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A Hospitable Refuge for the Neighbor: The *Agape* Centric Capabilities Approach

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## Abstract

### A Hospitable Refuge for the Neighbor: The *Agape* Centric Capabilities Approach By Robert Harrison Levin

This thesis proposes that the *agape* centric capabilities approach ought to be used as a solution to the global refugee crisis. The normative approach advocated for in this paper argues that Christian love ought to dictate refugee resettlement policies rather than a nation's self-interest. Four *agape* centric central capabilities are proposed to help determine which candidates require a self-sacrificial action by the nation-state first. After the *agape* centric capabilities approach is introduced and explained, it is compared to the two traditional responses to the current refugee crisis, cosmopolitanism and conservative populism.

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## **Introduction—Leaving Home, Seeking Refuge**

Three-year old Alan Kurdi's dinghy ride was only supposed to last a few miles. Hoping to reach Canada from war-torn Syria, the child was attempting to take an important step on his long journey, reaching the Greek Island of Kos, a part of the European Union, from Turkey's southwestern shore.<sup>1</sup> Tragically, the vessel capsized in the rough Mediterranean waters, claiming the lives of Kurdi, his mother Rihanna and his brother Ghalib. His body washed up on the beaches near the small Turkish port city of Bodrum. Photojournalist Nilüfer Demir came across Kurdi's lifeless body and captured the most famous picture taken during the current global refugee emergency. His story is not an anomaly. He is just one of 3,600 asylum seekers who drowned in the Mediterranean Sea while trying to reach Europe in 2015.<sup>2</sup> Since that year, thousands more migrants in Europe have met the same fate. The International Organization for Migration (IOM) suggests 5,143 migrants in Europe in 2016 and 3,116 in 2017 died or disappeared.<sup>3</sup> These statistics show that great risk is required in order to escape conflict and famine and to create a new life in a different country.

Yet challenges for refugees and asylum seekers do not end upon arrival in a new land. Obtaining affordable housing, finding stable employment, navigating language studies, dealing with racism and cultural differences, and separating from loved ones complicates matters even further. In an interview with CNN, Alaa Naji, an employee of the Refugee Women's Network in Atlanta describes the effect these trials have on

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<sup>1</sup> "How a Photo of a Drowned Syrian Boy Became the Defining Photograph of an Ongoing War," 100 Photographs | The Most Influential Images of All Time, accessed December 20, 2017, <http://100photos.time.com/photos/nilufer-demir-alan-kurdi>.

<sup>2</sup> Bryan Walsh, "Alan Kurdi's Story: Behind The Most Heartbreaking Photo of 2015," Time, December 29, 2015, <http://time.com/4162306/alan-kurdi-syria-drowned-boy-refugee-crisis/>.

<sup>3</sup> "IOM Displacement Tracking Matrix (DTM) - Europe," accessed December 10, 2017, <http://migration.iom.int/europe/>.

refugee communities in the United States. She asks the interviewer, “Do you know how many families tell me they want to go back home and face death?”<sup>4</sup> For many, these tribulations are not worth trying to create a new life in a strange place. Returning home to other possible deadly perils seems like the superior option to many. A key question needs to be asked by moral and religious leaders in both North America and Europe: are western governments and religious institutions doing enough to ensure that refugees and asylum seekers have the best opportunity to succeed and flourish in their new homes? In other words, are those of us in the west providing adequate hospitality to the strangers arriving in our communities?

The refugees and asylum seekers who confront these difficulties in North America and Europe are at the center of this study. Before it is possible to discuss an ethically and theologically sound solution to the global refugee crisis, it is important to pay attention to the refugees themselves. What is a refugee? Where do refugees come from? Why do refugees take insurmountable risks to create a life in a new country? How do refugees come to Europe and North America? What is the resettlement process like? This section of the paper will seek to answer these pivotal questions. This section will first provide a basic definition of the term refugee. Next, this section will explain where refugees come from, why they decide to leave their respective homelands and what they leave behind. Finally, this section will explain the tedious process a refugee must go through in order to be resettled in the United States. After this pertinent background information is provided, both the normative approach for this project and the reactions and policy proposals from Western political leaders can be seen in a more nuanced light.

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<sup>4</sup> Moni Basu, “Strangers in a Strange Land: Refugees Face Hurdles to American Dream,” CNN, June 20, 2016, <https://www.cnn.com/2016/06/20/world/world-refugee-day-vignettes/index.html>.



The UN High Commissioner for Refugees (UNHCR) is the first definition that we need to consider. UNHCR states that, “Refugees are persons who are outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and, as a result, require international protection.”<sup>5</sup> This definition is important because UNHCR plays a pivotal role in helping refugees get resettled in other countries. Without gaining refugee status from this particular agency, a refugee is unlikely to receive necessary protections and opportunities to move elsewhere.

It is also important to look at the US government’s definition of refugee as well.

According to section 101 of the Immigration and Nationality Act, a refugee is defined as:

Any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.<sup>6</sup>

While the types of people included in the US government’s definition and the UNHCR definition are for the most part similar, interpretations can vary. For example, after appropriate counseling, the President of the United States can interpret the law as he sees fit. Fitting the UNHCR’s definition of refugee does not guarantee that the United States government will rule the same way.

Refugees come from many corners of the globe. According to statistics published by the US State Department’s Refugee Processing Center, approximately half of all refugees entering the US come from three countries, the Democratic Republic of the

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<sup>5</sup> “Definitions,” Refugees and Migrants, April 12, 2016, <https://refugeesmigrants.un.org/definitions>.

<sup>6</sup> “Immigration and Nationality Act,” Pub. L. No. Pub.L. 89-236, § 101 (1968), <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-101/0-0-0-195.html>.

Congo, Syria and Myanmar. Significant numbers also arrive in the US from Iraq, Somalia, Bhutan, Iran, Afghanistan, Ukraine and Eritrea. Only nine percent of refugees who arrive in the US come from other countries.<sup>7</sup> Published statistics about why refugees seek to resettle in new countries are hard to come by. However, each country that has produced significant numbers of refugees is going through some form of domestic crisis. Quite often armed conflicts are a major contributor to refugee crises. For example, a civil war is presently taking place in Syria. As of February 2016, the conflict has claimed the lives of 470 thousand people, left 6.1 million people internally displaced and caused 4.8 million people to seek refuge in other countries as refugees and asylum seekers.<sup>8</sup> Ukraine's conflict with Russia and Russia's annexation of Crimea has created 1.7 million internally displaced persons, refugees and asylum seekers.<sup>9</sup> Tense situations in countries such as Syria and Ukraine contribute to the unprecedented number of refugees world wide. The 17.2 million refugees under the authority of the UNHCR (United Nations High Commissioner for Refugees) plus the 5.3 million Palestinian refugees counted by the UNRWA (United Nations Relief Works Agency) means that in total, there are 22.5 million refugees in the world right now.<sup>10</sup>

It is also crucial to pay attention to what refugees leave behind because it demonstrates the gravity and the difficulty of the decision to leave. By definition, refugees leave behind their homes in the land of their births. Crucial comforts are associated with home, including beloved relatives, stable shelter, the farm or other

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<sup>7</sup> Ruth Igielnik and Jens Manuel Krogstad, "Where Refugees to the U.S. Come From," *Pew Research Center* (blog), February 3, 2017, <http://www.pewresearch.org/fact-tank/2017/02/03/where-refugees-to-the-u-s-come-from/>.

<sup>8</sup> Human Rights Watch | 350 Fifth Avenue, 34th Floor | New York, and NY 10118-3299 USA | t 1.212.290.4700, "Syria," Human Rights Watch, January 12, 2017, <https://www.hrw.org/world-report/2017/country-chapters/syria>.

<sup>9</sup> Michael Colborne, "'You Can Lose It All': War in Ukraine Turns 1.7 Million People into Refugees," CBC News, June 27, 2016, <http://www.cbc.ca/news/world/ukraine-russa-rebels-refugees-1.3646116>.

<sup>10</sup> United Nations High Commissioner for Refugees, "Figures at a Glance," UNHCR, accessed March 10, 2017, <http://www.unhcr.org/figures-at-a-glance.html>.

workspaces, people who speak the same language and frequent the same religious institutions. Material possessions that cannot fit in a suitcase must also be left behind. Because many refugees leave in the midst of perilous situations, crucial items can be overlooked. The US Committee for Refugees and Immigrants states, “They [refugees] rarely know how long it will be before it is safe to return home and they often have no time to plan the departure or pack appropriately. Family records, professional documents, diplomas, photographs, and other precious items are often left behind.”<sup>11</sup> Some of the possessions left behind, namely professional credentials, might ease the resettlement process later on. However, a refugee family who has minutes or hours to leave might not prioritize them. These items might be forgotten or are left behind due to the tough decisions that need to be made.

Once the decision to leave has been made, the refugee will become part of a long, bureaucratic process that is most often facilitated by the UNHCR, at least to start. The process of arriving in countries such as the United States will take many months, if not years. A surprisingly small number, about 1%, go through the complete process and resettle in the West, according to the US Committee on Refugees and Immigrants.<sup>12</sup> The first step is to seek legal refugee status with the UNHCR. This agency grants refugee status to individuals and families who possess the fear of persecution on the grounds of nationality, race, religion, political beliefs and social group associations. Once this status is granted, the UNHCR will provide vital services, such as protection and alternative legal documents, such as passports.

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<sup>11</sup> “How Do Refugees Come to America?,” *U.S. Committee for Refugees and Immigrants* (blog), accessed March 1, 2018, <http://refugees.org/explore-the-issues/our-work-with-refugees/refugeeresettlementprocess/>.

<sup>12</sup> “How Do Refugees Come to America?”

Next, the UNHCR refers refugees to embassies of nations with established refugee resettlement programs: Australia, Canada, Denmark, Finland, Japan, the Netherlands, New Zealand, Norway, Sweden, Switzerland, and the United States. The following paragraphs will highlight the United States' program to demonstrate how complicated they can be at the present time. The United States' Refugee Resettlement Program (USRP), for all intents and purposes, is under the authority of the State Department's Bureau of Population, Refugees, and Migration. Besides creating and maintaining the application process and officially setting the ceiling on refugee resettlements, this office decides which cases are eligible to be scrutinized by US Citizenship and Immigration Services (USCIS), a division of the Department of Homeland Security. Once a candidate is deemed eligible for the USRP, an officer from USCIS will travel to the refugee's location in order to assist them with the application process and to interview them. Refugees who meet the qualifications set out by USCIS are then matched with a private resettlement organization in the US who "will facilitate their resettlement to the United States."<sup>13</sup> As of 2012, there are nine voluntary agencies that provide this crucial assistance: Church World Service (CWS), Ethiopian Community Development Council (ECDC), Episcopal Migration Ministries (EMM), Hebrew Immigrant Aid Society (HIAS), International Rescue Committee (IRC), US Committee for Refugees and Immigrants (USCRI), Lutheran Immigration and Refugee Services (LIRS), United States Conference of Catholic Bishops (USCCB) and World Relief Corporation (WR).<sup>14</sup> Refugees who do not meet the qualifications set out by the USCIS have the option to appeal the decision within thirty days. These appeals generally are

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<sup>13</sup> "How Do Refugees Come to America?"

<sup>14</sup> "Voluntary Agencies," Office of Refugee Resettlement | ACF, July 17, 2012, <https://www.acf.hhs.gov/orr/resource/voluntary-agencies>.

accepted only if new information is provided to USCIS that was not included in the original application and interview.

Even after the candidate is matched with a voluntary organization, she might be years away from resettling in the United States. The U.S. Committee for Refugees and Immigrants (USCRI) states, “In order to ensure that a refugee understands that everyone living in America is expected to be self-sufficient and that no refugee should be an undue burden to American society, he or she must complete several additional steps before traveling to the United States. These activities are undertaken concurrently and can take from 2 months to 2 years to complete.”<sup>15</sup> While this amount of time sounds burdensome, reaching self-sufficiency in the eyes of the US Government requires a number of steps. First, the voluntary organization must endorse the candidate. This step is important because under the current system, the voluntary organization makes important arrangements for the refugee. They find the city where the refugee will settle, attempting to keep relatives close together. Areas with ample housing and employment opportunities are chosen most often. Next, candidates must pass a physical given by a doctor employed by the US Government.

Once the medical requirement is passed, the refugee must enter the United States within a year. There are also a number of security checks that need to be passed, depending on the candidate’s country of origin. USCRI writes, “In most cases, the refugee’s name is checked against the FBI’s database of known terrorists and undesirables, as well as the State Department’s database of people who have been denied

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<sup>15</sup> “How Do Refugees Come to America?”

visas to enter the United States in the past.”<sup>16</sup> Refugees from the Middle East and North Africa have received the greatest amount of scrutiny, even though these candidates are often escaping countries that are in conflicts where the United States is involved. The Trump Administration, in particular, is wary of refugees from this part of the world resettling in the United States. Since President Trump took office in 2017, his administration has attempted to implement a Muslim ban from a handful of countries that send a large number of refugees to the United States, most notably Syria. With that being said, refugee resettlement has been framed as a national security issue for a long time by both Democratic and Republican administrations.

The final requirement in order to become deemed self-sufficient by the United States government is to become culturally competent. This requirement is generally fulfilled through classes that are offered through government agencies and accomplish two goals. First, candidates are taught how self-sufficiency is a value that is particularly important in the United States. Second, the refugee becomes aware of what to expect during the rest of the resettlement process. After all of these steps have been completed, the candidate is ready to depart for the United States. The International Organization for Migration (IOM) books flights. But, refugees must pay the government back the airfare due to a promissory note that is signed.

The resettlement process continues following arrival. During the first month in the United States, a refugee has many responsibilities to fulfill. First and foremost, new arrivals must apply for social security numbers to ensure that finding employment and placing children in school is possible. Second, refugees who arrive in the United States

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<sup>16</sup> “How Do Refugees Come to America?”

must pass a second physical examination. Unlike the first medical check, a private doctor in the local community conducts this appointment. Besides making sure new arrivals are still healthy, the second physical plays an important purpose because it exposes the American health system to new members of the community. Third, new arrivals are enrolled in English language courses. This step is particularly key because many new arrivals speak and understand little English. These language courses ensure that refugees are able to adequately communicate with members of their new communities. Fourth, refugees are expected to obtain gainful employment. They write, “Refugees enter the United States with authorization to work. The U.S. government expects a working-age refugee to find a job within six months of arrival.”<sup>17</sup> Most often, new arrivals receive assistance finding employment from the voluntary organizations. These groups often have employment counselors and receive funding from state governments for the expressed purpose of finding employment for refugees and asylum seekers.

A reason why going through the US’s current refugee resettlement program is important is because it shows how a status quo already exists. Governments are already spending significant time and efforts trying to accommodate a limited number of refugees. The political reactions that will be discussed in the second and third chapters of this project, conservatism and cosmopolitanism, are the most powerful forces trying to change the system that is in place. Take the ceiling, the number of refugees that can be resettled in a year through the process that was just explained, as an example. President Barack Obama, like German Chancellor Angela Merkel and Canadian Prime Minister Justin Trudeau, embraced the cosmopolitan tradition during his tenure in office. In 2016,

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<sup>17</sup> “How Do Refugees Come to America?”

President Obama proposed that an additional 10,000 refugees from Syria resettle in the United States. These new arrivals would not count against the 110,000 refugee ceiling set by the administration. By September of that year, according to the Washington Post, the United States had already exceeded that number by 2,500.<sup>18</sup> President Obama's successor, Donald J. Trump, has taken a more conservative populist approach. The current president lowered the ceiling to 45,000 in 2017, the lowest number of arrivals officially permitted since Ronald Reagan set the limit at 67,000 in 1986.<sup>19</sup>

There is a second reason why developing a basic understanding about the US refugee resettlement program is key to comprehending political reactions to refugee issues. A significant demographic of refugees arrive in the West thanks to these official programs. Since President Jimmy Carter signed the United States Refugee Act of 1980 into office in order to create the current resettlement process, about three million refugees have immigrated to the US according to data published by the Pew Research Center.<sup>20</sup> While the number of refugees that have resettled in the United States since 1980 is small compared to the total number of refugees that have existed since that time, this group cannot be ignored. Countries such as the United States have a system in place and the infrastructure to resettle tens of thousands of refugees every year. While the ceiling changes depending on the President, new refugees are going to continue to come to the US as long as this program is in place.

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<sup>18</sup> Carol Morello, "U.S. Surpasses Syrian Refugee Goal Set by Obama, Expects More next Year," *Washington Post*, September 27, 2016, sec. National Security, [https://www.washingtonpost.com/world/national-security/us-surpasses-syrian-refugee-goal-set-by-obama-expects-more-next-year/2016/09/27/59cedeb8-84e7-11e6-ac72-a29979381495\\_story.html](https://www.washingtonpost.com/world/national-security/us-surpasses-syrian-refugee-goal-set-by-obama-expects-more-next-year/2016/09/27/59cedeb8-84e7-11e6-ac72-a29979381495_story.html).

<sup>19</sup> Julie Hirschfeld Davis and Miriam Jordan, "Trump Plans 45,000 Limit on Refugees Admitted to U.S.," *The New York Times*, September 26, 2017, sec. Politics, <https://www.nytimes.com/2017/09/26/us/politics/trump-plans-45000-limit-on-refugees-admitted-to-us.html>.

<sup>20</sup> Jens Manuel Krogstad and Jynnah Radford, "Key Facts about Refugees to the U.S.," *Pew Research Center* (blog), January 30, 2017, <http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>.



Understanding the official resettlement programs alone, however, creates a limited picture of the crisis. Thousands of other refugees arrive in the Europe and North America by other unofficial means. Alan Kurdi, the toddler who drowned in the Mediterranean was not part of an official resettlement program. He and his family were trying to arrive in the European Union from war-torn Syria in an unauthorized fashion in order to apply for asylum once they complete the journey. Many unauthorized arrivals in Europe are children, providing a number of risks. A report from UNHCR states, “In 2016, close to 100,300 refugee and migrant children arrived in Bulgaria, Greece, Italy, and Spain—and one in three was unaccompanied or separated from their family. Children on the move and unaccompanied and separated children face many protection risks in Europe, including detention, sexual and gender-based violence... and security risks.”<sup>21</sup> A holistic approach to the global refugee crisis must also ask important questions about these migrants. Why do these asylum seekers feel the need to leave without following UN protocol? Do these men, women and children have the right to resettle without approval? Does this population demonstrate inadequacies in already established refugee resettlement programs? In short, official refugee resettlement programs address only part of the problem at the current time. The only migrants who are resettled through resettlement programs are those who seek assistance from the UNHCR in the first place. Many others out of necessity ask for refuge outside their homelands by knocking on the doors themselves.

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<sup>21</sup> United Nations High Commissioner for Refugees, “Europe,” UNHCR, accessed March 15, 2018, <http://www.unhcr.org/europe.html>.

### **The Task at Hand**

The primary assumption of this project is that there are currently two main philosophical schools of thought regarding the resettlement of refugees in Western political discourse. Cosmopolitan thinkers such as philosopher Kwame Anthony Appiah and world leaders such as ex-US President Barack Obama aim to balance commitments to local communities with strangers seeking refuge in the West. Members of the cosmopolitan school of thought often support a greater number of refugees being welcomed into countries in Western Europe and North America, yet allow the nation state to set limits and rely on liberal economic institutions to provide much of the support relied upon by new immigrants. With this in mind, the United States' resettlement program is shaped by cosmopolitan thought to a large extent.

To the right of cosmopolitanism is the conservative populist tradition. Thinkers such as German Jurist Carl Schmitt view politics as a distinction between friends and enemies and believe that a sovereign central power has the ability to suspend constitutional norms in order to maintain the security of the state. While it is doubtful that US President Donald Trump has ever read Schmitt's works, the current Commander-in-Chief's policy on refugees exhibits Schmittian behavior. First, immigrants, specifically refugees, are deemed as enemies of the American way of life. Second, policies that ignore established constitutional norms ought to be embraced for national security purposes. Areas of the world where many refugees and asylum seekers come from, particularly Africa, El Salvador and Haiti, are deemed "shithole" countries. Muslim tourists, migrants and professionals should be banned from entering the US. Refugee resettlement programs ought to prioritize practicing Christians over practicing Muslims.

Populist approaches to refugee issues often contend that immigrants in general should be viewed with suspicion because they do not fall into the friend category.

This paper argues that both approaches to refugee issues ought to be rejected for the most part, because they do not sufficiently account for the notion of capability. The project defends a third reaction to the refugee crisis: the *Agape*-centric capabilities approach. After consulting University of Chicago ethicist Martha Nussbaum, I argue that each individual has the right to a list of central capabilities. Nussbaum contends that there are at least ten central capabilities: (1) life, (2) bodily health, (3) bodily integrity, (4) freedom of senses, imagination and thought, (5) emotions, (6) practical reason, (7) freedom of affiliation, (8) the ability to co-exist with other species, (9) the pursuit of recreational activities, and (10) the capacity to control one's political and material environment.<sup>22</sup> While Nussbaum contends that the capabilities approach ought to be conceptualized as a theory of justice, this paper argues that a list of central capabilities aligns well with the Christian notion of "love of neighbor." The first four central capabilities listed by Nussbaum are particularly relevant to issues of migration and will be reclaimed and redefined as *agape* centric. In other words, loving one's neighbor, near or far, can take the form of helping others reach a certain capability or quality of life. The implications of the *agape*-centric capabilities approach are quite far-reaching. In the long-term, this approach contends that individuals who reside in countries where a certain level of capability cannot be met have the right to migrate if they so choose and that the international community has a loving—perhaps even a sacrificial-loving—responsibility to resettle these individuals. The only instance where this right to migrate does not exist

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<sup>22</sup> Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, MA: Belknap Harvard, 2011), 33–34.

is when specific migrants will threaten the capabilities of those who already in that country. In the short-term, countries who are not experiencing war and economic hardship must do their best to be able to accommodate at least a small number of refugees who need a place to live.

The body of this thesis will consist of three short chapters. The first chapter will explain the *agape*-centric capabilities approach to the refugee crisis in detail. Both Timothy P. Jackson's work on strong agapism, Martha Nussbaum's development of the capabilities approach and Pope Francis' sermons and public statements regarding migration will play a prominent role in this part of the thesis. The second chapter will closely engage the cosmopolitan tradition and assess its strengths and weaknesses. Immanuel Kant's notion of cosmopolitan law, Jacques Derrida's work on hospitality and Kwame Anthony Appiah's book regarding cosmopolitanism will be closely examined. Former President Barack Obama's, Canadian Prime Minister Justin Trudeau's and German Chancellor Angela Merkel's migration policies will also play an important role during this part of the project. The third chapter of this thesis will closely examine the conservative populist school of thought, emphasizing the pros and cons of this political reaction to global migration. The late German legal scholar Carl Schmitt will provide the philosophical basis of this chapter. However, President Donald Trump's and Hungarian Prime Minister Viktor Orbán's speeches about migration and refugee policies will also come under scrutiny. This thesis concludes that the *agape*-centric capabilities approach provides a more loving and hospitable approach to refugee policy than cosmopolitanism and conservative populism.

## 1) The *Agape* Centric Capabilities Approach

“He [the Christian] is full of love to his neighbor: of universal love, not confined to one sect of party, not restrained to those who agree with him in opinions, or in outward modes of worship, or to those who are allied to him by blood or recommended by nearness of place.” – John Wesley, 1753<sup>23</sup>

Holy Thursday has not traditionally been a day that promotes and celebrates interfaith understanding. Yet on March 24, 2016, on Maundy Thursday, Pope Francis met with migrants from Mali, Eritrea, Syria and Pakistan. While some of his new friends were fellow Catholics, the rest of the group came from other faith traditions, including Coptic Christianity, Hinduism and even Islam. During this meeting with asylum seekers at a center that assists migrants living just outside of Rome, Pope Francis knelt and washed their feet, re-enacting the ritual Jesus performed in the Upper Room with his disciples. He gave a homily shortly after this ritual was performed and spoke about the connection shared by members of all faith communities. He declared, “All of us together, Muslims, Hindus, Catholics, Copts, Evangelical brothers and sisters—children of the same God—we want to live in peace, integrated.”<sup>24</sup> Both the washing of the feet and the ensuing homily are both politically and theologically important. First, at that exact moment, there was a significant amount of backlash against Muslims, particularly Muslim migrants. A terrorist attack perpetrated by the Islamic State two days earlier on March 22 claimed the lives of 32 victims and three perpetrators at the airport and the Maalbeek Metro Station in Brussels, Belgium.<sup>25</sup> For example, former UK Independence Party (UKIP) Leader and notable Euroskeptic Nigel Farage spoke about the terrorist attack as a reason to vote for

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<sup>23</sup> John Wesley, “A Plain Account of Genuine Christianity,” in *John and Charles Wesley: Selected Prayers, Hymns, Journal Notes, Sermons, Letters and Treatises*, ed. Frank Whaling (New York: Paulist Press, 1981), 122.

<sup>24</sup> Elahe Izadi, “Pope Francis Washes the Feet of Muslim Migrants, Says We Are ‘Children of the Same God,’” *Washington Post*, March 25, 2016, sec. WorldViews, <https://www.washingtonpost.com/news/worldviews/wp/2016/03/25/children-of-the-same-god-pope-francis-washes-the-feet-of-muslim-migrants/>.

<sup>25</sup> “Brussels Explosions: What We Know about Airport and Metro Attacks,” *BBC News*, April 9, 2016, sec. Europe, <http://www.bbc.com/news/world-europe-35869985>.

Brexit. He tweeted on March 24, “Given the clear ISIS threat, [the] idea EU open borders somehow makes us safer is crackers. UK would be far safer outside of EU.”<sup>26</sup> While many were using the terrorist attack to build walls between nation-states, Pope Francis embraced his neighbors who were Muslim migrants. Second, the Pontiff’s actions and homily served as a public statement of who ought to be considered the neighbor. The Bishop of Rome did not just serve Catholic parishioners. He went out of the way to ensure that he humbled himself to migrants who practice different faiths. This chapter will explain why Pope Francis’s example of providing Christian love can and should be used more often in political reactions to the global refugee crisis.

The *agape* centric capabilities approach to the global refugee crisis must be explicated before it can be compared to policies inspired by cosmopolitanism and right-wing populism. There are three main sections in the body of this chapter. First, I will offer thick descriptions of agapism and the capabilities approach to human development. Second, I will propose an explanation regarding why it is important to synthesize agapism and the capabilities approach. Finally, I will sketch a description of how the *agape* centric capabilities approach would provide adequate hospitality to refugees and asylum seekers. In this section, I will explain briefly the four *agape*-centric capabilities, and conclude that their synthesis with the capabilities approach is warranted. I argue, in short, that in the case of a refugee crisis, *agape* centric central capabilities assist both individuals and nation-states determine when instances of self-sacrificial love are needed.

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<sup>26</sup> Farage, Nigel. Twitter Post. March 24, 2016, 4:42 AM.

### Strong Agapism and the Capabilities Approach

My method in this thesis is a synthesis of work completed by two living figures in the world of ethical studies, Emory University's Timothy P. Jackson and the University of Chicago's Martha Nussbaum. In this section, I will briefly describe both Jackson's strong agapism and Nussbaum's capability approach separately. I will then sketch ways in which they can interact with each other. In order to explain appropriately how strong agapism is a metavalue that is relevant in both the lives of individuals and in the political sphere, I begin by considering two of Jackson's books, *The Priority of Love: Christian Charity and Social Justice* and *Political Agape: Christian Love and Liberal Democracy*. *The Priority of Love* sets out the relationship between sanctity and *agape*. *Political Agape* explains how *agape* can become the primary virtue in the political sphere. Nussbaum has written two books that explain her preference for the capabilities approach for human development. *Women and Human Development: The Capabilities Approach* explains how her time completing research in rural India drew her to the capabilities approach and provides insight to how religion and capabilities intersect. Her second book, *Creating Capabilities: The Human Development Approach*, applies the capability approach to a host of contemporary social and political issues, with the exception of human migration.

The term "strong *agape*" appears in Timothy P. Jackson's *The Priority of Love*. Simply put, one who believes in strong *agape* argues "agapic love is a metavalue, that virtue without one has no substantive access to other goods, either moral or nonmoral."<sup>27</sup> This definition describes a key theme that runs throughout Jackson's body of work.

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<sup>27</sup> Timothy P. Jackson, *The Priority of Love: Christian Charity and Social Justice* (Princeton, NJ: Princeton University Press, 2003), 10.

*Agape*, rather than mutuality, solidarity or duty, forms the basis of his system of Christian ethics. In other words, without the love of God and the love of neighbor, Jackson's normative ethical worldview is not possible. Without *agape*, other political (and non-political) goods and values, such as justice, equality and liberty are inaccessible.<sup>28</sup> In *Political Agape*, Jackson extends the importance of Christian love into the political sphere. While describing his book, Jackson explains, "I offer in these pages a vision of *agape* as first political virtue, as primary social value. Love is the foundational norm that ought to structure political principles and policies, from the death penalty to war to marriage to adoption."<sup>29</sup> Jackson does not address immigration or refugee issues in this volume. Yet, my thesis will extend his idea of political *agape* to human migration: refugees are to be cared for and love because refugees are neighbors.

But, why is the Christian compelled to love the neighbor and by extension refugees? Also, why are refugees who are from halfway around the world still considered the neighbor? Jackson's answer to these questions has much to do with his understanding of sanctity. He states, "The biblical basis of sanctity...is the passive potential for charity (the ability to give and/or receive love)."<sup>30</sup> Sanctity, unlike Jackson's understanding of dignity, cannot be taken or earned. It comes from the fact that each human life is created in the image of God. Thus, each person, regardless if they are a stranger or not, has a need to be loved by God and the neighbor. This means that this thesis's definition of the neighbor is quite broad because each person possesses the *imago Dei*. A neighbor can live next-door or ten thousand miles away. A neighbor can be one's best friend or worst

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<sup>28</sup> Jackson, 10.

<sup>29</sup> Timothy P. Jackson, *Political Agape: Christian Love and Liberal Democracy* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2015), 2.

<sup>30</sup> Jackson, *The Priority of Love*, 67.



enemy. A neighbor can be a CEO of a Fortune 500 company or be a refugee leaving home in order to escape famine and conflict. In *Works of Love*, Søren Kierkegaard sums up this understanding of the neighbor nicely while talking about what one needs to do to follow God's laws and commandments. He writes, "If there are only two people, the other person is the neighbor; if there are millions, everyone of these is the neighbor."<sup>31</sup> Kierkegaard is making the point that it only takes one neighbor for an individual to follow God's commandments. Yet in a globalizing world, it is difficult, if not impossible, to think of a situation where an individual would only have one neighbor to love. People with access to computers and smart phones are able to communicate across oceans in real time. Each year, millions of people migrate from one country to another for a variety of reasons. If one is in a crowded area, chances are high that others from a number of different national origins and cultural backgrounds surround her. In the documentary *Examined Life* directed by Astra Taylor, philosopher Kwame Anthony Appiah states that, "If you are travelling through an airport, you are going to be passing lots and lots of people and within a few minutes, you will have passed more people than most of our remote ancestors would have ever seen in their entire life."<sup>32</sup> Technology, human migration and methods of travel are making the world smaller and giving individuals close access to more neighbors than any time before. Possessing millions of neighbors is now a more likely scenario than only possessing just one. Thanks to the way God endowed each individual with the capability to love God and the neighbor and to a world metaphorically shrinking due to globalization, each individual has about 7.6 billion neighbors in the community with specific commitments to each one.

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<sup>31</sup> Søren Kierkegaard, *Works of Love*, trans. Howard V. Hong and Edna H. Hong (Princeton, NJ: Princeton University Press, 1995), 21.

<sup>32</sup> Astra Taylor, *Examined Life*, Documentary, 2008.

Now that it has been established that the normative view being developed is centered on love of God and love of neighbor, it is time to explain what political commitments a political entity has to the neighbor. When *agape* serves as the meta-value in politics, sacrifices by nation states often times need to be made. While this might sound like a bold statement, there is Biblical precedence to make this claim. John 13:34, often referred to as the new commandment, suggests that one is called to love in a self-sacrificial manner. The text states, “I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another.”<sup>33</sup> This verse implies a self-sacrificial love because Jesus loved humanity so much that he willingly gave his life on the cross. The new commandment calls others to follow Jesus’ example. Within the tradition of strong agapism, this idea of being open to self-sacrifice is extended to the political sphere. Jackson writes, “Christ’s cross is not the only valid image of prophetic love but that it remains an indispensable one for Christians in both ecclesial and political settings. In spite of assaults, the cross continues to be an inspiring source of both religious piety and democratic liberty and equality.”<sup>34</sup> The reason why the cross continues to be an inspirational example for religious piety is because Jesus, despite personal reservations, follows God’s will to the cross according to Matthew 26:39. In this verse, Jesus states, “My Father, if it is possible, let this cup pass from me yet not what I want but what you want.”<sup>35</sup> In short, Jesus asks God not to send him to the cross to die. Even so Jesus accepts God’s wishes out of his commitment to God’s plan. A similar paradigm can be used in the political sphere. Politics is often reduced to a symphony of

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<sup>33</sup> Michael D. Coogan et al., eds., *The New Oxford Annotated Bible*, Third Edition (Oxford: Oxford University Press, 2001), 172 New Testament.

<sup>34</sup> Jackson, *Political Agape*, 247.

<sup>35</sup> Coogan et al., *The New Oxford Annotated Bible*, 50 New Testament.

self-interest. The cross gives an example of a narrative where self-interest is cast aside or is at least relativized. This is all to say that the cross is a central symbol of the agape centric capabilities approach to the global refugee crisis because according to this method, the self-interest of nation states is eschewed when there are refugees and asylum seekers who require hospitality.

The capabilities approach is a theory of economics first conceived by Indian economist-philosopher Amartya Sen and further developed by University of Chicago Divinity School Professor Martha Nussbaum. Most simply, it is meant to serve as an alternative to the welfare economics approach to international development. Instead of focusing on arbitrary economic markers such as gross domestic product or the unemployment rate, one is supposed to measure how capable one is in reaching their full potential in order to determine the extent of inequality. A key assumption Nussbaum has about an ideal society is that she believes that all people have the right to demand the ability to reach a certain capability from their government. People who have more trouble reaching this level of capability are to receive more help than people who are able to get there easily. She writes, “So the attitude toward people’s basic capabilities is not a meritocratic one—more innately skilled people get better treatment—but, if anything, the opposite: those who need more help to get above the threshold get more help.”<sup>36</sup> In short, a merit-based system that might be favored under a social contract approach is replaced by a system that emphasizes care toward those who need it the most. With that being said, it is nevertheless important to explain what Nussbaum means by threshold.

Nussbaum contends that there is a certain level of capability each citizen must reach

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<sup>36</sup> Nussbaum, *Creating Capabilities*, 24.

before they are afforded the ability to live a fulfilled life. She explains, “My approach uses the idea of a threshold level of each capability, beneath which it is held that truly human functioning is not available to citizens; the social goal should be understood in terms of getting citizens above the capability threshold.”<sup>37</sup> The threshold, after central capabilities, is the second most important concept to the capabilities approach because it is the marker by which capabilities are measured. Without the notion of the threshold, there would be no way to determine if individuals are able to reach their full potential.

Regarding the stranger, Nussbaum notices her position has similarities to the cosmopolitan school of thought, an approach that emphasizes global citizenship and balancing commitments to both compatriots and citizens of other nations. However, she argues that one does not need to be a cosmopolitan to support a capabilities approach. She thinks that a wide variety of religious and non-religious belief systems could accept her approach, yet still feel uncomfortable about adopting a cosmopolitan way of seeing the world. In fact, the agape centric capabilities approach to the global refugee crisis falls into the category of supporting capabilities but not every aspect of cosmopolitanism for reasons that will become evident later in this thesis. Nussbaum explains, “One does not have to be a cosmopolitan to accept the idea that all citizens (in one’s nation, and then, in a second step, in all nations) should have a minimum threshold amount of the ten [central] capabilities. Most of the major comprehensive doctrines, religious and secular, I argue, can accept that idea, and few of them could accept a comprehensive cosmopolitanism.”<sup>38</sup> Besides divorcing cosmopolitanism and the capabilities approach, there is a second reason why this text is crucial. The passage also demonstrates how

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<sup>37</sup> Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge, UK: Cambridge University Press, 2000), 6.

<sup>38</sup> Nussbaum, *Creating Capabilities*, 93.

Nussbaum sees the capabilities approach as being intricately linked to religious communities. In fact an entire chapter of *Women and Human Development* is dedicated to the relationship between religion and capabilities.

While explaining why a secular humanist approach to capabilities does not work, Nussbaum argues that there are three reasons for linking religion and capabilities. First, she contends that there is a fundamental value to having specifically religious elements in central capabilities. She explains, “First is an argument [against the capabilities approach being a secular humanist endeavor] from the intrinsic value of religious capabilities. The liberty of religious belief, membership and activity is among the central human capabilities.”<sup>39</sup> In other words, the capabilities approach must remain linked to religion because the capability to practice a faith is something individuals have the right to demand from their governments. Second, Nussbaum argues that religion is an important way for humans to find answers to key existential questions. She writes, “To be able to search for an understanding of the ultimate meaning of life in one’s own way is among the most important aspects of a life that is truly human. One of the ways in which this has most frequently been done historically is through religious belief and practice.”<sup>40</sup> Religion and capabilities connect because many people in the world find the highest moral goods through religious faith. Both education and ethics are often found through religiosity and spirituality. Finally, religious beliefs are pivotal in forming and maintaining community and cultural structures. She argues, “It [religion] has typically been a central vehicle of cultural continuity, hence an invaluable support for other forms of human affiliation and interaction. To strike at religion is thus to risk eviscerating

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<sup>39</sup> Nussbaum, *Women and Human Development*, 179.

<sup>40</sup> Nussbaum, 179.

people’s moral, cultural, and artistic, as well as spiritual, lives.”<sup>41</sup> This third argument is important because it connects to the many ways religion shapes human lives. Religion shapes individuals morally by providing central ethical principles. Religion affects the cultural and artistic spheres by inspiring festivals, hymns, paintings, and cultures, and by shaping language. Finally, religion shapes spiritual lives by providing an explicit connection to the divine or the transcendent. To divorce capabilities and religion is to deny how faith and spirituality affects the lives of human beings in many ways.

Finally, we need to note how she argues that one role of a nation’s constitution is to list essential capabilities and ensure dignity of the populace. This is an important step for a nation to take, because it connects capabilities with political values and institutions. Nussbaum argues, “I envisage the account of central capabilities and of the threshold as a source of political principles that can be translated into a set of (minimally) just political institutions. I have particularly connected the capabilities list to the part of a nation’s written constitution...that elaborates citizens’ fundamental entitlements.”<sup>42</sup> A constitution is a particularly helpful place to list capabilities because it is accessible to the population and is in principle legally binding. When included in the central legal document of a nation, capabilities are legitimized as crucial political values for a nation-state.

### **Synthesizing the *Agape* Centric Capabilities Approach**

Now that I have briefly sketched strong agapism and the capabilities approach of human development two crucial questions emerge. First, why do these two ideas need to be synthesized into the agape centric capabilities approach when both schools of thought function adequately enough by themselves already? Second, what challenges need to be

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<sup>41</sup> Nussbaum, 179–80.

<sup>42</sup> Nussbaum, *Creating Capabilities*, 166.

overcome before strong agapism and the capabilities approach are combined? In this section of the chapter, I will seek to answer these two questions. The following paragraphs, I will first argue that the capabilities approach helps provide agapism with a method to determine when self-sacrificial actions are constructive and charitable. Then, I will address two key challenges that make the synthesis of the *agape* centric capabilities approach to the refugee crisis difficult.

As I mentioned in the past section, the notion of self-sacrifice is often associated with *agape*. Agapists turn to Jesus' final love commandment in the fourth gospel, the verse quoted in the previous section, to argue that Jesus commands humans to love the neighbor in a self-sacrificial manner. It is not difficult to see how this verse sets a high standard for love of neighbor. Jesus loves humanity so much that he gives his life. This verse alone is convincing enough for agapists to embrace openness to self-sacrifice. However, many Christian ethicists, particularly from feminist, womanist and *mujerista* schools of thought, believe that a self-sacrificial love is unnecessary, leads to instances of masochism and defends a cultural ideology that has subjugated women. For example, Barbara Hilbert Andolsen points out that many women already possess a self-sacrificial nature. Further requests to give of themselves for others will lead them to sin.<sup>43</sup> Jackson, in response to these critiques, offers three constraints on self-sacrifice. He writes in *The Priority of Love* that self-sacrificial actions ought to be "constructive and consensual."<sup>44</sup> In his lectures, he also argues that self-sacrifice should be charitable, a criterion added after the book's publication.. The two constraints on self-sacrifice that are relevant for this thesis are "constructive" and "charitable." Loosely defined, an act of self-sacrifice is

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<sup>43</sup> Barbara Hilbert Andolsen, "Agape in Feminist Ethics," in *Feminist Theological Ethics: A Reader*, ed. Lois K. Daly (Louisville, KY: Westminster John Knox Press, 1994), 151.

<sup>44</sup> Jackson, *The Priority of Love*, 55.

constructive when it produces a desired purpose and when the benefit of the action exceeds the cost of the action. An act of self-sacrifice is charitable when the participant's actions are centered on assisting those in need. However, a key question ought to be raised about each constraint. How should an individual or a collective decide who is in need? What specific desired purposes or outcomes are worthy of sacrifice?

An agape centric capabilities approach provides a model for answering these questions. First, a list of central capabilities can show when it is necessary for an individual, a community or a nation-state to make sacrifices. This capability asserts that humans have the right to live a life from birth to a natural death without human interference. An implication of this central capability is that humans have the right not to be killed by chemical weapons. A state, following this premise, would prioritize resettling refugees who are at risk of becoming civilian casualties. This would be seen as a sacrifice for many because an array of countries, especially in Europe and North America currently resettle refugees based on a quota system. Second, a list of central capabilities can point out what outcomes are worthy of sacrifice. In short, the answer to this question is that sacrifice is worthy when it advances the central capabilities of the needy. To use the example of refugee resettlement again, a society would acknowledge that resettling refugees based on the refugee's needs, instead of a merit-based or a quota based system, is worth it precisely because it means that these lives that bear the image of God receive the capability to live free from the threat of chemical weapons.

Even though the agape centric capabilities approach to the global refugee crisis fills a gap, albeit a small one, in scholarship, it poses at least two challenges.. One is the tension between universal meta-values and culture-specific values that surface between



agapism and the capabilities approach. Nussbaum argues that using the same capabilities across cultural boundaries is a path that must be formed delicately. The values that inspire the capabilities, in other words, need to be elastic enough in order to account for the human diversity that exists. She writes, “We need to ask, then, whether it is appropriate to use a universal framework at all, rather than a plurality of different though related frameworks. And we also need to ask whether the framework we propose, if a single universal one, is sufficiently flexible to enable us to the human variety we find.”<sup>45</sup> The reason why this passage needs to be considered is because the *agape* centric capabilities approach holds firm that the love of God and the love of neighbor is a universal metavalue that is the source and inspiration for other political goods including freedom and justice and for fundamental central capabilities, including life and bodily autonomy. There is one major reason why *agape* can be considered a cross-cultural value that accounts for human diversity, even though most people world wide do not practice Christianity. The definition of the neighbor that is being used is universal. One must love the neighbor regardless of religious belief, gender identity, sexual orientation and cultural/ethnic background.

Readers of Nussbaum will notice that this understanding of the capabilities approach has a more universal slant. Again, she argues that central capabilities are meant to serve as a basis “for constitutional principles that citizens have a right to demand from their governments.”<sup>46</sup> There is no question that citizens have a right to demand their basic needs from their respective national governments. In fact, this is even an important point for resettled or returned refugees. Unfortunately, resettled refugees have run into some

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<sup>45</sup> Nussbaum, *Women and Human Development*, 40.

<sup>46</sup> Nussbaum, 12.

problems in their new homes owing to many factors, including low wages and xenophobic abuse. Returned refugees face a different set of challenges rebuilding their lives back in a homeland that may have been ravaged by war, famine or disease. However, we need to make an argument that central capabilities ought to transcend constitutional norms. *Agape* has no nationality. People of all nations have a responsibility to ensure that capabilities are universally met, both locally and abroad. The *agape* centric capabilities approach is not meant to be easy. It would require the focus of international relations to move away from the self-interested agent. It would question a widely-held idea that people who contribute more to society are more valuable. It would challenge many current approaches to national security by challenging the idea that nation-states have the right to exclude outsiders for a multitude of reasons. However, if the love of neighbor is going to be taken seriously as a central political value, changes and sacrifices will be need to be made.

There is no doubt that many will disagree with this premise. In fact, Christopher Heath Wellman, a philosopher at Washington University in St. Louis, argues that nations have the right to exclude foreigners, including potential immigrants, for three reasons. He writes, “(1) legitimate states are entitled to political self-determination, (2) freedom of association is an integral component of self-determination, and (3) freedom of association entitles one to not associate with others.”<sup>47</sup> The *agape* centric capabilities approach does ask able nations to make sacrifices in order to make sure that refugees and asylum seekers are able to resettle in a safe place. However, the freedom of association of a sovereign nation need not be completely erased. States are obligated to look after the

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<sup>47</sup> Christopher Heath Wellman and Phillip Cole, *Debating the Ethics of Immigration: Is There a Right to Exclude?* (Oxford: Oxford University Press, 2011), 13.

safety and the capabilities of its citizens. Also, the native citizens of a particular country are also to be loved as a neighbor. With this in mind, a nation-state still has a right to exclude any individual candidates who pose a *bona fide* security risk if they are resettled. A nation-state absolutely has a right to not associate with individuals who challenge the central capabilities of the people who already live in that part of the world. In that case, a nation would be taking part in an unnecessary and non-constructive sacrifice. With that being said, there are reasons why a nation-state ought not exclude foreign visitors and potential immigrants. Discriminating against the neighbor who is a refugee on the basis of gender, socio-economic status, nationality, religion or sexual orientation goes directly against the spirit of love of neighbor because the potential to reach central capabilities are being denied when allowing the candidate to resettle would not challenge the capabilities of the average citizen. In short, the *agape*-centric capabilities approach to the global refugee crisis does not advocate completely for open borders, because nations ought to make sacrifices only when it is necessary and constructive. Instead, this methodology favors loving resettlement programs that try to ensure the capabilities threshold both for the candidate and the citizens who already live in the country and for higher refugee ceilings in countries that can accommodate more migrants when there is a higher demand for resettlement.

### ***Agape* Centric Capabilities and Hospitality**

For it to be possible to compare the *agape* centric capabilities approach against the two traditional approaches—liberal cosmopolitanism and conservative populism—we might best explain how *agape* centric communities provides adequate hospitality to refugees and asylum seekers. My aim in the following chapters is to do just that. First, I

will provide the differences between Nussbaum's ideas about capabilities and *agape* centric capabilities. Second, I will offer descriptions and explanations of the four *agape* centric capabilities for migration. Finally, I will explore the relationship between the *agape*-centric capabilities and hospitality to immigrants.. I will conclude that the *agape*-centric capabilities approach, through the central capabilities of life, bodily health, bodily integrity and freedom of thought, provides an ideal level of hospitality for refugees and asylum seekers. This is because it provides a model for a loving resettlement policy and for the treatment of migrants following resettlement.

Some differences exist between Nussbaum's notion of central capabilities and *agape* centric central capabilities, even though all four central capabilities that I explain later in the chapter Nussbaum also includes in her list of ten. The primary difference, then, revolves around the source from which the capabilities come. For Nussbaum, capabilities come from a desire to provide citizens of a country enough capability to reach a minimum threshold of life. She writes, "Considering the various areas of human life in which people move and act, this approach to social justice asks, what does a life worthy of human dignity require? At a bare minimum, an ample threshold level of ten Central Capabilities is required."<sup>48</sup> There is little to disagree with in this excerpt. For the purposes of social justice, Nussbaum's ten central capabilities that are also listed in this thesis' introduction provide a method to ensure that individuals, particularly women, are able to achieve a more fulfilled life. The love of neighbor, then, does not stand in contention with Nussbaum's theory. With that being said, *agape*-centric capabilities must go further than reaching a minimum threshold because loving the neighbor on a marginal

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<sup>48</sup> Nussbaum, *Creating Capabilities*, 32.

level goes against the spirit of God's commandments found in the New Testaments. Again, John 13 says that an individual must love the neighbor in the self-sacrificial manner that Jesus demonstrates on the cross. So, *agape*-centric capabilities are different from Nussbaum's capabilities because love of God and neighbor transcends social justice. This is not to say that social justice is not important by any means. However, when one adequately loves the neighbor and cares about the neighbor's wellbeing, that individual will also care about ensuring justice within communities.

The other claim that stands in contrast with Nussbaum is how the Bible construes human capabilities. While Nussbaum does not make the contrary claim, the notion of Biblical capabilities are not directly important to this aspect of her work. Examples of humans receiving and using the four *agape* centric capabilities, life, bodily health, bodily autonomy and freedom of expression are seen in different parts of the Bible. The capability to live from birth to a natural death is established in Genesis' creation narrative. Genesis 1:27 states, "So God created humankind in his image, in the image of God he created them; male and female he created them."<sup>49</sup> God creates humans to maintain Earthly authority over other species. Without human life, God's hierarchy of creation on Earth falls out of balance. At the same time, God cares deeply about a human's ability to live until a natural death. In the Mosaic Law, God commands the Israelites to not murder others. Exodus 20:14 makes this point rather clear. It states, "You shall not murder."<sup>50</sup> This is not to say that murder and bloodshed do not happen in the Bible. However, murder, most often defined as unjust killing, is banned. Unjust killing is a pivotal example of how a human life can end prematurely. The best biblical examples

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<sup>49</sup> Coogan et al., *The New Oxford Annotated Bible*, 12 Hebrew Bible.

<sup>50</sup> Coogan et al., 111 Hebrew Bible.

of bodily health are found in the Gospels. For example, in the first chapter of Mark, Jesus chooses to heal a leper. Verses 41-42 state, “Moved with pity, Jesus stretched out his hand and touched him, and said to him, ‘I do choose. Be made clean!’ Immediately the leprosy left him, and he was made clean.”<sup>51</sup> In this story, Jesus restores the leper’s bodily health. Jesus does not endow the Leper with an eternal, Earthly life. However, this story does show how the capability to live without painful, infectious diseases is important. An important aspect of bodily integrity is the capability to migrate and to travel from place to place. This capability can be seen when God brings the ten plagues against the Egyptian people so the Israelites can escape captivity. Pharaoh, according to Exodus 12:31-32, states, “Rise up, go away from my people, both you and the Israelites! Go, worship the Lord, as you said. Take your flocks and your herds, as you said, and be gone.”<sup>52</sup> The plagues show how God, in Exodus, cared deeply for the Israelites’ ability to safely escape Egypt. Yes, many of the Israelites who escaped Egypt never see the Promised Land and the Israelites did wander through the desert for forty years. But, this story still demonstrates an important aspect of the bodily integrity capability, because the Israelites, after a long period of captivity, are permitted to move freely from Egypt. Finally, there is biblical precedence for freedom of thought and expression, too. One of the key aspects of freedom of thought and expression is the ability to interact with the divine. This notion is often expressed as freedom of religion. In Daniel 3, Shadrach, Meshach and Abednego, are sentenced to death for refusing to bow down to King Nebuchadnezzar’s image. God spares the three men from the fiery furnace and permits them freedom of thought. While King Nebuchadnezzar has a conversion experience at the end of the story and

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<sup>51</sup> Coogan et al., 60 New Testament.

<sup>52</sup> Coogan et al., 100 Hebrew Bible.

subsequently promotes the three men he initially sentenced to death, the important point from the story is how God permits Shadrach, Meshach and Abednego to act according to their religious consciences.

Now that the Biblical foundations of the four *agape* centric capabilities have been listed, an explanation of how they relate to issues of migration can be provided. The first central capability that needs to be discussed is the capability for life. In *Creating Capabilities*, Nussbaum contends that the life capability amounts to “being able to live to the end of a human life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living.”<sup>53</sup> Nussbaum’s definition does not need to be changed for it to be adequately aligned to both *agape* and issues of migration. As I just mentioned, the event in Genesis where God creates Adam and Eve demonstrates how God deeply cares about human lives. The importance of considering life a central capability is not likely to be contentious in a Judeo-Christian context. The reason why life is an appropriate capability while thinking about the global refugee crisis is because large portions of the world’s refugee population come from areas where either war or famine is prevalent. Thus, this *agape*-centric capability holds that people who live in areas where a life that ends in a natural death is particularly unlikely ought to have the right to migrate to a new home. Seven of the ten countries that send the most refugees to the United States, for example, are currently experiencing some form of armed conflict.<sup>54</sup> Individuals and families who live in these areas, then, would be prioritized in resettlement procedures. This does not mean that potential migrants who live outside of war zones do not have the right to leave. However, there ought to be a greater impetus

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<sup>53</sup> Nussbaum, *Creating Capabilities*, 33.

<sup>54</sup> Democratic Republic of Congo, Syria, Burma, Iraq, Somalia, Afghanistan and Ukraine are, to varying extents, going through armed conflict as of March 2018.

where the most violence or famine exists. The second reason why the capability of life relates to migration is because the act of migration itself can be incredibly dangerous. For example, between January and April 2017, 1,089 refugees died while making the trip across the Mediterranean according to the International Organization for Migration.<sup>55</sup> This statistic shows how the risk to human life during migration does not end when the escape from war and famine occurs. Instead, there is often an incredible risk to migration when one lacks the capacity for safe transportation and does not have time or the ability to seek refugee status with UNHCR. When one adopts the *agape* centric capability of life, she would not only support helping those in war zones resettle elsewhere if they so choose. She would also support organizations such as Refugee Rescue that save migrants using unsafe boats trying to cross the Mediterranean. This is to say that the capability of life can be applied in multiple situations.

The second capability requiring discussion is the capability of bodily health. One could argue that this capability is a natural extension of the capability of life because, according to Nussbaum, bodily health includes, “Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.”<sup>56</sup> Lives can be lost due to a lack of access to health care, healthy food and clean water, and a lack of housing. For what it is worth, the UNHCR already tries to provide refugees the capability of bodily health through its global system of refugee camps. This program is supposed to provide shelter and health education to its residents. However, this capability ought to show up in a variety of places. For example, if nations help out regions of the

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<sup>55</sup> Adam Taylor, “Analysis | Over 1,000 Migrants and Refugees Have Died Crossing the Mediterranean so Far This Year,” *Washington Post*, April 25, 2017, sec. WorldViews Analysis Analysis Interpretation of the news based on evidence, including data, as well as anticipating how events might unfold based on past events, <https://www.washingtonpost.com/news/worldviews/wp/2017/04/25/over-1000-migrants-and-refugees-have-died-crossing-the-mediterranean-so-far-this-year/>.

<sup>56</sup> Nussbaum, *Creating Capabilities*, 33.



world experiencing famine through foreign aid, the demand for refugee resettlement might decrease. The point of the *agape* centric capabilities approach to the global refugee crisis is to ensure that both potential refugees and actual refugees receive the neighborly love that they need. The capability of bodily health might lower the number of refugees if the global community treats problems such as famine, infant mortality, disease and housing issues holistically. While resettlement is likely to continue to be a key solution to the refugee crisis, it ought to be accompanied by helping the people who are still struggling in the homeland so they do not have the need to resettle elsewhere. Reproductive health remains important to the normative approach of this thesis.

Third, we need to defend bodily autonomy as a crucial capability to the *agape*-centric capabilities approach. Nussbaum partially defines this as “being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence.”<sup>57</sup> The idea of being able to move from place to place is one of the most important capabilities needed for a migrant since a refugee needs to be able to leave one place and find a new home, permanent or temporary, elsewhere. One particular way this capability can be applied in the context of the global refugee crisis is through organizations that assist migrants escaping conflicts in countries such as Libya and Syria to cross the Mediterranean safely. Furthermore, public funding and private charities might pay for the travel costs of about-to-resettle refugees so they do not have to worry about signing a promissory note or paying back a loan to travel. Perhaps more important for the bodily autonomy capability, however, is to ensure that refugees are not raped or assaulted in the process of resettling to a new home. Many female refugees escaping war-

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<sup>57</sup> Nussbaum, 33.

torn nations are also victims of sexual assault. Currently, over 640,000 Rohingya Muslim refugees from Myanmar have escaped to Bangladesh. The Associated Press has been able to conduct interviews with at least 29 Rohingya women between the ages of 13-35 who are also sexual assault victims.<sup>58</sup> However, since foreign journalists are not allowed in Myanmar itself, it is difficult to determine the actual number of Muslim women who have been raped by the military. Because a significant number of refugees are also victims of sexual assault, the bodily autonomy capability needs to be particularly important for women. The way this capability can address issues of sexual assault is to ensure that women are not taken advantage of by corrupt smugglers and to ensure that female refugees in particular receive safe departure from the homeland. Freedom from sexual assault is a pivotal issue for refugees.

The final capability that we must address is the freedom of thought and expression. Nussbaum defines this central capability as “Being able to use one’s mind protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise.”<sup>59</sup> In the context of *agape*-centric capabilities, the most important aspects that need to be defended is the ability to worship and love God and to love the neighbor. The freedom to worship is a particularly important point for refugee resettlement because refugees are often denied resettlement on the basis of religion. For example, President Donald Trump has attempted to deny certain Muslim refugees the ability to resettle in the United States.<sup>60</sup> However, if applied correctly like the bodily health capability, freedom of expression might also lower the

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<sup>58</sup> “AP: Rohingya Methodically Raped by Myanmar’s Armed Forces,” AP News, accessed March 10, 2018, <https://www.apnews.com/5e4a1351468f4755a6f861e39ec782c9>.

<sup>59</sup> Nussbaum, *Creating Capabilities*, 33.

<sup>60</sup> This point will be addressed more comprehensively in chapter three.

number of refugees that need to be resettled. Again consider the example of Myanmar. Currently, the Buddhist-majority is taking part in an ethnic cleansing against the Rohingya Muslim minority. Because of these tragic and unacceptable events, 668,000 refugees, 400,000 of them children, have crossed the border into Bangladesh seeking refuge. If the international community did a better job holding the Burmese government accountable for denying Muslims the right to citizenship, fewer refugees from this region of the world would have needed to resettle elsewhere. In short, freedom of expression must be seen as a capability granted to refugees who are about to be resettled and extended by nations to their citizens in general.

### **Conclusion**

Of course the four capabilities that have already been explained do not have to be the only *agape*-centric capabilities that address issues of migration. One of the most intriguing aspects of the capabilities approach in general is that there is no set number of central capabilities that can be adopted. With that being said, life, bodily health, bodily integrity and freedom of expression are particularly relevant to the current global refugee crisis because they can promote a more loving resettlement system and also lower the demand for refugee resettlement. In short, these four central capabilities are designed to ensure that refugees are loved as the neighbor as adequately as possible. Love of neighbor can take an infinite number of forms. However, these four capabilities are a good place to begin while constructing a solution to the refugee crisis rooted in the notion of neighborly love. This approach in the following two chapters will serve as the normative ideal that is compared to conservative populism and (mostly) liberal

cosmopolitanism. Both of these responses have their merits. But, both traditional solutions fall short of adequate love of God and love of neighbor.

A solution that accounts for the sanctity of refugees will likely be more welcoming than the vast majority of liberal democracies in Europe and North America. For example, turning away refugees and asylum seekers who are trying to escape war and disease might amount to complicity in those evils. Pope Francis, who was cited in this chapter's introduction as a leader who cares deeply for migrants, has made his views quite explicit. For example, the current Bishop of Rome had some choice words about President Trump's attitudes toward refugees. Shortly before the election, the pontiff told a group of German Christians that, "It's hypocrisy to call yourself a Christian and chase away a refugee or someone seeking help, someone who is hungry or thirsty, toss out someone who is in need of my help."<sup>61</sup> For the Holy Father, loving refugees is a central Christian practice because the Christian is called to help and love the neighbor. In short, the *agape* centric capabilities approach to the global refugee crisis attempts to turn the Pope's sentiments into action.

## **2) The First Interlocutor: Cosmopolitanism**

Justin Trudeau did not spend the evening of December 10, 2015 at 24 Sussex Drive, the Canadian Prime Minister's lavish Norman revival style home in the New Edinburgh neighborhood of Ottawa, Ontario. In fact, he was not in the Canadian capital at all. He was neither travelling to meet foreign dignitaries at a summit nor attending to business in Papineau, the Montreal constituency that he has held since the 2008 federal election. Instead, the Prime Minister accompanied Toronto Mayor John Tory and Ontario

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<sup>61</sup> Jorge M. Bergoglio, "Pope's Homily for Teen Jubilee Mass," Vatican Radio, accessed April 4, 2017, [http://en.radiovaticana.va/news/2016/04/24/popes\\_homily\\_for\\_teen\\_jubilee\\_mass/1225186](http://en.radiovaticana.va/news/2016/04/24/popes_homily_for_teen_jubilee_mass/1225186).

Premier Kathleen Wynne to meet 163 new Canadians at Toronto Pearson International Airport (YYZ). All of the arrivals debarking the aircraft at the infield terminal made their way to Canada's largest city from Syria by way of Beirut, Lebanon. These refugees were just a small part of the 10,000 Syrians that have been resettled in Canada since the Liberal government took power in November 2015. Trudeau's presence at the airport was more than a publicity stunt to garner further support for his government. He arrived at the airport with an explicit message for both Canadians and the wider international community. He proclaimed, "This is a wonderful night. We get to show not just a planeload of new Canadians what Canada's all about. But, we get to show the world how to open our hearts and welcome in people who are fleeing extraordinary difficult situations."<sup>62</sup> Prime Minister Trudeau has been quite outspoken about how Canada wants to provide hospitality to refugees. In fact in 2018, despite populist backlash from many members of the Conservative Party, resettling refugees still remains a crucial part of the Liberal Party's national platform.<sup>63</sup>

While Prime Minister Trudeau passionately advocates for the resettlement of Syrian refugees in Canada, his advocacy is most certainly not inspired by the *agape*-centric capabilities approach. Instead, Canada's most powerful politician stands next to a plethora of politicians and philosophers that have been advocating for a stronger notion of global citizenship since Diogenes of Sinope proclaimed himself a citizen of the world in the fifth century BCE. Trudeau, like former American President Barack Obama and current German Chancellor Angela Merkel, favors a cosmopolitan response to the global citizenship. In this chapter, I focus on cosmopolitanism, the most influential left-of-center

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<sup>62</sup> Rebecca Joseph, "1st Planeload of Syrian Refugees Land on Canadian Soil | Globalnews.ca," December 10, 2015, <https://globalnews.ca/news/2394286/live-blog-toronto-set-to-welcome-feds-first-syrian-refugees-to-canada/>.

<sup>63</sup> "Syrian Refugees," accessed March 1, 2018, <https://www.liberal.ca/realchange/syrian-refugees/>.

philosophical answer to the refugee resettlement question. First, I will explain how three important thinkers, German enlightenment philosopher Immanuel Kant, French deconstructionist Jacques Derrida and New York University faculty member Kwame Anthony Appiah, have shaped cosmopolitan thought. Second, I will demonstrate how Prime Minister Trudeau's, President Obama's and Chancellor Merkel's public statements about refugees have been informed by cosmopolitanism. Third, I will raise the pros and cons of a cosmopolitan response to the global refugee crisis. Fourth, I will explain why the *agape*-centric capabilities approach provides a more loving and hospitable alternative to refugee issues than cosmopolitanism. I conclude this chapter with the claim that while cosmopolitanism provides hospitality to many refugees and asylum seekers, this method cannot be fully endorsed because refugee ceilings prevent candidates whose capabilities are being denied from resettling.

### **The Three Cosmopolitans: Kant, Derrida and Appiah**

As mentioned in the chapter introduction, philosophers have been thinking about the idea of global citizenship since the time of the cynics. However, contemporary cosmopolitan thought is particularly indebted to the writings of Immanuel Kant, particularly his 1795 essay *Perpetual Peace*. In this essay, Kant lays out a legal vision that he believes will lead to a lasting and holistic world peace. Kant defends the notion of "universal hospitality" as the cornerstone of cosmopolitan law, the law that dictates the treatment of visitors. Thus, extending hospitality to the outsider becomes a pivotal part of Kant's vision of an ideal world. He states, "The rights of men, as citizens of the world, shall be limited to the conditions of universal hospitality."<sup>64</sup> Kant deems it necessary to

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<sup>64</sup> Immanuel Kant, *Perpetual Peace: A Philosophical Essay* (London: George Allen & Unwin Ltd., 1917), 138, [http://www.gutenberg.org/files/50922/50922-h/50922-h.htm#Page\\_184](http://www.gutenberg.org/files/50922/50922-h/50922-h.htm#Page_184).

discuss cosmopolitan law, along with state and international law, because each person shares the same world. However, this hospitality is limited to visitation rights. Treaties between nations must handle stipulations about residency.

While the idea of universal hospitality is does not necessarily pertain to resettlement, it is still important to pay attention to how Kant defines this concept because it demonstrates the obligations the cosmopolitan thinker must extend toward the stranger. Shortly after introducing the concept of universal hospitality in the third definite article of perpetual peace, Kant writes, “We are speaking here... of right; and in this sphere hospitality signifies the claim of a stranger entering foreign territory to be treated by its owner without hostility. The latter may send him away again, if this can be done without causing his death; but, so long as he conducts himself peaceably, he must not be treated as an enemy.”<sup>65</sup> There are two points that need to be unpacked from this excerpt. First, the obligation to the stranger is defined in a negative manner twice. The stranger should not be treated in a hostile manner. Also, the stranger should not be considered the enemy unless they conduct themselves improperly. Instead of arguing that the visitor needs to be loved, Kant argues that the other just needs to not be hated. Also, this passage is an attempt to balance obligations to citizens of a particular nation and obligations to strangers. Strangers have the ability to visit whatever nation they choose to visit. However, the government of that country has the ability to deport the visitor as long as the country can do so without murdering the other. Balancing local and international commitments is often a central value of cosmopolitan philosophers and is a point that is also picked up by both Derrida and Appiah. In short, the cosmopolitan balancing act is

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<sup>65</sup> Kant, 137–38.

innovated by Kant, but is developed further by twentieth and twenty-first century philosophical thinkers.

Derrida is particularly engaged with “Perpetual Peace.” While he is primarily known for his deconstruction method, later in his life he wrote extensively about the neighbor, hospitality, friendship and cosmopolitanism. In 1997, Derrida published two works that discuss elements of cosmopolitan thought, “Of Hospitality,” an essay that includes a response from the recently deceased philosopher Anne Dufourmantelle, and *The Politics of Friendship*, a book that looks at the political consequences of friendship. In 2001, his essay “On Cosmopolitanism” is published in a volume that also includes the essay “On Forgiveness.” Like Immanuel Kant, Derrida argues that law largely dictates the relationship with the foreigner. He writes, “It [the foreigner] is not only the man or woman who keeps abroad, on the outside of society, the family, the city...The relationship to the foreigner is regulated by law, by the becoming-law of justice.”<sup>66</sup> The author arrives at this conclusion because, like Kant, Derrida conceptualizes hospitality as a law rather than a right. The reason why this passage is important to Derrida’s conception of cosmopolitanism is because he argues that the foreigner and the citizen have something important in common. Both of them are under the same law of hospitality. This means that the foreigner is not just the other. The local and the foreign, then, are one in the same.

In “On Cosmopolitanism,” Derrida speaks about refugees and cities of refuge. During the 1990s, there was a movement in Europe to create cities of refuge for refugees, asylum seekers, and other migrants to settle without fear of government interference.

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<sup>66</sup> Jacques Derrida and Anne Dufourmantelle, *Of Hospitality: Anne Dufourmantelle Invites Jacques Derrida to Respond*, trans. Rachel Bowlby (Stanford, CA: Stanford University Press, 1997), 73.



Involvement in the movement due to his upbringing as a Jew in French Algeria who later immigrated to France, Derrida unsurprisingly endorses this concept. In this essay, he again turns to Kant to understand the difference between the laws and ethics of hospitality. On the one hand, Derrida understands that hospitality is conditional. Certain privileges, namely residency, must be given by the state. Yet, he also understands that a universal right to hospitality, where even immigrants and refugees must be welcomed. Unlike Kant, Derrida believes that universal hospitality needs to include some form of residency. His solution is a fusion between the ethical and the political, where the state takes a stand to allow unlimited hospitality in cities of refuge. Because cities, rather than states, regulate hospitality and because this notion of cosmopolitanism is more open to allowing residence than Kant, Derrida understands that his ideas have not been practiced in contemporary times. At this time, he sees discussions about cities of refuge or sanctuary cities as being areas that concern more intellectual and ethical reasoning, than as a political solution that can be used immediately. He writes, “I also imagine the experience of cities of refuge as giving rise to a place for reflection—for reflection on the questions of asylum and hospitality—and for a new order of law and a democracy to come to be put to the test.”<sup>67</sup> This passage from the essay’s conclusion paragraph suggests that cities of refuge must go under further experimentation to determine how it functions in a democratic context, particularly in a world where nation-states determine laws of hospitality, rather than cities. With that being said, Derrida’s suggestions fall in to the category of cosmopolitanism because he tries to balance global citizenship with local needs by allowing local municipalities to determine their own laws of hospitality. This

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<sup>67</sup> Jacques Derrida, *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (London: Routledge, 2001), 23.

essay allows cities to control its own borders similarly to how nation-states do presently. Derrida, then, agrees with Kant about universal hospitality. Yet, they have a significant difference because Kant believes that states have the ability to control residential hospitality while Derrida allows select local bodies (i.e. cities of refuge) to provide that hospitality.

On the whole, cosmopolitanism plays a limited role in shaping Kant's and Derrida's respective works. Kant's works on reason and judgment are most likely more influential to contemporary philosophy than his works on law and hospitality. At the same time, Derrida's contributions to phenomenology and post-structuralism are better known than his ideas on cities of refuge and the stranger. It is important to note that there are a handful of philosophers in contemporary philosophy who are rightfully labeled cosmopolitans because the majority of their works are centered on or informed by cosmopolitanism. Kwame Anthony Appiah is arguably the most influential member of this school of thought at the present time. Appiah's 2006 work *Cosmopolitanism: Ethics in a World of Strangers* is likely the most comprehensive work published on this philosophical school of thought in the twenty-first century. In this work, the author creates a method for strangers to converse with one another because in a globalizing world, people with differences are more likely to interact on a regular basis. He writes, "Depending on the circumstances, conversations across boundaries can be delightful, or just vexing: what they mainly are, though, is inevitable."<sup>68</sup> This passage shows how Appiah's starting point for his book has more to do with how strangers come across each other due to a multitude of circumstances, rather than just migration. Appiah does not

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<sup>68</sup> Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W.W. Norton & Company, 2006), xxi.

address migration and refugee issues as much as Derrida. With that being said, we can glean a cosmopolitan solution to refugee crises from Appiah's *Cosmopolitanism* nevertheless.

The first aspect of Appiah's book that can relate to issues of migration and capabilities is that the author sees a positive correlation between human rights and a good life. In order for an individual to live a meaningful life, she must have access to certain goods. Appiah writes, "People have needs—health, food, shelter, education—that must be met if they are to lead decent lives. There are certain options that they ought to have: to seek sexual satisfaction with consenting partners; to have children if they wish to; to move from place to place; to express and share ideas; to help manage societies; to exercise their imaginations."<sup>69</sup> While states cannot impose certain values on others in order to make sure foreigners receive their due human rights, they have an obligation to provide material and in-kind assistance to help when these needs cannot be met. With that being said, Appiah does not include resettlement of refugees as a form of assistance explicitly. While this passage does not address resettlement or refugees in general, it stresses the importance of human rights. Cosmopolitans, for the most part, believe that there are central values that can be shared cross-culturally, even if the institutions that reflect those values are different.

Appiah is wary of nations making significant sacrifices in order to intercede on behalf of the human rights in other countries. He believes that the responsibility falls on the global community as a whole rather than only certain parts of it. He explains, "Our obligation is not to carry the whole burden alone. Each of us should do our fair share; but

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<sup>69</sup> Appiah, 163.

we cannot be required to do more.”<sup>70</sup> This passage shows an important difference between cosmopolitanism and the *agape*-centric capabilities approach. Appiah’s notion of cosmopolitanism defends the idea that a country should only do what is fair. The *agape*-centric capabilities approach believes that all countries should play their part. However, when certain countries fail to uphold their responsibilities, other nations might need to step up more. The foreign neighbor’s need to be loved is more important than taking tabs on which country is obligated to fulfill which responsibility. With that being said, Appiah’s point remains important to consider because he does believe that if global citizenship is going to exist, the international community must work together for that to happen. Each nation ought to play a role, even if many fall short of their responsibilities.

While Appiah’s work on cosmopolitanism does not address migrants much, the author’s assumptions about the stranger are important to consider while explicating the cosmopolitan response to the global refugee crisis. He argues that individuals have key obligations to others who live abroad. In *Cosmopolitanism*’s introduction, Appiah writes that an important aspect of this philosophical school of thought “is the idea that we have obligations to others, obligations that stretch beyond those to whom we are related by the ties of kith and kind, or even the more formal ties of a shared citizenship.”<sup>71</sup> The obligations to outsiders must be balanced with obligations to compatriots, according to the cosmopolitan thinker. However, any form of diplomatic isolationism is eschewed by this approach because it completely ignores the commitments to those who live outside of the particular country.

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<sup>70</sup> Appiah, 164.

<sup>71</sup> Appiah, xv.

The commitment that one has to those in other nations is largely left to the reader's imagination. But he, like Kant, contends that nation-states have the ability and the right to determine those obligations. Appiah believes that nation-states, rather than a global government, are best positioned to ensure human rights and obligations to foreigners. He writes, "A global state would have at least three obvious problems. It could easily accumulate uncontrollable power, which it might use to do great harm; it would often be unresponsive to local needs; and it would almost certainly reduce the variety of institutional experimentation from which all of us can learn."<sup>72</sup> This does not mean that countries should not work together and promote unbridled self-interest. However, the cosmopolitan believes that the nation-state should not provide hospitality to outsiders by ending the nation-state and creating a unified global government. Similar to Immanuel Kant and unlike Derrida, Appiah argues that nation-states are the vehicles that provide the most acts of hospitality to foreigners and defend a citizen's human rights.

The final point about cosmopolitanism that I want to emphasize is that this philosophy often promotes a close relationship between liberal economics and policy proposals. Derrida explains how countries, namely France, have historically permitted immigration based on economic needs and Appiah argues that economic wealth in the West does not directly lead to poverty in the developing world as many left-wing critics of capitalism suggest. In the twentieth century, France was often seen as having one of the more permissive immigration policies in Europe. Economic migrants, in particular, were welcomed to a large extent by the government. Derrida writes, "The comparative drop in the birth rate in France since the middle of the eighteenth century has generally

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<sup>72</sup> Appiah, 163.

permitted her to be more liberal in matters of immigration for obvious economic reasons: when the economy is doing well, and workers are needed, one tends not to be overly particular when trying to sort out political and economic motivations.”<sup>73</sup> Derrida is not making a normative point in this passage per se. Instead, he states that one reason why certain states who are perceived to be more cosmopolitan provide permanent hospitality to strangers out of economic necessity. In other words, hospitality is often not extended for hospitality’s sake or out of love for the neighbor. Appiah raises the point that evidence suggests that the concentration of wealth in the west does not directly lead to poverty in the developing world. He states, “It’s worth remembering that poverty is far less prevalent today than it was a century ago. Since 1950, life expectancy and literacy rates in the developing world have increased dramatically.”<sup>74</sup> In this passage, Appiah does not deny that poverty is a problem. Instead, he contends that liberal economics can help end poverty, rather than contribute to it. This is an important point to consider while thinking about the cosmopolitan solution to refugee problems because global capitalism is seen as an ideology that can help create conditions that lowers the global poverty rate and prevent instances of famine. In short, the cosmopolitan believes that liberal economics promotes hospitality because countries inherently benefit from having immigrants in the labor force. Also, liberal economics can help solve the problems facing countries who are at risk of creating large numbers of refugees and asylum seekers.

### **Contemporary Cosmopolitanism in Action: Trudeau, Obama and Merkel**

It is not very difficult to find political leaders in Europe and North America that have taken a cosmopolitan approach to the global refugee crisis. After the Syrian Civil

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<sup>73</sup> Derrida, *On Cosmopolitanism and Forgiveness*, 10.

<sup>74</sup> Appiah, *Cosmopolitanism: Ethics in a World of Strangers*, 172.

War created a particularly high number of refugees between 2011-2016, Canada, Germany and the United States opened their doors to displaced Syrians to varying extents. By sheer number, Germany received the most refugees during this time period. In December 2015, *The Guardian* reported “Germany registered 964,574 new asylum seekers in the first 11 months of the year, putting Europe’s top economy on track for a million arrivals in 2015.”<sup>75</sup> The number of refugees and asylum seekers that were settled during the first eleven months of 2015 was more than four times as many that were registered in 2014. The significant increase in the number of asylum seekers who settled in Germany is largely thanks to Chancellor Merkel’s center-right government permitting more applications that year. Across the Atlantic, heads of state in both Canada and the United States implemented plans that extended residential hospitality to more refugees, largely from Syria. In 2016, President Barack Obama increased the US’ refugee ceiling for 2017 to 110,000 from 85,000. This ceiling was the highest the United States has seen since 1995, during the middle of President Clinton’s first term.<sup>76</sup> While the refugees who resettled in the United States came from a number of different countries, this policy was designed in response to the Syrian Civil War. As I suggested in this chapter’s introduction, Justin Trudeau, Canada’s Prime Minister since November 2015, included hospitality toward Syrian Refugees as a central part of his campaign against the Conservative Party incumbent Stephen Harper and former New Democratic Party leader Thomas Mulcair. In 2016, Canada resettled 46,700 refugees, the most since the nation’s Immigration Act came into law in 1978. 33,266 of the refugees originally came from

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<sup>75</sup> “Germany on Course to Accept One Million Refugees in 2015,” *The Guardian*, December 7, 2015, <http://www.theguardian.com/world/2015/dec/08/germany-on-course-to-accept-one-million-refugees-in-2015>.

<sup>76</sup> Phillip Connor and Jens Manuel Krogstad, “U.S. on Track to Reach Obama Administration’s Goal of Resettling 110,000 Refugees This Year,” *Pew Research Center* (blog), January 20, 2017, <http://www.pewresearch.org/fact-tank/2017/01/20/u-s-on-track-to-reach-obama-administrations-goal-of-resettling-110000-refugees-this-year/>.

Syria.<sup>77</sup> While Canada and the United States resettled significantly fewer refugees and asylum seekers than Germany, all three examples are worthy of consideration because it shows how the hospitality that to a certain extent flourished following the start of the global refugee crisis could be found in a number of different countries. The following paragraphs explain how Obama's, Merkel's and Trudeau's refugee policies are in line with the cosmopolitan philosophers that were addressed in the last section.

While Merkel, Obama and Trudeau never use the term unlimited hospitality, all three leaders value hospitality and friendliness in their public statements. After receiving backlash from many German citizens and a handful of public officials, Merkel defended the need to extend hospitality to those coming from dire situations. According to *Der Spiegel Online*, Merkel stated, "If we start to apologize for showing a friendly face in emergency situations, then this is no longer my country."<sup>78</sup> While Merkel implies that the friendly face does not need to be shown at all times, the high number of asylum seekers in the summer and fall of 2015 was deemed an emergency. In the face of emergency, Merkel viewed hospitality and cosmopolitanism as the best possible decision during a bad situation. Even so, Merkel contended that showing a friendly face to outsiders, even if just in limited circumstances, is part of German values. For President Obama, extending hospitality to refugees during a crisis is the US's moral calling. During a speech given during a 2016 leadership summit that addressed refugee issues, President Obama stated, "This crisis is a test of our common humanity, whether we give into suspicion and fear and build walls, or whether we see ourselves in another... I believe

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<sup>77</sup> Sonja Puzic, "Record Number of Refugees Admitted to Canada in 2016, Highest since 1980," *CTV News*, April 24, 2017, <https://www.ctvnews.ca/canada/record-number-of-refugees-admitted-to-canada-in-2016-highest-since-1980-1.3382444>.

<sup>78</sup> "Two Weeks in September: The Makings of Merkel's Decision to Accept Refugees," *Spiegel Online*, August 24, 2016, sec. International, <http://www.spiegel.de/international/germany/a-look-back-at-the-refugee-crisis-one-year-later-a-1107986-2.html>.



that history will judge us harshly if we do not rise to this moment.”<sup>79</sup> This excerpt from President Obama’s speech connects particularly well to Appiah’s idea that people are connected with others from different cultures. The President argues that hospitality to refugees needs to be shown because one can see herself in the face of an outsider. Prime Minister Trudeau, unlike President Obama and Chancellor Merkel, often does not use the language of emergency in his public statements about refugees and immigration in general. For example, during a speech given in London, Trudeau instead talked about the importance of diversity. He states, “We have a responsibility—to ourselves and to the world—to show that inclusive diversity is a strength and a force that can vanquish intolerance, radicalism and hate.”<sup>80</sup> For the Canadian Prime Minister, hospitality is a force that can defeat forces that promote global division and strife. This statement in particular connects to Kant’s notion of perpetual peace. Hospitality and friendliness toward the other is a moral good like Kant’s law of hospitality because it contributes to world peace. While these three leaders talk about hospitality differently, the fact that they talk about it in the first place shows that cosmopolitanism is already a solution that is being utilized during the current global refugee crisis.

The three leaders also value the balance of local and international obligations. In fact, obligations to protect the public safety and wellbeing of citizens are valued at least as much as hospitality by Merkel, Obama and Trudeau. Their statements on the matter are well aligned to Appiah’s notion that one nation cannot solve the global refugee crisis alone. Shortly before she decided to extend hospitality to hundreds of thousands of

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<sup>79</sup> Laura Koran, “Obama: Refugee Crisis Is Test of Our Humanity,” CNN, September 20, 2016, <https://www.cnn.com/2016/09/20/politics/obama-refugees-summit/index.html>.

<sup>80</sup> Bruce Cheadle, “Justin Trudeau: Syrian Refugee Plan An Example Of Canada’s Diversity,” HuffPost Canada, November 25, 2015, [https://www.huffingtonpost.ca/2015/11/25/canada-syrian-refugees-benefits\\_n\\_8648136.html](https://www.huffingtonpost.ca/2015/11/25/canada-syrian-refugees-benefits_n_8648136.html).

additional Syrian asylum seekers, a young Palestinian refugee whose family was about to be deported confronted Chancellor Merkel. The young girl named Reem asked the German head of state why her family would be sent away from Germany. Merkel argued that allowing one family of refugees to stay meant that she would be required to allow others the right of refuge. She replied, “We cannot welcome everyone to Germany. We don’t even have the capacity to do so.”<sup>81</sup> While Merkel ultimately allowed a large number of asylum seekers to stay in Germany, the fact that she mentions the capacity for resettlement shows that her first priority is to the people who elected her. Appiah would agree with Merkel’s sentiments because he argues that political leaders in democratic governments are first accountable to the electorate.<sup>82</sup> A few of Prime Minister Trudeau’s government ministers also talk about balancing the obligations to Canadians and refugees. This process, according to Public Safety Minister Ralph Goodale, is centered on national security. He tells *CNN*, “That’s [addressing the concerns of Canadians is] why safety and security have always been at the very top of our priority list. From day one, we have repeatedly said that we will not compromise the quality of the security work that must get done.”<sup>83</sup> Goodale’s words demonstrate the cosmopolitan tension particularly adequately. He supports allowing refugees to resettle in Canada. But, he does not want to risk the safety of the Canadian electorate. Vetting procedures, then, become an important part of a cosmopolitan solution to refugee resettlement as a way to address the needs of both refugees and Canadians.

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<sup>81</sup> “Two Weeks in September.”

<sup>82</sup> Appiah, *Cosmopolitanism: Ethics in a World of Strangers*, 163.

<sup>83</sup> Paula Newton, “Canada: We’ll Resettle 25,000 Syrian Refugees,” *CNN*, accessed April 2, 2018, <https://www.cnn.com/2015/11/24/americas/canada-syrian-refugees/index.html>.

### **Benefits and Fallbacks of Cosmopolitanism**

Now that I have explained cosmopolitanism as a philosophy and as a political response to the global refugee crisis, it becomes possible to assess the pros and cons of this school of thought. The first benefit of cosmopolitanism is how this particular response successfully provides much needed hospitality to a group of people that needs it badly. Germany, for instance, allowed over a million refugees to resettle in 2015. While this is a small number compared to the 26 million refugees and asylum seekers that exist around the world, the emergence of German cosmopolitanism has nevertheless contributed to the highest number of resettlements in Europe and North America by far. Many asylum seekers who now live in Germany have praised this hospitality and by extension Chancellor Merkel. Morad, a resettled asylum seeker who held a picture of Angela Merkel at a pro-refugee rally, told a journalist that the German head-of-state is an important person in his life. He stated, “This is my mom. I think she is the only one who cares about us.”<sup>84</sup> Morad’s reaction demonstrates this first benefit of cosmopolitanism quite well. Cosmopolitanism is a method to ensure that strangers are welcomed into new communities. Merkel, the leader who allowed in so many new asylum seekers, is viewed as a maternal figure by one of the women and men who found refuge in Germany. It is safe to say, then, that cosmopolitan leaders value hospitality than the populist leaders that will be discussed in the next chapter.

While cosmopolitanism is largely inspired by liberal democracy, both liberal and conservative leaders have successfully utilized this approach. Cosmopolitanism has also appealed to philosophers who identify as leftists. Barack Obama and Justin Trudeau, the

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<sup>84</sup> “Two Weeks in September.”

two most influential cosmopolitan leaders in North America, are members of center-left parties. There is little surprise about this fact because cosmopolitanism is often associated with political and economic liberalism. However, in Europe, center-right parties often utilize cosmopolitanism too. Again Angela Merkel serves as a useful example. Merkel's Christian Democratic Union (CDU) is considered to be more ideologically conservative than liberal. While cosmopolitanism might not appeal to right-wing and far-right voters, this philosophy, leaders who are most certainly right of center, have certainly utilized it. A few philosophers who identify themselves as left-wing rather than liberal have also proposed a cosmopolitan solution to the global refugee crisis. Zygmunt Bauman, a Polish-British Marxist philosopher who passed away in 2017, interacts with Kant's Perpetual Peace quite a bit in his 2016 book entitled *Strangers at Our Door*. He laments that countries in Europe and North America have done a poor job living up to Kant's desire for a more hospitable world. He writes, "More than 200 years and several bloody wars later, we are still procrastinating in attending to Kant's appeal to hospitality."<sup>85</sup> One of Bauman's solutions to the global refugee crisis is to take Kant's work on cosmopolitanism more seriously. In short, thinkers and leaders from the far left, the center-left and the center-right have all adopted some form of cosmopolitanism as a solution to the global refugee crisis. It is difficult to find another solution that has found such a big-tent appeal.

The first potential fallback from cosmopolitanism is that it only lasts as long as a particular political leader is able to maintain power. Political leaders who support resettling a greater number of refugees often become victims of a populist uprising.

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<sup>85</sup> Zygmunt Bauman, *Strangers at Our Door* (Cambridge, UK: Polity Press, 2016), 75.

President Obama could not run for re-election in 2016. However, his successor Donald J. Trump made stricter guidelines for refugee resettlement and immigration in general the cornerstone issue of his campaign. In his first year in office, President Trump has lowered the refugee ceiling twice. In his first week of office, his administration lowered the ceiling from 110,000 to 50,000 as part of his first Muslim travel ban. While the travel ban itself was deemed unconstitutional, the refugee ceiling was still changed. Then, the refugee ceiling was lowered again at the end of the year to 45,000.<sup>86</sup> Angela Merkel recently won re-election during the fall of 2017. However, she faced a tough battle from the far-right, anti-refugee party *Alternative Für Deutschland* (AFD). The emergence of this party in many ways forced Merkel to take a more hardline approach on refugees in her public speeches, particularly since her party lost seats in the 2017 election. In October, she agreed to place a ceiling on the number of refugees that can be settled in Germany. She states, “We will continue our efforts to reduce, sustainably and permanently, the number of people who flee to Germany and Europe, so that a situation like that of 2015 will not and cannot be repeated. We guarantee that.”<sup>87</sup> As recently as July, Merkel was morally against the idea of a refugee cap. However, because her party the CDU is no longer as powerful as before, she had to make a compromise with other parties and hospitality is now more limited in Germany than at the start of the global refugee crisis. There is still as great of a need for more cosmopolitan refugee resettlement policies in 2018 than there was in 2015. However, these programs are no longer as feasible as cosmopolitan leaders lose political power. In liberal democracies such as

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<sup>86</sup> Dianne Solis, “Under Trump, the Number of Muslim Refugees Entering the U.S. Is Plummeting,” Dallas News, February 15, 2018, <https://www.dallasnews.com/news/immigration/2018/02/15/trump-number-muslim-refugees-entering-us-plummeting>.

<sup>87</sup> Judith Vonberg, “Merkel Changes Tune on German Refugee Cap,” *CNN.Com*, October 9, 2017, <https://www.cnn.com/2017/10/09/europe/germany-upper-limit-refugees/index.html>.

Germany and the United States, cosmopolitanism only works as a solution as long as proponents of this philosophy control the government.

The biggest problem of cosmopolitanism according to the *agape*-centric capabilities approach is that even a high refugee resettlement ceiling is in itself problematic. Refugee ceilings are signs of limited hospitality. Hypothetically, there are going to be years where the demand for refugee resettlement is going to be lower than a specific country's quota. However, during a global refugee crisis where there are tens of millions of refugees that need to find a home, ceilings mean that refugee resettlement is determined by a nation-state's self-interest, rather than by a candidate's access to reach a threshold of central capabilities. It is commendable that Justin Trudeau included resettling 25,000 Syrian refugees across Canada and that President Obama raised the ceiling to 110,000 during the last year of his administration. However, these actions are not enough when the Syrian Civil War alone has created 4.8 million refugees and asylum seekers between April 2011 and February 2016.<sup>88</sup> Limits that are placed on hospitality mean that only a portion of refugees will have the potential to reach central capabilities restored. The United States and Canada are not the only culpable nations in this category. Loving the outsider-neighbor is a pursuit that must be shared across all nations. The way refugee resettlement is limited across the board, even in nations that embrace cosmopolitanism, prevents this problem from being addressed comprehensively. No nation can address this burden alone. But at the same time, no nation is currently guilty of being too generous to refugees. Cosmopolitanism provides a good start to providing

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<sup>88</sup> Avenue, York, "Syria."

hospitality to refugees. However, it cannot be seen as the panacea that will provide neighborly love to all who need it.

### ***Agape* Centric Capabilities Approach as Alternative to Cosmopolitanism**

The *agape* centric capabilities approach, then, must stand against arbitrary refugee ceilings. The point of this normative solution to the global refugee crisis is to ensure that each neighbor displaced by conflict, famine and other extenuating circumstances are able to find the loving kindness they need. If a nation's annual refugee ceiling is 110,000, the central capabilities of the 110,001<sup>st</sup> candidate are not going to be considered in a timely basis. This cannot be seen as acceptable by the strong agapist. Instead, a more holistic approach of determining how many refugees each country can accommodate needs to be considered. To his credit, Joseph H. Carens provides two important criteria that ought to be considered while determining how many refugees can be effectively resettled in a particular country in his book entitled *The Ethics of Immigration*. He argues that a state's absorptive capacity and economic capacity as two factors that need to be considered while determining a more realistic and hospitable refugee ceiling. Carens defines absorptive capacity as a particular nation-state's "ability to take in refugees and resettle them effectively."<sup>89</sup> Factors that contribute to absorptive capacity include population, area and population density. For example, a nation with significantly more area, higher population and a lower population density such as the United States will likely be able to accommodate more refugees than countries with less area and a higher population density such as the Netherlands and Belgium. Economic factors ought to be considered as well when determining how many refugees a particular country has the capability to accept.

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<sup>89</sup> Joseph Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013), 214.

Carens defines economic capacity as “partly a function of a state’s overall wealth and partly a function of its economic dynamism (that is, of its ability to generate jobs and education for refugees and the housing and other goods that they will need to live).”<sup>90</sup>

Economic capacity is particularly important to the *agape*-centric capabilities approach to the global refugee crisis because it is difficult for a refugee to reach central capabilities in a country that provide gainful employment and adequate housing. Refugee resettlement is useless if the refugee is still unable to reach central capabilities. All in all, the *agape*-centric capabilities approach is not against refugee ceilings in all cases. But, ceilings need to be determined by how many refugees can be resettled effectively in a given nation-state rather than by how many candidates a nation-state feels like welcoming.

Indiscriminate limits on hospitality go against the spirit of *agape*.

Cosmopolitan interlocutors will likely stand against this proposal because it questions a particular nation’s sovereignty. While hospitality is an important value held by both cosmopolitan leaders and philosophers, the foremost priority of a member of this school of thought is balancing hospitality with the demands of local neighbors. This means that a country ought to be able to determine who is able to resettle and who cannot. Kant argues, “This right to hospitality, however—that is to say, the privilege of strangers arriving on foreign soil—does not amount to more than what is implied in a permission to make an attempt at intercourse with the original inhabitants.”<sup>91</sup> This innovator of cosmopolitanism states that each individual has the right to visit other countries. Yet, it is up for the other countries themselves to determine who has the right to migrate and stay. This stands against Carens’s criteria for refugee resettlement because

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<sup>90</sup> Carens, 214.

<sup>91</sup> Kant, *Perpetual Peace*, 139.



countries do not have to set their refugee ceilings based on economic and absorptive capacities. Instead, each nation state maintains the right to use whatever criteria they please for the purpose of setting limits on migration.

While nations absolutely have the right to set whatever policies they please on a host of different political issues, the *agape*-centric capabilities approach is more worried about addressing moral obligations and loving the neighbor. Many cosmopolitan leaders seem to value appeals to morality and to providing much needed assistance to those in need. President Obama stated at the United Nations in 2016, “To slam the door in the face of these families would betray our deepest values. It would deny our own heritage as nations, including the United States of America, that have been built by immigrants and refugees. And it would be to ignore a teaching at the heart of so many faiths that we do unto others as we would have them do unto us.”<sup>92</sup> Contemporary political leaders who embrace the philosophical idea of cosmopolitanism already give public speeches that talk about refugee resettlement as a moral issue and even shares many of the same values held by the *agape* centric capabilities approach. Countries that have favored a cosmopolitan approach to the refugee crisis just need to do more. According to Juliet Eilperin of the *Washington Post*, Christian activists remained skeptical that the United States’ increased refugee ceiling and the leaders summit on refugees had the chance to create the hospitality needed to address the global refugee crisis. She writes, “Bill O’Keefe, Catholic Relief Service’s vice president for advocacy, said in an interview that while his group and others welcomed the administration’s new resettlement pledge, neither that nor the upcoming U.N. summit was sufficient to address the needs of ‘the 65 million globally

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<sup>92</sup> Barack Obama, “Remarks by President Obama at Leaders Summit on Refugees,” whitehouse.gov, September 20, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/09/20/remarks-president-obama-leaders-summit-refugees>.

displaced people around the world right now.’’<sup>93</sup> O’Keefe’s reaction does a wonderful job demonstrating the *agape*-centric capabilities approach’s thoughts about cosmopolitanism. Increasing refugee quotas is not bad per se. This approach is just inadequate when there are so many others who need to find a new home. The only way for 65 million displaced persons to receive their due hospitality is if more nations, out of love for the neighbor and the stranger, decide to take in as many refugees as possible based on absorptive and economic capacity. Until that happens, the chances are high that the world will continue to experience a dire refugee crisis.

### **Conclusion**

Cosmopolitanism is the more ideal traditional approach to the global refugee crisis because it does make an explicit attempt to provide much needed hospitalities to refugees. For this reason alone, the *agape*-centric capabilities approach has some overlap with this tradition that has existed since the cynics made their mark on ancient Greek. But we do well to remember there are some key differences between the two responses. Christian capabilitarianism views the love of neighbor as the metavalue that determines the limit on hospitality. Cosmopolitanism, owing largely to Kant, believes that each nation state possesses the ability to set limits on migration for any reason. While any individual can visit the outside world, they do not possess the right to migrate. This creates an inadequate response to the global refugee crisis because migration is limited so heavily. The *agape*-centric capabilities approach provides more adequate hospitality to the neighbor since it encourages nations to limit refugee resettlement only after an absorptive and economic capacity is exhausted. This matters greatly during a global

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<sup>93</sup> Juliet Eilperin, “White House Raises Refugee Target to 110,000,” *Washington Post*, September 14, 2016, [https://www.washingtonpost.com/news/post-politics/wp/2016/09/14/white-house-plans-to-accept-at-least-110000-refugees-in-2017/?utm\\_term=.9756af205c02](https://www.washingtonpost.com/news/post-politics/wp/2016/09/14/white-house-plans-to-accept-at-least-110000-refugees-in-2017/?utm_term=.9756af205c02).

refugee crisis that is occurring during an era where over 65 million displaced persons exist. Yes, this normative approach asks nations to make constructive and charitable sacrifices. However, sacrifices are in order when there are so many neighbors in desperate situations that need hospitality. Doubtless, we need to question the practice of implementing arbitrary refugee resettlement policies.

### **3) The Second Interlocutor: Conservative Populism**

Of course not all individuals in the West advocate for cosmopolitan solutions to refugee issues, world leaders included. In fact, public polling shows that there has long been a history of conservative backlash to refugee resettlement, particularly during times when higher numbers of migrants seek refuge in the United States. A Gallup poll from 1939 taken shortly after Kristallnacht showed that only 26% of Americans were in favor of accepting refugee children from Germany, while 67% of Americans were opposed.<sup>94</sup> During the Cold War era, public opinions about refugees remained, for the most part, negative. In 1958, 55% of Americans disapproved allowing 65,000 Hungarian refugees escaping Soviet rule from coming to the United States.<sup>95</sup> Furthermore, in 1980, 66% of Americans sampled reported to Gallup that they would end all immigration to the United States until the national unemployment rate fell below 5%.<sup>96</sup> These three polls are meant to show how the American public has expressed skepticism regarding immigration during the twentieth century. Public opinion polls taken during the second decade of the twenty-first century show how Americans really have not changed that much about refugee resettlement, particularly when refugees from certain countries were mentioned in the

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<sup>94</sup> Frank Newport, "Historical Review: Americans' Views on Refugees Coming to U.S.," Gallup.com, accessed September 19, 2017, <http://news.gallup.com/opinion/polling-matters/186716/historical-review-americans-views-refugees-coming.aspx>.

<sup>95</sup> Newport.

<sup>96</sup> Newport.

pollster's question. 53% of Americans opposed and 41% of Americans supported the resettlement of an additional 10,000 Syrian refugees according to a 2015 Quinnipiac poll.<sup>97</sup> If a comprehensive understanding of political reactions to the current global refugee crisis is to be created, one must pay close attention to those who hold conservative views on immigration.

In this chapter, I will explain the most recent onset of conservative populism that has been seen in both North America and Europe. First, I will discuss the work of German Jurist Carl Schmitt because a number of his ideas-- namely the friend/enemy distinction and the exception,--help build the philosophical underpinnings of contemporary conservatism. I will focus on two of his works, *The Concept of the Political* and *Political Sovereignty: Four Chapters on the Concept of Sovereignty*. Next, there will be a section in which I explain how two influential right-wing leaders, American President Donald J. Trump and Hungarian Prime Minister Viktor Orbán have reacted against refugee resettlements in their respective countries. I will then, third, offer a critical look at the conservative school of thought. I accept that national security can never be overlooked while formulating foreign policy. Yet, in my view, this position often paints refugees as a disproportionate threat and frequently sacrifices the well being of those in need in the name of protecting the nation state. Fourth, and finally, I will touch on how the *agape*-centric capabilities approach is a more adequate response to the global refugee crisis than conservative populism. I conclude that the *agape*-centric capabilities approach more sufficiently preserves constitutional and legal norms, more

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<sup>97</sup> Newport.

reasonably assesses the convergence of refugee issues and national security questions, and provides hospitality to individuals with different cultural backgrounds.

### **Carl Schmitt (1888-1985): A Father of Conservative Legal Philosophy**

Carl Schmitt, often referred to as the crown jurist of the Third Reich, has a philosophical influence that informs many conservative policies, including immigration and refugee resettlements. For this reason alone, it is necessary to provide a brief précis of two of his most important works, *The Concept of the Political* and *Political Theology*. Schmitt does not directly address refugees in either of these works. Yet, we need to consider these essays because of how they address the topic of political power. In *The Concept of the Political*, Schmitt defends the idea that the state has the right to make a distinction of friends and enemies. During the current refugee crisis, many conservative leaders have depicted refugees and migrants in general as having non-Western and even dangerous values that threaten the nation state. In *Political Theology*, Schmitt argues that a sovereign has the ability to suspend legal and constitutional norms in order to protect the nation-state from real or perceived threats. This chapter will argue that Donald Trump uses the state of exception to ban certain Muslims from the United States and to implement a significantly lower refugee resettlement ceiling. The following paragraphs focus on providing a more comprehensive understanding of three of Schmitt's most important concepts, the sovereign, the exception and the friend/enemy distinction.

The primary goal of the first chapter of Carl Schmitt's *Political Theology* is to properly define two key concepts, the "sovereign" and the "exception." While sovereignty is the central concept of the work, maintaining an understanding of the exception is crucial to properly understand the sovereign. Schmitt pins these two

concepts together in the first sentence of the work when he proclaims, “Sovereign is he who decides on the exception”.<sup>98</sup> Schmitt contends that an exception occurs when there is a state of emergency that poses an existential threat to public order and safety or a constitutional crisis. That which counts as an exception cannot be found or expressed in any laws, codes and constitutions, according to Schmitt. Also, procedures to eliminate crises and threats cannot be subject to any controls. Instead, the sovereign assumes unlimited authority and suspends the rule of law when the exception occurs. Schmitt states, “What characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order. In such a situation it is clear that the state remains, whereas law recedes”.<sup>99</sup> When an exception occurs, the sovereign, then, has the right to suspend any constitution or laws in order to eradicate the abnormal situation at hand. While laws are suspended when an exception occurs in Schmitt’s normative political theology, he is adamant that the state remains in place and unchanged. In fact, the point of the sovereign addressing any exception is to preserve public safety and the state itself.

Another aim of *Political Theology* is to explain why “all significant concepts of the modern theory of the state are secularized theological concepts”.<sup>100</sup> In other words, Schmitt argues that the notion of sovereignty is indebted to concepts that have been developed in Christian theology. First and foremost, Schmitt contends that the exception in the study of law is similar to how miracles are understood in the study of theology. This analogy is key to understanding how conservative and monarchical juridical and

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<sup>98</sup> Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 2005), 5.

<sup>99</sup> Schmitt, 12.

<sup>100</sup> Schmitt, 36.

philosophical theories of the state came into fruition since the seventeenth century. To adequately illuminate his analogy and his argument about the relationship between the theory of the state and theological concepts, Schmitt relies on a method called “sociology of juristic concepts”.<sup>101</sup> This method “aims to discover the basic, radically systematic structure and to compare this conceptual structure with the conceptually represented social structure of a certain epoch”.<sup>102</sup> In short, Schmitt’s usage of sociology is meant to elucidate how a society’s social structures, namely laws and governance, come from conceptual structures, specifically theology and metaphysics. He determines that seventeenth century enlightenment thinkers, such as Descartes, and English restoration thinkers unify religion and law most adequately. Schmitt argues, “‘One sole architect’ must construct a house and a town; the best constitutions are those that are the work of a sole wise legislator, they are ‘devised by only one’; and finally, a sole God governs the world. As Descartes once wrote... ‘It is God who established these laws in nature just as a king establishes laws in his kingdom’”.<sup>103</sup> While many thinkers in the nineteenth century, from left-wing thinkers, such as Marx and Engels, to positivist scholars, such as Hänel and Preuss, reject the usage of faith and metaphysics while developing their normative theories of the state, Schmitt believes that theology is the only way a conception of the state can be created because both jurisprudence and theology have traditionally embraced the idea of transcendence. This has caused the idea of legitimacy to change. While those during the enlightenment understood the concept of legitimacy in monarchical terms, those in the nineteenth century, particularly positivists, thought of

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<sup>101</sup> Schmitt, 37.

<sup>102</sup> Schmitt, 45.

<sup>103</sup> Schmitt, 47.

legitimacy as popular legitimacy. Schmitt finishes the chapter by arguing that when a society values popular legitimacy, traditional and actual legitimacy no longer have any meaning. The shift to democracy from royalism is the most common example of what Schmitt is talking about here. He sees this as a bad thing and agrees with Donoso Cortés and Thomas Hobbes that a form of dictatorship is needed to replace monarchical and republican ideals.

The “friend/enemy” distinction is another important concept in Schmitt’s work. This idea is developed and explained in his 1932 essay *The Concept of the Political*. As the title suggests, Schmitt writes this essay in order to provide his definition of the political. However, he also discusses what motivates the political actions leaders take. He writes, “The specific political distinction to which political actions and motives can be reduced is that between friend and enemy. This provides a definition in the sense of a criterion and not as an exhaustive definition or one indicative of substantial content.”<sup>104</sup> According to Schmitt, a sense of duty, right character and intended consequences are not what makes policy decisions political. Instead, choices become political when the decision makers construct dissimilarity between friends and enemies.

Because *The Concept of the Political* emphasizes the friend/enemy distinction, the reader must pay close attention to how both friend and enemy can be defined by the state. Schmitt does not provide concrete definitions for friends and enemies because meanings differ between sovereign states. Schmitt explains, “In its entirety the state as an organized political entity decides for itself the friend-enemy distinction.”<sup>105</sup> While those in power create the comprehensive definitions for friends and enemies, Schmitt lists a number of

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<sup>104</sup> Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 1996), 26.

<sup>105</sup> Schmitt, 30.



criteria for the enemy. First, enemies do not have to be hated or ethically compromised. Also, because the friend enemy distinction is only important in the political dimension, friends and enemies can interact with one another without problem when it comes to commerce and even religion. Instead, the enemy in the political is seen as suspect because they are inherently different from the friend. Since the enemy is qualitatively different from the friend, a conflict between the two parties can arise when they intermix. Schmitt writes, “The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions...He is, in a specifically intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible.”<sup>106</sup> Of course how different is defined by the nation-state is decided on a case-by-case basis. However, Schmitt contends that a decision made by a person in power cannot be political unless some group is depicted as alien to the friend’s own society.

The most significant implication of the friend/enemy distinction is that armed conflict is always a possibility. The possibility of war is not to be seen as an opportunity for valor and patriotism. However, Schmitt believes that the friend/enemy distinction cannot exist without the possibility of war. He writes, “The friend, enemy and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing...War is the existential negation of the enemy... It does not have to be common, normal...or desirable. But it must nevertheless remain a real possibility for as long as the concept of the enemy remains valid.”<sup>107</sup> So while war does not have to happen regularly for the friend/enemy distinction to exist, there must at least be a possibility of it.

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<sup>106</sup> Schmitt, 27.

<sup>107</sup> Schmitt, 33.

If the state decides that the enemy must be negated, Schmitt believes that a war is both permissible and even necessary.

The last important aspect of the friend/enemy distinction is how non-political entities, such as religious groups, economic institutions and moral philosophies, become political. Any group becomes political when it is able to determine the difference between friends and enemies. The example Schmitt uses to demonstrate this point is a religious organization that can make a decision to allow members to serve in armed conflicts. He writes, “A religious community which wages wars against members of other religious communities or engages in other wars is already more than a religious community; it is a political entity.”<sup>108</sup> Religious organizations remain solely religious when they remain neutral in armed conflicts. Yet, when they promote or oppose a conflict, the religious group also becomes political because they make a conscious decision to transform or not transform an enemy into adversary combatants. This type of transformation can occur in the business world and the philosophical sphere as well. For example, a munitions company becomes political when they support a conflict because demand for their products will rise. A philosophy that values courage and unity becomes political when that worldview is wielded to valorize military service during an armed conflict. While philosophy, religion and economics are not inherently political because they do not have to abide by a dichotomy dictated by friends and enemies. However, as these fields consider and utilize the friend/enemy distinction, they possess the ability to become political.

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<sup>108</sup> Schmitt, 37.

### **Two Schmittian Leaders: Donald Trump and Viktor Orbán**

Even though the two works that I have examined in this chapter fail to mention refugees in any capacity, Schmitt's ideas are still relevant to conversations about and reactions to the contemporary global refugee crisis for at least two reasons. First, Schmitt suggests that enemies must be conceptualized as aliens. A significant amount of anti-refugee rhetoric depicts refugees as political enemies because they come from alien countries and cultures. Second, refugee issues are often framed as threats to national security. This empowers those who hold executive and sovereign power to call a state of exception in order to suspend legal or constitutional norms to prevent refugee resettlement. In the following, I will show how two conservative world leaders, American President Donald J. Trump and Hungarian Prime Minister Viktor Orbán use the "friend/enemy" distinction to shape their refugee policies. I will conclude by explaining how the Trump Muslim ban is an example of the state of exception that affects refugee resettlement in the United States. Providing this analysis is particularly important because it demonstrates Schmitt's importance to right-wing thought about issues of migration.

Both President Trump and Prime Minister Orbán allude to the friend/enemy distinction in their public statements about refugees. These two leaders use this dichotomy in order to portray refugees as inherently different from their respective compatriots. These differences across cultures are perceived as threats to both national security and western civilization. During the 2016 Presidential Election Cycle, then-candidate Trump often tweeted about Syria. Most of these tweets depict the Syrian people as enemies of both North American and European nations. For example, on March 24, 2016, Trump stated online, "Europe and the U.S. must immediately stop taking in people

from Syria. This will be the destruction of civilization as we know it! So sad!”<sup>109</sup> This tweet provides a good example of the friend/enemy distinction because Syrian civilization is depicted as being unaligned with western civilization. If more Syrians are allowed to resettle and visit the United States and Europe, the values of the visitors will become stronger than the values of those already in the West. Trump’s migration policy proposals have also been informed by the distinction between friends and enemies. For example, Muslims are depicted as being different in the 2015 campaign announcement that calls for a total ban on Muslim immigrants and visitors. The convictions of Muslims are depicted as alien because of a perceived universal belief in Jihad and a lack of respect for human life. Trump states, “Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life.”<sup>110</sup> In this official campaign statement, Trump paints a dichotomy between Muslims and American values. The reason why Muslims ought to be banned from entering the United States has a lot to do with perceived difference between Americans and Muslims.

There are many other right-wing world leaders who also use the friend/enemy distinction to paint refugees as inherently different. A European head of state who uses this language particularly often is Hungary’s Prime Minister Viktor Orbán. Like Trump, Orbán is particularly skeptical of the possibility of westerners and Muslims co-existing in the same nation state. Muslim refugees, then, can never identify as genuine Hungarians.

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<sup>109</sup> Nicholas Fandos, “Trump’s View of Syria: How It Evolved, in 19 Tweets,” *The New York Times*, April 7, 2017, sec. Politics, <https://www.nytimes.com/2017/04/07/us/politics/donald-trump-syria-twitter.html>.

<sup>110</sup> Jeremy Diamond, “Donald Trump: Ban All Muslim Travel to U.S.,” CNN, December 8, 2015, <https://www.cnn.com/2015/12/07/politics/donald-trump-muslim-ban-immigration/index.html>.

Orbán explicitly makes this point in a 2018 interview with *The Bild*, a German publication. He states, “We believe that a large number of Muslims inevitably leads to parallel societies, because Christian and Muslim society will never unite. Multiculturalism is only an illusion.”<sup>111</sup> The refugee crisis, in Orbán’s mind, cannot be Hungary’s problem because Christians and Muslims come from different cultures and hold different values. This view of the political leads to the belief that multiculturalism is a sham. This is not the only time when Orbán makes the argument that migrants and refugees are different from the Hungarian people. In fact, he often talks about how migrants who arrive in Europe are terrorists. While coming out against the European Union’s plan to resettle approximately 1,600 refugees in Hungary in 2016, Orbán states, “Of course it’s not accepted, but the factual point is that all the terrorists are basically migrants.”<sup>112</sup> Depicting migrants as terrorists accomplishes two goals for Orbán. First, migration becomes framed as a national security problem. Second and more importantly to the friend/enemy distinction, migrants themselves are depicted as different from native Hungarians.

Of course the friend/enemy distinction is about more than just difference. The existential threat of war must be present for this dichotomy to exist. Both President Trump and Prime Minister Orbán use language of combat while talking about refugees and migration more broadly. For example, the Hungarian implies that unauthorized immigration by Muslim refugees amounts to an invasion. In the interview with Bild that was previously mentioned, Orbán states, “We don’t see these people as Muslim refugees.

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<sup>111</sup> Rebecca Staudenmaier, “Hungary’s Orban Tells Germany: ‘You Wanted the Migrants, We Didn’t,’” DW.COM, January 8, 2018, <http://www.dw.com/en/hungarys-orban-tells-germany-you-wanted-the-migrants-we-didnt/a-42065012>.

<sup>112</sup> Cynthia Kroet, “Viktor Orbán: Migrants Are ‘a Poison,’” POLITICO, July 27, 2016, <https://www.politico.eu/article/viktor-orban-migrants-are-a-poison-hungarian-prime-minister-europe-refugee-crisis/>.

We see them as Muslim invaders.”<sup>113</sup> The use of the word “invaders” is crucial to Orbán’s acknowledgement that a war with Islam is a possibility. This excerpt from the interview shows Orbán’s belief that Hungary is the victim of a Muslim invasion. While he does not threaten a Holy War with Islam, he implies that a conflict is possible because armed conflict often follows an invasion. Thus, Muslim refugees are not seen as just as an alien enemy. The Hungarian head of state frames a significant number of migrants as being enemy invaders. President Trump also acknowledges that armed conflict between certain refugees and Americans is a possibility. Like Orbán, Trump has also used the language of invasion to describe refugees from Syria. In a 2015 speech in Keane, N.H., candidate Trump argues that Syrian refugees in the west ought to be sent back to Syria because this population might be forming an army. He argues, “Military tactics are very interesting. This could be one of the great tactical ploys of all time. A 200,000 man army, maybe. Or if they sent 50,000 or 80,000 or 100,000... That could be possible. I don’t know that it is, but it could be possible.”<sup>114</sup> In this speech, refugees from Syria are framed as a potential army, rather than as migrants who are escaping bloodshed and political corruption. Trump’s motivation to send Syrian refugees back to Syria has to do with a desire to avoid a well-coordinated attack on American soil. Trump’s usage of the friend/enemy distinction exists because of his argument that an armed struggle between the United States and the Syrian people might arise if refugees from Syria are not removed from the US.

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<sup>113</sup> Staudenmaier, “Hungary’s Orban Tells Germany.”

<sup>114</sup> Jenna Johnson, “Donald Trump: Syrian Refugees Might Be a Terrorist Army in Disguise,” *Washington Post*, September 30, 2015, sec. Post Politics, <https://www.washingtonpost.com/news/post-politics/wp/2015/09/30/donald-trump-syrian-refugees-might-be-a-terrorist-army-in-disguise/>.

Informed by the friend/enemy distinction, Trump's opinion regarding migration leads the American sovereign to use a state of exception. As President Trump is concerned, a state of exception is seen when he proposes to suspend the legal norm of resettling refugees from Muslim countries due to a perceived threat of terrorist attacks. At a 2015 rally in Mount Pleasant, South Carolina, Trump says, "Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what the hell is going on."<sup>115</sup> As I mentioned earlier, the resettlement of refugees has been a legal norm in the United States since President Jimmy Carter signed the United States Refugee Act of 1980 into law. Refugees from Muslim Countries have never been barred from the refugee program because of their religious convictions. Candidate Trump makes the proposal for the Muslim ban due to a handful of terrorist attacks committed by Muslims. A perceived security threat inspires the exception. However, the Muslim ban did not become an example of the exception until he implemented the policy following his inauguration. On January 27, 2017, President Trump signed an executive order that reduced the refugee ceiling from 110,000 to 50,000 and temporarily banned the entry of refugees and visitors from seven predominantly Muslim countries, Syria, Iraq, Iran, Yemen, Libya, Somalia and Sudan. While this Muslim ban and subsequent versions of the same executive order have been held up in court, the fact that the President of the United States has suspended a previously unchallenged legal norm in order to combat a perceived national security threat shows how the state of exception has played a role in President Donald Trump's policy on refugees.

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<sup>115</sup> Jenna Johnson, "Trump Calls for 'Total and Complete Shutdown of Muslims Entering the United States,'" *Washington Post*, December 7, 2015, sec. Post Politics, <https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/>.

### **Answering the Conservative Critique of the Resettlement Question**

Now that an exposition of the ideas of Carl Schmitt and the policies of President Donald Trump and Prime Minister Viktor Orbán has been provided, it is now possible to provide a critical response to the conservative populist school of thought. I will first list the merits of conservatism. Then, I will explain why this worldview is inadequate, compared to the *agape*-centric capabilities approach. I will conclude that in reality, refugees do not pose the existential threat to countries in Europe and North America that many conservative populist leaders suggest. While the capabilities approach can argue that national security must inform any refugee policy, enough of a threat does not exist to abolish refugee resettlement all together.

Conservative populists are correct on one central point. National security is important. Those in political power have the obligation to protect their constituents and both foreign and domestic policies ought to be adopted with security in mind. National security and the list of central capabilities adopted in the first chapter are aligned on this point. Part of the life capability, defined by Nussbaum as “being able to live to the end of a human life of normal length”<sup>116</sup> is possessing the ability to avoid terrorist attacks and hostile invasions. Even the agapist, one who defends the notion that innocent neighbors near and far have an equal claim to love and protection, can also see the importance of security. It would be unethical for the agapist to put a local neighbor in harms way by allowing a potential security risk live in close proximity. No adequate system of refugee settlement, then, can put the people who live in host countries at risk. Vetting processes, such as the one that already exists in the United States, need to stay in

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<sup>116</sup> Nussbaum, *Creating Capabilities*, 33.



place in order to ensure that those resettling in new countries do not pose a security risk. In short, conservative critiques of cosmopolitanism and the *agape* centric capabilities approach are right in emphasizing the importance of national security.

With that being said, one can easily argue that refugees do not pose the existential security risk claimed by President Trump and Prime Minister Orbán. This does not mean that national security ought to be ignored. But, the way many conservative leaders evoke language of national security becomes problematic. Research completed by the libertarian-minded Cato Institute suggests that American citizens are not likely to be murdered by neither refugees nor illegal immigrants. A policy report written by Alex Nowrasteh explains, “The chance of an American being murdered in a terrorist attack caused by a refugee is 1 in 3.64 billion per year while the chance of being murdered in an attack committed by an illegal immigrant is an astronomical 1 in 10.9 billion per year.”<sup>117</sup> This infinitesimal risk of being killed by a refugee or an illegal immigrant does not warrant Trump’s policy actions of banning Muslims from entering the United States and cutting the refugee resettlement ceiling by more than half. Yes, Schmitt allows the sovereign to decide on the state of exception. However, the sovereign looks foolish when the exception confronts a threat that might kill only one in three and a half billion. These small odds do not create the existential threat Trump speaks of when he argues that Syrian refugees have the ability to create an army 200,000 strong in the United States.

Also, a loving solution to refugee resettlement cannot use national security as the sole criterion. In other words, national security is an important factor. But, it cannot be claimed as the *summum bonum*. Instead, the *agape* centric capabilities approach

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<sup>117</sup> Alex Nowrasteh, “Terrorism and Immigration: A Risk Analysis,” Policy Analysis (Washington DC: Cato Institute, September 13, 2016), <https://www.cato.org/publications/policy-analysis/terrorism-immigration-risk-analysis>.

maintains that national security is relativized by the Christian values of faith, hope and above all love. This means that security as a value transcends the nation state. The refugee escaping religious persecution and armed conflict has just as much of a right to possess the capability of life as the citizen of the host nation. Governments have the responsibility, then, to balance the needs of local citizens and foreign neighbors.

Beyond the issue of national security, a couple of Schmitt's points founder before an *agape*-centric capabilities approach. First, Schmitt argues that Christians are not compelled to love their enemies due to his interpretation of Matthew 5:44 and Luke 6:27. He writes, "No mention [in those verses] is made of the political enemy. Never in the thousand-year struggle between Christians and Moslems did it occur to a Christian to surrender rather than defend Europe out of love toward the Saracens or Turks."<sup>118</sup> Schmitt's premise is that in order to love the political enemy, the possibility of war is eliminated. However, there is a well-established connection between agapism and the just war tradition. In fact, war is a concrete possibility for the agapist when there is a *bona fide* threat to innocent life. While Christians have the obligation to forgive their enemies, the notion of forgiveness does not preclude retribution, even in the form of combat. Jackson states, "Forgiveness does not rule out restraining and punishing the guilty, but it does eschew hatred and accept some risk and sacrifice for the sake of others."<sup>119</sup> Agapism, as a political philosophy, does not require the possibility of combat to persist like Schmitt's friend/enemy distinction. Yet, combat remains a possibility in normative agapism, as long as the combatants fail to harbor hatred for the enemy and that just war tactics are followed.

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<sup>118</sup> Schmitt, *The Concept of the Political*, 29.

<sup>119</sup> Jackson, *The Priority of Love*, 134.

Second, Schmitt's state of exception is problematic according to the normative list central capabilities that were explained in chapter one. This has to do with the fact that the exception by necessity leads to authoritarianism. Schmitt writes, "What characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order. In such a situation it is clear that the state remains, whereas law recedes."<sup>120</sup> Both insiders and outsiders can lose their capabilities when a nation-state enters a state of exception. Constituents lose the capability to control their political environment and refugees very well may lose their capability to life and bodily health. Constituents lose their capability to control their political environment because according to Nussbaum's capabilities approach, humans have the right to have the capability to "participate effectively in political choices that govern one's life."<sup>121</sup> When a sovereign decides to enter the state of exception, the head-of-state makes a political choice unilaterally on behalf of the entire nation. Democratic norms are for all intents and purposes are ended. Refugees are also affected when a sovereign (such as President Trump) enters a state of emergency due to a supposed refugee emergency. While refugee resettlement is only one aspect of the wider refugee crisis, resettlement in as many countries as possible needs to exist to ensure that refugees receive adequate shelter and health care, and are able to escape war.

While refugees conceivably can be settled in a number of different countries, using the state of exception to prevent resettlement and deport the already resettled must be deemed immoral according to the *agape*-centric capabilities approach because this action fails to show love to refugee populations. The central assumption of this thesis is

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<sup>120</sup> Schmitt, *Political Theology*, 12.

<sup>121</sup> Nussbaum, *Creating Capabilities*, 34.

that a person committed to committed Christian love will feel compel to help the neighbor, near and far, reach a central capability. The refugee neighbor can be helped in many different ways. The international community can provide aid to countries, such as Somalia, producing a number of refugees due to a famine and military and diplomatic assistance to nations who have a large refugee population due to war. Yet, these loving gestures are not enough when one out of every 113 is either internally displaced, a refugee or seeking asylum.<sup>122</sup> Resettlement programs need to accommodate the vulnerable populations that already exist. Because, as of the end of 2016, there are 65.6 million people “forcibly displaced worldwide as a result of persecution, conflict, violence, or human rights violations,”<sup>123</sup> chances are that every refugee, asylum seeker and internally displaced individual will be resettled in a new home any time soon. However, refugee resettlement programs are too important in showing love to neighbors for these programs to be limited or ended by a state of exception.

### ***Agape-Centric Capabilities Approach as Alternative to Conservatism***

Now that I have outlined the assets and drawbacks of conservative populism, it is pertinent to explain how the agape centric capabilities approach serves as a normatively ideal alternative to the political philosophy embodied by Carl Schmitt, President Donald Trump and Prime Minister Viktor Orbán. I offer two reasons.. First, agapism, in any form, prioritizes the needs of neighbors both near and far. Unlike Schmitt’s friend/enemy distinction, then, the agape centric capabilities approach is designed to care for both a political leader’s constituents and vulnerable refugee populations. Second, the approach I am defending in this thesis is wholly supportive of democratic norms and values. While

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<sup>122</sup> “Refugee Statistics,” USA for UNHCR, accessed February 25, 2018, <https://www.unrefugees.org/refugee-facts/statistics/>.

<sup>123</sup> “Refugee Statistics.”

democracy is not the highest moral good for the Christian, both the form of agapism at hand and the capabilities approach can support representative forms of government.

While people from different countries might hold divergent values and convictions, an understanding of the friend/enemy distinction that paints those with differences as terrorists is rejected by any approach that is indebted to agapism because both friends and enemies fall under the category of neighbor. This means both friends and enemies are equally worthy of Godly and neighborly love. In *Works of Love*, Søren Kierkegaard writes, “Therefore the one who truly loves the neighbor loves also his enemy. The distinction of friend or enemy is a difference in the object of love, but love for the neighbor has the object that is without difference. The neighbor is the utterly unrecognizable dissimilarity between persons or is the eternal equality before God—the enemy too, has this quality.”<sup>124</sup> A Christian and a nation-state are entitled to have enemies. However, *agape* holds that both friends and enemies are equally the neighbor. Furthermore, the *agape*-centric capabilities approach maintains that both friends and enemies have the right to reach a certain capability in the ten central areas. This means that the political, according to the normative position of this thesis, must shift from a friend/enemy *distinction* to a friend/enemy *indistinction*. The distinction is categorically rejected because both friends and enemies have the right to reach a certain capability and to be loved by the neighbor. The friend/enemy *indistinction* must become a crucial part of the *agape*-centric capabilities approach because this school of thought cares deeply about the needs of both compatriots and outsiders.

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<sup>124</sup> Kierkegaard, *Works of Love*, 67–68.

The second reason why the *agape*-centric capabilities approach is a viable alternative to conservative populism is that the former is more likely to preserve democratic and legal norms. Both Martha Nussbaum's capabilities approach and Timothy P. Jackson's strong agapism can be closely aligned to representative forms of government. Nussbaum argues that constitutions are documents many nations use to protect central capabilities. She writes, "One way nations often promote capability security is through a written constitution that cannot be amended except by a laborious supramajoritarian process."<sup>125</sup> Schmitt's state of exception permits these central capabilities found in the constitution to become suspended *in extremis*. Because constitutions are often used to list an individual's due central capabilities, no version of the capabilities approach can allow these legal documents to be usurped by a sovereign power in any circumstance. While agapism does not follow a party line because its focus is love of God and love of neighbor, there are reasons why agapists ought to support well-established democratic norms. In *Political Agape*, Jackson contends that his prophetic liberal worldview can fall in line with both Christian ethics and democratic politics. He argues, "Whatever the final persuasiveness of my normative judgments, the spirit behind them is at once Christian and democratic. The faith and the politics are not identical—no idolatrous triumphalism here-but, when properly ordered, they can should be mutually supporting."<sup>126</sup> The reason why the *agape* centric capabilities approach draws from both *agape* and democratic politics in a mutually supportive manner is because love of God and love of neighbor is seen as the central virtue of the political sphere. Part of loving the neighbor is caring about the other's ability to reach a certain

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<sup>125</sup> Nussbaum, *Creating Capabilities*, 43.

<sup>126</sup> Jackson, *Political Agape*, 115.

central capability. Because central capabilities are often included in the constitutions of democratic government, these documents become relevant to the agapist. In short, agapism and democracy can be related to each other when the legal system and constitutional values both help promote the love of neighbor. According to the *agape*-centric capabilities approach, central capabilities, particularly those included in legal codes, provide important information about how the neighbor is to be loved.

The chances are high that conservative interlocutors will not buy the alternative worldview proposed in this section. Both the friend/enemy indistinction and the excessive reliance on democratic norms will prevent the nation state from providing adequate attention to matters of national security and allow multi-culturalism to run amok. When the friend/enemy indistinction is applied to the refugee crisis, refugees from all backgrounds and with all religious beliefs will be looked at the same with few exceptions. This means that previously homogenous societies might look more diverse after new neighbors are resettled. Viktor Orbán, for example, would not be happy with the friend/enemy indistinction. In a 2015 with a Hungarian newspaper, Orbán explains, “Multiculturalism means the coexistence of Islam, Asian religions and Christianity. We will do everything to spare Hungary from that. We welcome non-Christian investors, artists, scientists, but we don’t want to mix on a mass scale.”<sup>127</sup> This excerpt from the interview shows that Orbán does not want Hungary to welcome those from different cultures unless they are contributing to the economy or the academy. He draws a distinction between neighbors who are Christian, neighbors who are Muslim and neighbors who practice religions indigenous to East Asia. Carl Schmitt would argue that

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<sup>127</sup> Reuters Staff, “Multiculturalism Doesn’t Work in Hungary, Says Orban,” *Reuters*, June 3, 2015, <https://www.reuters.com/article/us-hungary-orban/multiculturalism-doesnt-work-in-hungary-says-orban-idUSKBN00J0T920150603>.

the friend/enemy indistinction completely eliminates the political realm. When there is no difference between friends and enemies, Schmitt would argue that these categories are eliminated. He explains, “The phenomenon of the political can be understood only in the context of the ever present possibility of the friend-and-enemy grouping, regardless of the aspects which this possibility implies for morality, aesthetics and economics.”<sup>128</sup> This passage and his essay as a whole would reject the *agape*-centric capabilities approach alternative because the focus of politics moves from a dichotomy of friends and enemies to loving and promoting the well being of the neighbor. Schmitt would not view the latter as politics because the distinction’s importance is taken away.

The conservative interlocutors found in this chapter will also take a stand against the *agape*-centric capabilities approach’s dedication to democratic and legal norms. Carl Schmitt’s *Political Theology* was written in response to his disagreements with the Weimar Constitution. He takes many stands against the notion of liberal democracy in this work. Schmitt contends that only one sovereign leads the most ideal governments and power structures. He writes, “The works created by several masters are not as perfect as those created by one. ‘One sole architect’ must construct a house and a town; the best constitutions are those that are the work of a sole wise legislator, they are ‘devised by only one’; and finally, a sole God governs the world.”<sup>129</sup> Schmitt’s political theology is designed for one supreme ruler. Even in a democratic system, the head of state possess the ability to suspend constitutional norms. That cannot be possible according to the *agape* centric capabilities approach. President Trump will also have qualms with this alternative’s dedication to the preservation of constitutional norms. He has argued that he

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<sup>128</sup> Schmitt, *The Concept of the Political*, 35.

<sup>129</sup> Schmitt, *Political Theology*, 47.



possesses the authority to unilaterally ban Muslim refugees, migrants and visitors from the United States. In response to a June 2017 Supreme Court decision that stated how many aspects of the second Muslim travel ban was unconstitutional, President Trump stated, “As president, I cannot allow people into our country who want to do us harm. I want people who can love the United States and all of its citizens, and who will be hardworking and productive.”<sup>130</sup> This statement was given shortly after the Supreme Court only allowed small aspects of the travel ban to become implemented. President Trump clearly states that he intends to use his office to prevent outsiders from coming to the United States. His dedication to national security is stressed, rather than his dedication to the US Constitution. In practice, President Trump rejects the *agape* centric capabilities approach because he is focused more on security than he is on promoting the central capabilities to outsiders.

Disagreements that conservative interlocutors have with this thesis’s normative approach to the refugee crisis are no reason to abandon the *agape* centric capabilities approach. Both the friend/enemy indistinction and the dedication to democratic norms are worthy concepts to defend from conservative attacks. First, the friend/enemy indistinction must play a pivotal role in the *agape* centric capabilities approach because all neighbors, even enemies, are worthy of Godly love. Matthew 5:44-45 states, “But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven.”<sup>131</sup> Jesus does not say that one cannot have enemies. Instead, he argues that enemies ought to be treated in a similar manner as friends. An individual is called to love and pray for enemies the same way one is called to love and pray for friends. Any

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<sup>130</sup> Michael D. Shear and Adam Liptak, “Supreme Court Takes Up Travel Ban Case, and Allows Parts to Go Ahead,” *The New York Times*, June 26, 2017, sec. Politics, <https://www.nytimes.com/2017/06/26/us/politics/supreme-court-trump-travel-ban-case.html>.

<sup>131</sup> Coogan et al., *The New Oxford Annotated Bible*, 15 New Testament.

approach to political theology that is centered on Christian love needs to embrace the friend/enemy indistinction. Jesus himself calls for the enemy to be loved. In this spirit, the Christian capabilitarian must advocate for the well-being of the enemy, regardless of what culture they come from, by fighting for their central capabilities. During the time of a refugee crisis, loving a perceived enemy might include allowing them to resettle in your community as long as individual candidates do not pose a *bona fide* security threat.

Second, the Christian capabilitarian needs to continue to defend liberal constitutional norms from the state of exception, particularly when the exception is inspired by immigration. When refugees are universally framed as heathens and terrorists, the crucial conversations about refugee resettlement and national security are needlessly pinned against each other. I.e.: If these refugees are allowed to resettle in our communities, our citizens will be at risk. This notion might be defensible if refugees were committing numerous terrorist attacks. But, the data says otherwise. Remember, the Cato Report cited earlier in this chapter states that refugees will kill only one American in over three billion and unauthorized immigrants will kill only one American in over ten billion. This security issue is not a major problem in a nation with only 326 million individuals. Refugees would murder less than one American each year. Furthermore, when an authoritarian sovereign erodes constitutional norms because of national security, human rights and capabilities are at risk. If constitutions and legal codes are where a nation's list of central capabilities is found and the constitution and legal codes are suspended, there is no legal boundary still in existence to ensure that capabilities of neighbors at home and abroad are preserved. The *agape*-centric capabilities approach rejects the erosion of legal

norms because central capabilities are a method to assist individuals and nation-states to determine how to adequately love the neighbor.

### **Conclusion**

This chapter centers on arguably the most influential reaction to the global refugee crisis in the West. Even countries with well-established cosmopolitan reactions to refugee resettlement in the past, including Germany, France and the United States, have seen the rise of conservative populist movements. A host of political leaders in North America and Europe contend that allowing more refugees to settle in the global north creates an existential security risk. Refugees are to be viewed as political enemies, rather than neighbors that possess the image of God. These leaders, particularly President Donald Trump through his travel bans, follow the advice of Carl Schmitt in order to suspend constitutional and legal norms to ensure that outsiders are not allowed to resettle in Western countries. It is not difficult to see how this reaction to the global refugee crisis stands firmly against the *agape* centric capabilities approach. While conservative populism is rather influential in 2018, this reaction does not have to win the war. The *agape* centric capabilities approach gives an alternative to conservatism that loves all neighbors, gives a comprehensive method that states how neighbors are to be loved, demonstrates how perceived enemies are not necessarily security threats and preserves democratic norms. Christian capabilitarians need to continue to build a compelling case that *agape* is the central political value that can be expressed in constitutions through the creation of specific central capabilities. Then, they need to ensure that the central capabilities found in legal codes are protected from a state of exception. A lot is at stake in this battle between conservative populists and Christian capabilitarians. In a state of

exception, both individuals and governments will lose their respective abilities to love and provide adequate hospitality to vulnerable refugee populations.

### **Conclusion**

The import of the last two chapters is that the traditional responses to the crisis fail to take love of God and neighbor seriously enough to provide adequate hospitality to vulnerable asylum seekers and refugees. While political leaders who have taken the cosmopolitan approach to refugee resettlement often raise their nations respective ceiling, these numbers still often fall short of a country's absorptive and economic capacity. These two capacities are particularly important markers, because they show how many refugees a particular country can effectively resettle while ensuring the central capabilities of both citizens and refugees. If a country resettles fewer refugees than the capacity, the *agape*-centric capabilities of refugees will not be satisfied and a greater sacrifice by the nation-state is in order. If a country resettles significantly more refugees than these capacities, a country could be making a sacrifice that is not constructive because the cost of the sacrifice exceeds the value of the ends. On the other hand, the conservative populist approach to the global refugee crisis fails to consider the importance of hospitality at all. Instead, this tradition values political sovereignty and national security instead. The political sphere is reduced to a dichotomy between friends and enemies. Most often, refugees and asylum seekers fall into the latter category and are seen as a threat to the national order. Refugee resettlement, then, is too great of a risk to the well-being of a nation and leads to a Huntingtonesque clash of civilizations. The *agape*-centric capabilities of refugees are not seriously considered by any means.

If the two most influential approaches to the global refugee crisis fail to provide the requisite sacrifices needed to ensure each refugee and asylum seeker is provided with a safe environment where the threshold of capabilities can be met more easily, then we need to construct a new approach. The *agape* centric capabilities approach I explained in the first chapter is designed to ensure that any solution to refugee resettlement focuses on loving the migrant first and foremost. This approach provides adequate love and hospitality to refugees by ensuring their four *agape*-centric capabilities of life, bodily health, bodily integrity and freedom of expression can reach a threshold in a new home. While it rejects the cosmopolitan reliance on arbitrary refugee ceilings, the *agape*-centric capabilities approach realizes that quotas are a way to ensure that one state is not taking on this burden alone. Instead, annual refugee resettlement ceilings that consider a nation's economic and absorptive capacities are permitted. Furthermore, this approach rejects the friend/enemy distinction and the national security rhetoric supported by many conservative populists. Statistics show that refugees do not pose the existential threat suggested by many right-wing media outlets. Nonetheless, the *agape* centric capabilities approach understands that national security is an important field that ensures the central capability of life for the men, women and children who already live in a nation where refugees will resettle. Instead of trying to stereotype each refugee as a national security threat, vetting procedures must consider each case on an individual basis. If a particular candidate poses a bona fide security risk, this normative approach sees no problem rejecting their resettlement. *Agape* is a radical notion for many because it is often associated with the notion of self-sacrifice and contends that all neighbors, regardless if they are friends or enemies, are worthy of love and charity because they possess sanctity.

However, *agape* is necessary if the world wants to take ending the global refugee crisis seriously.

There is one question that remains: why does creating a new approach to the global refugee crisis matter? There are millions of precious lives at risk without more refugee procedures. Right now there are 22.5 million refugees worldwide according to statistics compiled by UNHRC. Over half of these refugees are under the age of 18.<sup>132</sup> Young refugees often miss valuable time in school and often lack the occupational skills to provide for themselves. Beyond being overwhelmingly young, refugees are also more likely to come from nations that are ravaged by war, poverty and famine. Nations that are experiencing genuine emergencies, regardless if the government is at fault, are going to have a difficult time helping the populace reach a threshold for central capabilities. The *agape* centric capabilities approach is important because this approach understands that a more radical approach to refugee resettlement is necessary if each of the 22.5 million refugees worldwide are going to find a new home or will be able to return home to a country that is at peace and has an adequate food supply. The only virtue that can inspire the global community to take a more far-reaching stand on refugee issues is the love of neighbor. The moment when every neighbor receives *agape* love from the other is the moment when each individual's well-being and central capabilities receive due consideration. This third approach, the *agape*-centric capabilities approach, matters because it attempts to provide a comprehensive solution to refugee solution, instead of passing the burden to other nations or treating the symptoms but not the problem.

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<sup>132</sup> UNHCR, "Figures at a Glance."

Of course, ending the global refugee crisis is easier said than done. Any process that requires the potential resettlement of 22.5 million individuals is going to require the assistance of the global community and plenty of logistical planning. It will also require communities across Europe and North America to overcome both fear and prejudices. In a homily in honor of World Day of Migrants and Refugees given on January 14, 2018, Pope Francis states, “For local communities to welcome, to know and to acknowledge newcomers means to open themselves without prejudices to their rich diversity, to understand the hopes and potential of the newly arrived as well as their fears and vulnerabilities.”<sup>133</sup> In a world where many countries are often inclined to refuse hospitality to refugees due to preconceived notions, his holiness provides a key remedy to change the tide. Many communities around the world are going to need to welcome strangers into their presence without prejudice. If this does not happen, the neighbor will not be loved and millions of lives will be left stranded in camps due to war and famine. Will the global community rise to the challenge in order to love the refugee-neighbor?

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<sup>133</sup> Jorge M. Bergoglio, “Homily of His Holiness Pope Francis,” January 14, 2018.

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