raised entirely in the camp and would go on to raise her own family there as well. At fourteen she married. When she became pregnant, her husband returned to Somalia to visit his sick father but died of cholera before he could return. Now widowed with a newborn, Muna was expected to marry her husband's elder brother. Though she disliked him and tried to refuse, she was forced to marry him anyway. She became pregnant again and returned home to live with her mother even though her uncles threatened to kill her. After months of dispute, Muna had to give her youngest child to the husband, who continued to threaten her. Muna then left her oldest child with her mother and went to live

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on the UN compound in Dadaab, hoping for a job that would allow her to sleep inside the razor wire that surrounded the compound so that her husband could not kill her. There she met and fell in love with a Sudanese Christian man named Monday. Muna became pregnant once again. Because of the scandal of a Muslim woman having the baby of a Christian, many advised her to have an abortion. She refused. People called her fetus a "mutant," and Muna's own brother threatened to kill her for ruining their family name. She went to live in the Sudanese part of the refugee camp with Monday, who tried to keep her safe. It would not be easy: there were rumors that Somali nurses at the hospital would assassinate their baby with a lethal injection the moment she gave birth.

Muna managed to give birth to a baby girl they named Christine. Muna and Monday settled into life in the camp, trying to keep their new baby safe while waiting, like hundreds of thousands of others, for resettlement.

Helping the millions of refugees like Muna worldwide is a big task. Even providing basic goods, like adequate levels of security, food, and water, in refugee camps like Dadaab is a significant challenge. Muna is likely to be among the 8 percent of refugees that the UN considers too vulnerable to remain in a refugee camp—fellow refugees were, after all, trying to kill her baby—and in desperate need of resettlement. Yet she is still unlikely to be among the 1 percent of refugees who are actually resettled each year. It is more likely that she will spend years, perhaps decades, struggling in the conditions just described.

Some might think that being given a place to live in a refugee camp is sufficient. But is this really enough? Or do we owe something more to refugees, especially those who are likely to be unable to return to their homes? In my view, the international community has not done enough and has largely not succeeded in providing Muna with the minimum conditions of human dignity, including security.

In order to do this, many countries would have to contribute a lot and be willing to resettle many more refugees than they currently do.

This is a lot to ask. Despite that, the core of this book is an argument that Western liberal democracies have moral obligations to help refugees achieve the minimum conditions of human dignity. This will require states to rethink the way that refugees are treated during their displacement in order to ensure that refugees can access refuge and dignity in the long term. Given that a minimum threshold for dignity often cannot be met in refugee camps, states have moral obligations to resettle the most vulnerable refugees as well.

Yet many people do not believe that we have moral duties to refugees. For many, moral questions are almost by definition deeply personal—so much so that ascribing morality to a country or to a political problem can be uncomfortable in the extreme. On this view, morality is up to the individual: those thinking they have a moral obligation are free to act on it and are praiseworthy, but that obligation doesn't extend to anyone else. For others, policies need to be pragmatic and economically efficient, and morality simply has no place in the calculus of what is best for the country. Yet I'll argue in this chapter that morality is not merely personal but can and should be extended globally and that politics and economics are not the only aspects that we should consider.

Those who believe that morality is up to the individual may also believe that charity is the best way to address the needs of refugees. People are free to help refugees if they want but are also free to donate their money to other causes or save it for their vacation. This is how we respond to other global crises like tsunamis or earthquakes. People see victims whose lives have been devastated and, moved by compassion, they donate money to charity. Many people like the idea of charity because it is comfortable. We get to say how much we're going to give, when, and to whom. We remain in control of our giving. Further, it does not entail any recognition or acceptance of blame

what we would be willing to do if we acted out of self-interest alone. This is why morality is so important and recognizing our moral obligations to refugees is so crucial.

This chapter is intended to address some of the concerns of those who disagree. Some may ask: do we really have moral obligations? This is the challenge of moral skepticism. Others may agree that we have moral obligations but think that they only apply to family and friends. How can moral obligations extend to refugees, people we don't know and may never have any contact with? The traditions of both religious and secular ethics I discuss in this chapter oppose this view. They hold that morality applies to all people, regardless of who they are or whether or not we have a personal connection to them. Many will still have a final concern: if we have obligations to refugees, what exactly are they? The answer to this is surprisingly simple and has a good deal of consensus: human rights. I argue that we owe refugees the minimum conditions of human dignity, an idea based on the view that all people are entitled to basic human rights. This is an idea that is widely accepted, enshrined in both international and national law, and has broad, overlapping consensus. Moral obligations to refugees, I'll conclude, have a strong foundation.

DO WE REALLY HAVE MORAL OBLIGATIONS?

Most people respond to moral demands all the time, though few outside of philosophy use the words "moral obligations" to describe things they feel they *should* do just because it's right. Still, the concept of moral obligations has a deep and rich history worth exploring.

To give a very broad definition: a moral obligation is something that you are required to do (for yourself, for other people, for your country, etc.) because it is morally the right thing to do. In everyday life, we have many sorts of obligations or, as they are sometimes

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alternately named, duties. We have legal obligations to pay our taxes, contractual obligations to go to work in order to receive our salary, and familial obligations to visit our grandparents on their birthdays. In other words, there are things we are required to do or have a very strong reason to do independently of whether we want to do them.

Obligations can take different forms. Legal obligations and contractual obligations are widely recognized to be legitimate kinds of obligations. The reason why we might fulfill legal or contractual obligations is easy to see: there are external mechanisms of enforcement. If I break the law, I may be fined or go to jail. If I break the terms of my employment contract, I may lose my job. But these forms of external enforcement aren't always essential to the obligation. There are other kinds of obligations that do not have these external forms of enforcement. Many people recognize that we have reasons to do things for our family, help our friends, and not to lie to people for fun. Even though there is no law that would punish me for lying to a friend, most people would agree that I owe it to my friend to be truthful. We take ourselves to have reasons not to do these things whether or not they benefit us or can be coercively enforced. When I say we have obligations to refugees, what I mean is that we have this kind of obligation: we have an obligation to help even absent an external enforcement mechanism and regardless of whether or not it benefits us.

Many readers will have doubts about morality as such. *Moral skepticism* has been around as long as people have been doing philosophy. Some readers may agree that we do indeed have some moral obligations, but still think that morality is so deeply personal that it's just up to us to decide what those obligations are and no one else can tell us what we should do or how we should treat people. For them, morality is *relative* or up to each individual or perhaps each culture. Stronger skeptics may hold the view that morality doesn't really exist. People may *seem* like they are acting in the name of moral principles, but they are really just following social custom, doing what they think

will help them gain an advantage, or following the law. Morality is an illusion, followed only for the sake of personal gain or fear of the consequences. If a politician claims to be moved by the sight of a child refugee washed up on the shore of her country and insists we have moral obligations to help others like her, a skeptic would think this was just a way to gain sympathy from voters or appear more humane.

While some readers may be genuine moral skeptics, thinking there are no good reasons for moral obligations, most of us take ourselves to have at least some moral obligations. Most people act in their day-to-day lives with at least a minimum commitment to the idea of moral duties. Further, most people recognize that we should be consistent in our moral beliefs, treating similar cases alike. For those readers, making the moral case for refugees will mean articulating the sources of our obligations and arguing that they compel us to treat refugees in ways that are consistent with morality. It is my hope that in doing so, even moral skeptics may come to recognize that we have some moral obligations.

JUSTIFYING MORAL OBLIGATIONS

For skeptics or those wondering how we are going to justify obligations to refugees, we can start by looking at where people have found a foundation for moral obligations. There are several ways to *justify* or give reasons for morality that have proven durable and intuitive through the years, and I will focus on two. One source is the consequentialist view, which holds that obligations are based on the idea that we should aim to maximize overall well-being. This view is sometimes known as utilitarianism. Another is the view of Immanuel Kant, who roots morality in human reason. Though each view has its limitations, each highlights an approach to identifying the kinds of reasons we have for acting morally.

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Perhaps the most intuitive basis for a moral obligation is that the action produces a good outcome. This is the basis of consequentialism, a view made popular by Jeremy Bentham and taken up in the nineteenth century by the great liberal thinker J. S. Mill. This view holds that the outcome or consequences of an action, typically understood in terms of the happiness or well-being of those affected, determine whether or not the action is morally correct. If you are a consequentialist, you think that we ought to do what produces the best consequences. Indeed, consequentialism *requires* choosing the course of action that produces the best outcome for the most people.

For many this way of thinking about morality makes sense. If I have to choose between two courses of action, it makes sense that I would choose the one with the better outcome, the one that produces the most good. If the finance minister of your country was choosing between two sets of policies, one that created more wealth for more people or one that created less wealth, most people would intuitively think that the right thing to do is to choose the first course of action. Moral action should aim at good outcomes, improving the world in terms of overall happiness or well-being, and not just in improving my own individual welfare. This seems to many people to clearly be the right course of action.

An important feature of this account is that everyone counts equally in determining the best outcome or how to maximize well-being or happiness. Everyone is equal—the happiness of a prince doesn't count for more than the happiness of a schoolteacher. Though this appeals to a sense of equality that many people share, its implications are very demanding. We are not allowed to aim for the best consequences for ourselves, nor for those we care more about (our children or best friend, for example) or those we have special relationships with (such as fellow citizens). This, for most people, is very hard to do in practice.

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When used as a moral framework guiding political or economic policies, consequentialism is similarly demanding. It requires that we consider the effects of our policies not merely on our own citizens, but on all those the policy affects. For example, if a country is considering implementing a trade policy that would benefit its citizens by opening a market for a good produced in that country, a consequentialist would ask how this will affect the other countries involved.³ If the result of this policy is that, globally speaking, more people will be made worse off, even though your own country might be made better off, the policy would not be morally permissible. What matters is the overall outcome, not which people benefit. This is one of the radical dimensions of consequentialism: a politician who adopted this standpoint and considered the impact on all those affected, not just her fellow citizens, would no doubt be considered radical.

One implication of consequentialism is that in principle, individuals may have to suffer bad consequences for the sake of maximizing the greater good. A trade policy that used consequentialism to maximize overall well-being might well require that a certain group of workers lose their livelihoods and their ability to provide food for their families. If we find ourselves in a situation where some need to be harmed or have their human rights neglected for the sake of increasing the overall well-being of the group, such actions may be permissible. What's missing from consequentialism is what the philosopher John Rawls called a sense of the separateness of persons and a requirement that we treat each individual as a singular entity, entitled to equal moral concern.⁴ For Rawls and others who share this view, it is never morally acceptable to sacrifice the good of an individual for the sake of improving life for the group.

This is where the philosopher Immanuel Kant comes in. His view of morality requires that we treat others as individuals with their own needs, rights, and interests—as “ends in themselves,” to use his

phrase—and never merely as a means to my own ends, no matter how much happiness doing so would produce.

Kant will appeal to those who believe that doing what is right is not a matter of trying to get the best outcome. Some actions, we might think, are just right or wrong in themselves, regardless of the outcomes they produce. For example, many people consider friendship to be something that is just a good thing to have in one's life. Even though friends might bring certain benefits (season tickets to the Red Sox perhaps), most people want to have friends even without material benefits. Friendship, philosophers say, has an *intrinsic* value. Approached from the negative side, many think that killing an innocent person is just bad in itself. Maybe someone is annoying or standing in the way of your promotion, but we still don't think that it would be morally permissible to kill the person. While the list of actions that are good or bad in themselves (that is, independent of the outcomes they bring) might be debatable, most people easily recognize that there are some things that fall into these categories.

But what makes some actions right or wrong in themselves? Kant did not agree that what made actions right were the consequences they produced. But if he rejects this common-sense justification for moral obligations—that maximizing good outcomes grounds our reasons for acting—what is the alternative?

Kant's answer is rationality. It is through the use of our reason that we are able to figure out for ourselves what is right or wrong. We do this by applying what Kant rather clumsily calls "the categorical imperative." The categorical imperative asks us to consider whether or not the *principle* that we are acting on could be used by everyone; in his words, whether it could be applied *universally*. Perhaps I'm trying to decide whether or not I should lie to my boss to get out of going to work. Kant asks us to think about the principle or the core of what I'm doing. In this case, the principle would be that it's okay to lie if it gets you something you want. Now, what would

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happen if this were applied *universally*, that is, if all people acted on this principle? Imagine a world in which all your friends, colleagues, strangers simply lied whenever they wanted something. In such a world, we could hardly believe what anyone told us since we know that people are likely to lie to us. You certainly wouldn't be able to lie to your boss because she would not believe you—lies only work if people think we're telling the truth most of the time. In Kant's view, this leads to a *contradiction*: if we universalize the principle of lying for convenience, the practice of lying wouldn't make any sense: we actually wouldn't be able to engage in "lying" (or truth-telling) as we now understand that practice because no one would believe anything we said. The value of truth would have been eliminated. Lying, then, is morally wrong for everyone.

Yet not all moral decisions are quite so clear. Principles can be framed in different ways and may not lead clearly to a contradiction when they are universalized. If I am trying to decide if I should lie to help a friend out of a dangerous situation, is the principle in play "You should help friends in need" or is it "You should lie when it's helpful"? The latter principle, as we saw earlier, could not be universalized, while the former could.

Kantian and consequentialist ethics give us, I think, a good place to start to think about moral obligations to refugees. Their views point to nonarbitrary resources that most people will recognize as giving rise to reasons to act in certain ways that are independent of enforcement. Despite the challenges that come along with their positions, each view demonstrates that there are good reasons for acting morally. Whether it's for the sake of maximizing a value like happiness or general welfare or doing what reason shows us is the right thing to do, both views give us compelling reasons to take moral demands seriously whether enforced or not. They help us to think about what the *right* course of action is in a given situation, something that most people aim to do in their lives.

WE HAVE MORAL OBLIGATIONS, BUT DO THEY EXTEND TO REFUGEES?

Are these moral theories helpful in determining our moral obligations to refugees? To a certain extent, yes. They allow us to apply our moral compass to a global problem in a relatively straightforward way. If you're a consequentialist, you may ask what policy would increase the amount of happiness or well-being of both refugees and citizens of the country that would help them. For refugees who have lost their home, their place in society, their ability to earn a living and take care of their families, a policy that allowed them a place in a new country would increase their well-being astronomically. The good gained in being able to envision a future and know that your children will be safe, educated, and fed is incalculable.

What about citizens of the country refugees resettle in? They may experience a decline in well-being in the short term because they have to pay the cost of resettlement and must adjust socially and culturally to a new group of people. There may be other costs as well. Citizens may be more wary of their security or believe that they are losing their national heritage. Consequentialism would take seriously both the objective costs (the amount a country would have to spend on a resettlement program) and the subjective costs (how the policy changes people's feelings about themselves, their lives, and their country). It would also take into account the medium- to long-term benefits of having refugees. After all, refugees have proven to be both economically and culturally beneficial over the years. One need only think of all the Jewish refugees that were resettled after World War II—Albert Einstein, Sigmund Freud, Billy Wilder, Hannah Arendt, Marlene Dietrich, Vladimir Nabokov—to realize the important cultural contribution refugees can make. In resettlement countries like the United States, refugees have contributed billions of dollars to the economy.⁵ On the whole, it seems that admitting refugees, at least to

a certain level, would produce the most good, both for refugees and for the states that take them in and so would be the policy most consistent with consequentialist principles.

Kant's approach to our moral obligations to refugees would be different. He would ask us to think more about the principle that was underlying our treatment of refugees. Take a country's resettlement policy. In order to determine its morality, we would need to look at the principle underlying the policy and ask whether we could live in a world where this principle was universalized. The principle might be the following: you should help others in need when you are able to. Universalizing this principle would not entail any contradiction, and if I were in need of help, it would certainly be the kind of world that I would want to live in.

What about a policy based on the opposite principle: one should never help others who are in need? Such a principle, if morally permissible, could be used to reject the resettlement of refugees in a country. Kant says that even though the principle that we should not help others in times of need could be universalized—the human race would still be able to survive—we should still reject this principle. This is because it would lead to a different kind of contradiction.⁶ By willing a world in which no one helped anyone, we would be denying ourselves the help of others when we needed help. But we are often in need of help, and “the love and sympathy” of others, in order to achieve our own goals.⁷ Such a world, where nobody helped people in need, is not a world I could want to live in because I will inevitably need help at some point.

You might agree that consequentialism and Kantian ethics *can* be applied to refugees but *should not* be. This is the view that says that moral obligations only extend to people we have special connections to, like friends and family. On one understanding of patriotism, for example, we have stronger moral obligations to our fellow citizens than we do to noncitizens, either in our own country or abroad.

Are there compelling reasons for why our moral obligations should extend to people we may have no connection to, such as refugees and asylum seekers? I think compelling answers can be found in both secular global ethics and religious ethics.

FROM INDIVIDUAL TO GLOBAL ETHICS: SECULAR AND RELIGIOUS VIEWS

How can we extend the moral obligations I have discussed—rooted either in consequentialism or in Kantian ethics—to distant strangers we may be indifferent to or perhaps even dislike? Both philosophies are committed to *moral universalism*. The core idea behind this is that because all human beings are inherently equal—a strong commitment of many philosophical views and the basis of liberal democracies—all people should be given the same moral consideration. Consequentialist ethics treats everyone's pleasures and pains as counting equally. Kant similarly asks us to consider the world in which all people live, not just fellow nationals or friends. Both perspectives consider it immoral to restrict our obligations to only one subset of the population. Morality, on both views, is universal in its reach.

But the farther people are from an unfortunate situation or people suffering, the less connected they feel and the more likely they are to ignore it. It's one thing to donate money to a local family displaced by a fire; it's quite another to donate money to an aid agency working in a country I may not know anything about. One might ask: is this distance—both physical and intellectual—morally relevant in thinking about whom we ought to consider in our moral decisions?

One of the best-known responses to this question comes from the philosopher Peter Singer.⁸ He asks us to consider the following scenario: imagine that you were walking past a shallow pond and saw

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a small child playing in it, unaccompanied by any grown-ups. You notice that the child is drowning. Singer asks, should you rescue the child, even if it means ruining your new shoes or being late for work? Almost everyone would agree, he thinks, that we have a moral duty to rescue the child, and that it would be wrong to let the child drown because we didn't want to sacrifice a pair of shoes.

Why is this? Just imagine what you might say to a friend who said that she didn't rescue the child because she hates having wet feet. Singer thinks that if you can prevent something very bad from happening, at a relatively low cost to yourself, you ought to do so. This principle gets to the heart of what makes morality universal. What should matter is the harm and your ability to address it, not who the person you are aiding is. The duty to help comes merely from the fact that the person in need of rescuing is a human being and we know how awful it is for any innocent child to drown, especially one who could easily have been saved.

Philosophers will sometimes call this the principle of humanity or the Good Samaritan principle. The story of the Good Samaritan, told by Jesus in the Gospel of Luke, is well known. A person has been robbed, beaten, and left by the side of the road. The first two people who come across him ignore him. The third person, a Samaritan, stops, and, as Luke says, "takes pity on him." He carefully bandages the man's wounds and brings him to an inn where they can take further care of him, offering to reimburse the inn for any expenses incurred (Luke 10:25–37). What it has come to mean to be a "Good Samaritan" is that you help strangers in need, when others fail to help, even if it means going out of your way. The principle of the Good Samaritan has become so much a part of our moral landscape that almost everyone recognizes the ideal behind it, even if we don't always live up to what it asks us to do.

Can this principle be applied more broadly? Many philosophers, including Peter Singer, think so. Singer has argued that we can apply

this principle to global challenges such as poverty. The same intuition that tells us that we ought to rescue a child drowning in a shallow pond ought to compel us to donate the money we would spend on luxuries like eating out or bottled water to the extreme poor around the world since we could save many lives by doing so. The larger point that this thought experiment shows is that when someone is in extreme need and we are in a position to easily help, it should not matter who the person is, whether we have some kind of special connection to the person, or whether we share some important features, such as our nationality, our religion, or our political convictions. When a human being is in desperate need, we ought to help, especially when we can do so without much cost to ourselves.

Several philosophers appeal to this idea in order to justify our moral obligations to help refugees, as we'll see in the next chapter. Refugees, the argument goes, are like the child in the shallow pond—they risk suffering greatly or even dying if we do not intervene to help, and we can do so at relatively low cost to ourselves. It is not a duty that is based in any kind of special relationship—they don't need to share my religion or nationality—but simply in the fact that their need is great and we are in a position to help at relatively low cost to ourselves.

I'll return to this argument in more detail in the next chapter. For now it's worth pointing out that this principle has the benefit of providing clear and almost unassailable grounds for why we ought to help strangers in need, though it is limited in that it doesn't tell us much about what help we ought to provide or how much we are required to help. It also doesn't help us to understand our moral obligations when there are other people who are equally well suited to help. Imagine a pond scenario where there are three or four other people who notice the child drowning. Some are not rushing to work; maybe others are already wearing swim clothes and would be able to jump in without even the minimal consequences you would

suffer. Does this change what morality says we ought to do? If other countries can equally help refugees but refuse to do so, does my country still have an obligation to help? Suffice it to say for now that the principle of humanity is an important starting point for thinking about what we owe to others, but the complexity of global problems requires that we go beyond it.

For many people of faith, religious ethics offer a way of complementing philosophical support for extending our moral obligations to distant strangers. Though religious traditions differ in many ways, there is a tremendous consensus over how we should treat strangers who are in need, and in many cases, religious texts discuss how we should treat people who have been forced to flee their homes, such as refugees.

In the three Abrahamic religious traditions—Judaism, Christianity, and Islam—the refugee is seen as a vulnerable individual who is deserving of special treatment: refugees should be welcomed, cared for, and treated with compassion. In these traditions, our obligations to refugees are rooted in an understanding of both sacred texts and the charitable traditions that have emerged from each religion that focus on supporting refugees. Many of the most active NGOs that support refugees explicitly claim a religious foundation: Catholic Charities, Jesuit Refugee Service, Hebrew Immigration Aid Society, Jewish World Relief, Muslim Aid, and Islamic Relief, among many other smaller organizations. Churches, mosques, and synagogues have themselves been sites of support for refugees and resistance against what they see as unjust treatment of refugees. A church in the Netherlands recently organized one thousand priests and pastors to hold a nonstop prayer vigil for three months, twenty-four hours a day, to protect a refugee family from deportation, since Dutch police are forbidden from interrupting a church service.⁹

The holy texts of these traditions offer support for these actions. In the Torah, obligations to refugees (or “aliens,” as the Hebrew word

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is sometimes translated) are rooted in the fact that the Israelites were themselves refugees. Moses commands, "You shall not wrong or oppress a resident alien; for you were aliens in the land of Egypt" (Exodus 22:21). For the same reason, we find in Leviticus, "You shall love the alien as yourself, for you were aliens in the land of Egypt" (19:33–34). Loving aliens in this context means not only that you should not mistreat them, but that you must treat them as "native born" or "citizens" (depending on the translation). Perhaps most poetically, the Israelites are enjoined to "show hospitality to strangers, for by doing that some have entertained angels" (Hebrews 13:1–2). This has inspired the creation of the Hebrew Immigration Aid Society (HIAS), a group founded in the United States in 1881. While the original mission was to help Jewish refugees fleeing pogroms in Europe, it has changed to aiding refugees around the world. This work remains rooted in the organization's understanding of what it means to be Jewish: "Now we welcome refugees not because *they're* Jewish, but because *we're* Jewish."¹⁰

For Christians, the Gospels written by Matthew, Mark, Luke, and John are considered the word of God and contain specific injunctions of their own to help vulnerable people such as refugees. There is one particularly prominent place where this comes up. In the Gospel according to Matthew, when Jesus is telling his disciplines what they need to do to enter the Kingdom of God, he tells the story of separating the sheep and the goats on Judgment Day, where the sheep on the right are allowed into heaven and the goats on the left are not. The sheep represent people who fed the hungry, clothed the naked, visited the sick, and importantly for our purposes, welcomed the stranger (Matthew 25:31–46). Jesus tells his audience that whenever people did these things to the "least of my brothers," they did it to Jesus himself. Not only is "welcoming the stranger" a requirement for entering the Kingdom of God, or heaven, but welcoming the refugee is tantamount to welcoming Jesus himself. In the twenty-first century,

the leader of the Catholic Church, Pope Francis, has been outspoken in his support of refugees: "You cannot be a Christian without doing what Jesus teaches us in Matthew 25. . . . It's hypocrisy to call yourself a Christian and chase away a refugee."¹¹

The Islamic tradition contains similarly robust injunctions to help refugees.¹² In the Holy Qur'an, believers are told, "If anyone of the disbelievers seeks your protection, then grant him protection so that he may hear the word of Allah, and then escort him to where he will be secure (Surah 9:6).¹³ The Koran speaks sympathetically of people fleeing oppression, and some verses even make seeking refuge from oppression an obligation if people are able (Surah 4:97–99). Given this, it is unsurprising that the 1990 Cairo Declaration on Human Rights in Islam grants a person the right, "within the framework of *sharia*, to free movement and to select his place of residence whether inside or outside his country and, if persecuted, [he] is entitled to seek asylum in another country. The country of refuge shall ensure his protection until he reaches safety" (Article 12).

WE HAVE MORAL OBLIGATIONS TO REFUGEES, BUT WHAT ARE THEY?

There is one final challenge to morality that I've alluded to throughout this chapter: even if we recognize the importance of morality, that we ought to act in ways consistent with moral principles, it's often not clear how exactly we should act. The *content* of morality remains unspecified. I want to suggest that one way of answering this question, especially regarding distant strangers, is by appealing to *human rights*.

Many who are familiar with and believe in human rights won't need to look to consequentialism or to Kant to understand that we have moral obligations. A basic definition is that human rights are

rights that we have simply in virtue of our humanity (regardless of our nationality, race, religion, gender, etc.). Human rights are premised on the view that all human beings have an equal moral status and that this justifies us in making demands or claims for rights that are essential for our dignity.¹⁴ For example, if I have a right to basic education, I can justifiably demand that my town build schools, train teachers, and purchase books and equipment. If it fails to do this, my rights have been denied. In building a school the town is not just being compassionate or doing something that might have positive economic benefits; it is upholding my rights. We may have rights because of all sorts of roles we have in society—I have certain rights as a resident of my town (to run for local office), as a citizen (to vote in elections), and as a renter of an apartment (to live with privacy). But human rights are the justifiable demands that we have just in virtue of being a human being.

Many human rights are also legal rights, as they have become part of international law and the law of the countries that have signed on to international treaties. But human rights are also important because they point to the way humans should be treated regardless of what the law says. For example, many countries, including the United States, put people into solidarity confinement for prolonged periods of time. This is widely considered to be a violation of an individual's human rights and a form of torture. When human beings are unable to have physical contact with other human beings, they lose something that is essential for their dignity. Solitary confinement thus is one of many things that governments do that may be legal but, in the view of many human rights supporters, is still immoral.

Equally important to the definition of human rights is the emphasis on dignity. In its simplest formulation, dignity implies that human beings have an equal and inherent value—that is, we have worth just in being human that does not derive from anything we do and cannot be taken away. The core idea here—that each human life is

valuable—is not unique to human rights. It can be found in many, perhaps all, religious traditions. In the Catholic tradition, for example, human dignity results from the fact that we are all made in God's image, giving all people an inherent worth that cannot be violated. In this tradition, the basic fact of human dignity means that we ought to take the needs of the poor, the homeless, and other marginalized people as seriously as the needs of our family and friends. Shared among so many religious traditions, the concept of human dignity is familiar across cultures.

Because human rights apply to all human beings regardless of who they are, like the moral philosophies previously discussed, they are *universal*. While at one time it was radical to say that all human beings—including women, the poor, religious or ethnic minorities, criminals, immigrants, members of the LGBT community—were entitled to human rights, it may no longer strike us as terribly important. But consider it in other contexts: terrorists, authoritarian dictators, child molesters, and any other person who willfully ignores the rights and dignity of others—even these people have human rights that states cannot wantonly degrade or deny. This is among the most radical features of human rights.

Human rights are crucial to understanding our moral obligations to treat others in certain ways. Human rights tell us specifically how we, as individuals and members of states, ought to treat each other and people in other countries. In other words, they are both moral claims and widely agreed-upon political norms. They are a way of putting our moral commitments into political practice.

Perhaps the clearest expression of human rights comes from the Universal Declaration of Human Rights, signed by almost every country in existence in 1948. The very first article expresses the universal consensus that “all human beings are born free and equal in dignity and rights.” This document includes two broad categories of human rights: civil and political rights (such as the right to freedom

of speech, the right to equality before the law, and the right to freedom from slavery) and social and economic rights (such as the right to own property, the right to join trade unions, and the right to an adequate standard of living). Since 1948, human rights have been further entrenched in all kinds of legally binding human rights conventions, such as the Genocide Convention, the Convention on the Rights of the Child, and the Convention on Civil and Political Rights. The Universal Declaration of Human Rights remains the touchstone of human rights to this day.

I said earlier that there has been near universal consensus both that human beings have certain rights based on their humanity and, to some extent, what these rights consist of. This is not to say that there is no disagreement—there certainly is, even among politically and culturally similar countries like the United States and Europe. The EU, for example, considers the death penalty a human rights violation, while the United States does not. But, by and large, there is agreement on a wide range of basic human rights. Almost every country recognizes the human rights I refer to in this book as the rights needed for the minimum conditions of human dignity. It's certainly not the case that all countries are devoted to protecting human rights and never violate them—quite the contrary seems to be the case; the implementation of human rights has always been a problem. Yet despite these limitations, human rights are the common language of international policies and are the mark of legitimate and accountable states.

But what actually justifies these rights? Sure, they may be legally recognized and politically important, but why should I believe in them and act in ways that support them if doing so does not benefit me? Though there is widespread agreement that humans have *dignity* that must be protected, there is no singular answer to the question of *why* this is so.

In fact, there are many answers. The philosopher John Rawls called this phenomenon an *overlapping consensus*—we all come to

believe the same thing (that people have human rights), though there are many different sets of reasons a person can give for this belief. Philosophers have argued that human rights can be grounded in our rationality, our agency, and our capacity for self-determination.¹⁵ In addition to the secular, philosophical justifications, every major religion has some features of human dignity that can ground human rights. This is true for cultures more broadly. When the Universal Declaration of Human Rights was being drafted in the 1940s, the drafters sent a survey to scholars around the world asking how human dignity was understood in their cultures. It turned out that there was consensus on the fact that human beings had dignity, and this dignity required special care and treatment. The Declaration was a way of codifying the rights that were necessary to support the human dignity that all cultures could agree to.¹⁶

Human rights, then, give us a clear picture of the content of our moral obligations—we have to respect people's human rights, and if we come across people whose human rights are being violated, we have moral obligations to help them. This is particularly true for certain extreme forms of human rights violations such as genocide (the extermination of an entire people because of their particular identity), crimes against humanity (extreme and widespread human rights violations), and certain other egregious violations of human dignity.

In practice, each country is responsible for protecting the human rights of its own citizens and others who live in the country's territory. In normal circumstances, your government's job is to respect, protect, and fulfill your human rights.¹⁷ A government respects your human rights by making sure it doesn't violate them; it protects them by making sure that others don't violate them; and it fulfills them by creating an environment where people feel secure claiming their rights. If we take sexual violence as an example, the government must make sure that sexual violence isn't being perpetrated by government

representatives, police officers, for example, or in government institutions such as prisons. It must also pass and enforce laws that punish others for committing acts of sexual violence. Finally, creating an enabling environment means that the government must make clear that sexual violence won't be tolerated and promote grassroots and educational efforts to support this right. Of course, even if this is done to the fullest extent possible, sexual violence may still happen. But if a government has taken the steps just outlined, it can't plausibly be accused of violating human rights.

Needless to say, governments do not always live up to this standard. Imagine a country that decides to imprison and torture all of its political enemies or members of an ethnic minority. Whose job is it, then, to protect their human rights? The answer usually given is the international community. This means the UN would step in—perhaps the Security Council would pass a resolution condemning the action and put diplomatic and financial pressure on the rights-violating nation. If the violation is particularly egregious, military action may be warranted (though this happens infrequently—too infrequently in the view of some who think that human rights should be more robustly protected by the international community).¹⁸ The fact that a state violates the human rights of its members makes it an illegitimate state in the eyes of the international community, which can become a justification for other states to engage in humanitarian intervention.

Human rights, then, explain how states are supposed to treat their own citizens and the obligations they have to noncitizens suffering rights violations. Thinking about the international human rights system in this way makes it easy to see how this concept can apply to refugee protection. Refugees are by and large people whose basic human rights are not protected by their state, and the only way they believe they can get protection is by seeking help internationally. Members of the international community—that is,

all other countries—are expected to step in to protect their human rights. For refugees, the only way this can be done is through giving them a new place to live, either temporarily or permanently. Before any other human right can be upheld, people need a place to live with a basic sense of security. An obligation to take in and help refugees can be built on the obligation to protect human rights that emerges when other states systematically fail to uphold their citizens' human rights.

While a human rights perspective suggests that states have a general obligation to help refugees, states still have discretion in determining what this demands of them. Some countries take seriously the moral obligation to host refugees and welcome them as much as possible, the immediate costs notwithstanding.¹⁹ Other states, even though they have more economic resources, have ignored the weight of this moral demand. It is both a virtue and a failing of human rights that they leave unanswered the question of how to provide aid for those who have suffered human rights violations. It is a virtue because it allow states to remain autonomous and decide for themselves how to interpret human rights norms, but this often results in human rights left unfulfilled.

The language of human rights makes clear how we *cannot* treat people. The term *negative rights* describes what we are obliged to refrain from doing. We cannot arbitrarily kill refugees, detain them, deny them freedom of movement, deprive them of housing, food, or education, any more than a state can do these things to their own citizens. As we'll see later in the book, many states violate these rights. Doing so has become politically expedient—indeed totally normal—and goes unchallenged by other states. The language of human rights may not always constrain these states' actions, but it affords us historically grounded, legally backed, and morally sound grounds for saying that this treatment is wrong.