

# HISTORY AND RESPONSIBILITY: AN ECUMENICAL RESPONSE TO MIGRATION IN THE UNITED STATES

Aimee Allison Hein

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# **HISTORY AND RESPONSIBILITY: AN ECUMENICAL RESPONSE TO MIGRATION IN THE UNITED STATES**

Aimee Allison Hein

Advisor: Kristin E. Heyer, Ph.D.

This dissertation in the area of Christian migration ethics focuses on expanding beyond the communitarian and cosmopolitan frameworks that often dominate migration ethics in order to respond more adequately to the historic and present realities that shape migration patterns, policy, and discourse. This project grounds itself particularly in accounts of the history of the United States from the perspective of Indigenous and Latinx people, concluding that the dominant historical narrative operating in the United States is inadequate for informing ethical thought and serves largely to uphold a status quo that does not protect all people. Its thesis argues that a responsibility ethic, rooted in biblically informed reparative justice, offers a way forward that is especially helpful for informing Christian communities in their responses to migration in the United States. This builds on the work of theologians who have begun to forge a more relational “third way” of thinking about migration that focuses less on debates between human rights and nation sovereignty and more on how we actually relate to each other as citizens and migrants.

Chapter one outlines the state of the question. After grounding the conversation in philosophical theory, the chapter considers communitarian and cosmopolitan perspectives on three major themes in Christian migration ethics: Christian anthropology, Christian views on the state, and the law and scripture. Chapter two maps the development of myths and practices in U.S. history in order to illustrate how they have shaped U.S. foreign policy, immigration policy, and discourse. This chapter pays particular attention to how these myths and practices developed in connection to the removal of Indigenous peoples from their land. Chapter three draws on the work of H. Richard Niebuhr and Charles Curran in order to propose a responsibility ethics framework. This is underscored by reparative justice, framing the work of concrete repair as consistent with the radical love of Jesus and integral to the Kin-dom of God. Chapter four provides a bridge between this conceptual work and the practical proposals of chapter five by considering how the work of the church is framed and directed by the relationship between Christology and ecclesiology. This chapter pays particular attention to the Christological and ecclesiological contributions of Indigenous and Latinx theologians. Chapter five concludes with proposals for how Christian communities can live out the ecclesiological vision of chapter four and foster more just relationships with migrants. It does this primarily by considering four case studies that highlight concrete examples of how the themes outlined in chapter four might be lived out.

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## INTRODUCTION

In recent years the United States has entered into increasingly heated debates about who should be let into the country under what circumstances, how best to respond to the presence of undocumented immigrants, and the best approach to border security. In these debates Christian scholars, church leaders, and religious citizens have all weighed in with their takes on the proper way to approach questions of immigration from a Christian worldview. These responses generally prioritize either Christian obligations to care for all people or the importance upholding the rule of law and protecting national sovereignty. This dissertation argues in favor of responsibility ethics as a framework for shaping Christian thought about and response to migration in the United States. It gives special attention to how history ought to shape U.S. citizens' and especially U.S. Christians' understanding of just action moving forward.

By way of background, I am originally from central Minnesota, where a very large population of Somali refugees has settled in recent decades. This population developed into the expansive community that it is today while I was growing up, so I had a front row seat for the reactions of people in my hometown to the presence of this community, both positive and negative. This was my first introduction to immigration and the ethical questions that surround it, and it shaped some of my earliest reflections on justice. As an adult, I became involved in an interfaith sanctuary movement through my

church. As I became more actively involved in community organizing around immigration, I found that I couldn't stop thinking about immigration's implications for theology and theology's implications for immigration. In particular, I was finding myself disappointed in a lot of what I was reading from Christian ethicists and faith communities on the topic. While these contributions were highlighting important considerations and values, there was something that did not connect between these faith-based responses and what I was seeing about immigration on the ground. As I wrestled with this, the core disconnect for me seemed to center around history. The history of immigration in this country--how U.S. policies and attitudes developed over time, why certain countries are the biggest "sending countries," and why those migrants come here--had important implications for theological ethics and therefore needed more explicit academic focus. The present dissertation arose out of a commitment to bringing this history to bear more fully on Christian immigration ethics.

Entering into this conversation as a white U.S. citizen, I am conscious of the potential dangers to which my work is open. At the same time, I believe this is a conversation white people and U.S. citizens need to be having. We need to reflect on how the United States has arrived where it is today, how we have benefited from a history of oppression and violence, and what obligations might exist for us today based on this history. Therefore, I locate myself in this conversation as an ethicist considering what responsibilities my communities and my country might have. I have also been careful to foreground the perspectives of people from communities most harmed by the dynamics of U.S. imperialism while undertaking these projects. In doing so, I have striven to be a

respectful conversation partner, engaging them in a way that does not co-opt their perspectives.

### **A Word on Language**

Before proceeding, it is necessary to define some of the language used in this dissertation. First, this dissertation uses the language of communitarianism and cosmopolitanism as they have been used within migration discourse.<sup>1</sup> It is important, for clarity, to distinguish this particular use of this language from how these terms are sometimes used outside the field of migration ethics. Second, I am conscious that different words can be used to describe various types of migrants. For this project I have largely used “migrant,” rather than some of the more specific terms such as “refugee,” “asylum seeker,” or “immigrant.” The distinctions between these words can be important, but have also functioned to distinguish migrants whose needs might outweigh national needs, such as refugees,<sup>2</sup> and migrants whose needs do not. Moreover, policy delineating who qualifies for refugee or asylum status can function inconsistently (or be inconsistently enforced) and has historically left out many people who migrate out of necessity. Therefore, I use “migrant” in order to speak more broadly and because my argument aims to identify the nation’s responsibility to migrants beyond those the United States or international law might identify as a refugee or to whom asylum status might be granted.

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<sup>1</sup> Mark Amstutz offers a clear outline of the use of these terms. See Mark Amstutz, *Just Immigration: American Policy in Christian Perspective* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2017), 80-109.

<sup>2</sup> See, for example, Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 50-51.

Third, the framework outlined in this dissertation utilizes responsibility ethics rooted in reparative justice. Reparative justice should not be understood as contrasting or competing with restorative justice. Rather, reparative justice is best understood as a part of the work of restorative justice. Criminologist Howard Zehr reports that restorative justice frames crime and wrongdoing as something that primarily violates human beings rather than laws. These violations create obligations in order to right the wrongs that have been done. Restorative justice focuses on the needs of victims and aims to help offenders take responsibility and be accountable.<sup>3</sup> Reparative justice contributes to this project by focusing on the tangible steps that can and should be taken to establish accountability and create more just relationships. Philosopher Margret Urban Walker uses the language of reparative justice in order to highlight the reality that in many situations in which wrongs have been done, accountability and reciprocity are missing.<sup>4</sup> By highlighting the need to repair this situation in concrete ways, the language of reparation allows my project to be specific in its scope and focus, illuminating the necessary work of tangible repair that must be done in order to change the status quo and for relationships that have been unjust to become mutual.

### **A Consideration of Existing Literature**

While there are many angles from which theologians may enter the migration conversation, this dissertation enters into the discourse from the perspective of theological ethics, and as such is particularly concerned with what has been written on Christian ethics and migration. Over the last several decades, Christian ethicists have

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<sup>3</sup> Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, P.A.: Good Books, 2002), 19-25.

<sup>4</sup> Margaret Urban Walker, "Making Reparations Possible: Theorizing Reparative Justice," in *Theorizing Transitional Justice*, eds. Claudio Corradetti, Nir Eisikovits and Jack Volpe Rotondi (London: Ashgate, 2015), 217-18.

offered a number of important contributions on the topic. In 1996 Dana Wilbanks released one of the earliest monographs on the topic: *Re-creating America: The Ethics of U.S. Immigration and Refugee Policy in a Christian Perspective*. Wilbanks analyzed U.S. policy through the lens of Christian ethics, concluding that a biblical option for the stranger suggests the need for a reorientation of priorities away from the upholding of white homogeneity and towards a cosmopolitan respect for diversity and inclusion. He also suggests a preference ought to be made for migrants who would face death if not admitted, and those who have geographic proximity to the United States, such as migrants from Mexico. Churches, he insists, ought to participate in refugee resettlement and advocate for more inclusive policy that promotes a Christian vision of multiculturalism.<sup>5</sup> This articulation of the church's proper role as a mix of policy advocacy and service is consistent with the proposals made in chapter five, although my project brings this conversation firmly into a contemporary context.<sup>6</sup> Two years later, William R. O'Neill, S.J., and William C. Spohn offered a Christian intervention to a discourse they characterized as dominated by a debate between the perspective of "the liberal abstract citizen" and a communitarian distinction between members and

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<sup>5</sup> Dana Wilbanks, *Re-creating America: The Ethics of U.S. Immigration and Refugee Policy in a Christian Perspective* (Nashville, TN: Abingdon Press, 1996).

<sup>6</sup> Other important works that consider the church, ecclesiology, and pastoral theology include Roberto S. Goizueta, "Christ of the Borderlands: Faith and Idolatry in an Age of Globalization," in *Religion, Economics, and Culture in Conflict and Conversation*, eds. Laurie M. Cassidy and Maureen H. O'Connell (Maryknoll, NY: Orbis, 2011), 177–95; Nancy Pineda-Madrid, *Suffering and Salvation in Ciudad Juárez* (Minneapolis, MN: Fortress) 2011; Jean-Pierre Ruiz, *Readings from the Edges: The Bible and People on the Move* (Maryknoll, NY: Orbis) 2011; María Teresa Dávila, "Who is Still Missing? Economic Justice and Immigrant Justice," in *The Almighty and the Dollar: Reflections on Economic Justice for All*, ed. Mark J. Allman (Winona, MN: Anselm, 2012), 214–27; Susanna Snyder, *Asylum-Seeking, Migration and Church* (Farnham, Surrey: Ashgate) 2012; Todd Scribner and J. Kevin Appleby, *On Strangers No Longer: Perspectives on the Historic U.S.-Mexican Catholic Bishops' Pastoral Letter on Migration* (New York: Paulist Press) 2013; Snyder, *Church in an Age of Global Migration: a Moving Body* (New York, NY: Palgrave Macmillan) 2016; Safwat Marzouk, *Intercultural Church: a Biblical Vision for an Age of Migration* (Minneapolis, MN: Fortress Press) 2019.

strangers.<sup>7</sup> Turning to Catholic Social Teaching, they proposed the framework of “near and distant neighbors.”<sup>8</sup> This allowed them the conceptual space to identify particular duties that might exist for those with whom we are in close proximity (geographic or otherwise<sup>9</sup>) while also providing a strong defense of the basic rights due to every human and, crucially, the specific duties that states and communities have to those with particular needs.<sup>10</sup>

In 2008 Daniel G. Groody and Gioacchino Campese released *A Promised Land, A Perilous Journey*, a collection of reflections on migration that considered questions of sovereignty, church mission, human rights, and the spiritual lives of migrants. Major ethical contributions from this collection included the application of the preferential option for the poor explicitly to migrants, calls to respect the dignity of all people, and the necessity of being in tangible solidarity with vulnerable migrants.<sup>11</sup> Donald Kerwin and Jill Gershutz also released an edited volume the next year. In *And You Welcomed Me: Migration and Catholic Social Teaching* contributors considered migration from a variety of angles rooted in Catholic Social Thought. These scholars helpfully further a focus on the common good as it is experienced by actual people, particularly migrants.

This dissertation includes a consideration of the proper use of the Bible as a source for Christian ethics, especially as this related to migration ethics. Biblical scholar M. Daniel Carroll begins with the prioritization of human dignity as established in

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<sup>7</sup> William R. O'Neill, S.J., William C. Spohn, “Rights of Passage: The Ethics of Immigration and Refugee Policy,” *Theological Studies* 59, no. 1 (1998): 84-106.

<sup>8</sup> Ibid.

<sup>9</sup> O’Neill and Spohn open the definition of proximity to include some moral proximity, a move that will be echoed by later thinkers like David Hollenbach and which is integral to this dissertation’s project.

<sup>10</sup> Ibid.

<sup>11</sup> Daniel G. Groody and Gioacchino Campese, *A Promised Land, A Perilous Journey: Theological Perspectives on Migration* (Notre Dame: University of Notre Dame, 2008).

Genesis and ends with a vital contextualization of Paul’s injunction to respect authority in Romans 13. This allows him to bring the insights of scripture into the present context,<sup>12</sup> to indict unjust immigration laws based on biblical standards of justice, and to encourage Christians to dedicate themselves to justice, not obedience.<sup>13</sup> Carroll recontextualization of Romans 12 support’s this dissertation’s critique of un-nuanced support of the rule of law and promotion of a hermeneutic of suspicion with regard to the status quo. Taking a more literalist approach, James K. Hoffmeier critiqued what he considers to be a “dismissive treatment of Romans 13” on the part of Carroll.<sup>14</sup> According to Hoffmeier’s read, the Bible teaches that authority is granted by God and therefore must be respected and obeyed in the vast majority of circumstances. Christians, then, are subject to and must uphold immigration laws and encourage migrants to do the same.<sup>15</sup> Carroll responded in a second edition of *Christians at the Border*, noting that his brevity on the topic in the first edition had been an intentional decentering of the verse and insisting that legality cannot be the central point of consideration.<sup>16</sup>

In the debate between Carroll and Hoffmeier, we can see the clear emergence of a dividing line in Christian approaches to immigration: communitarianism vs. cosmopolitanism. Some major works on immigration ethics in the last decade have upheld this division. Cosmopolitans center human dignity, global solidarity, hospitality,

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<sup>12</sup> See Bruce Birch, Jacqueline E. Lapsley, Cynthia Moe-Lobeda, and Larry L. Rasmussen, *Bible and Ethics in the Christian Life* (Minneapolis Minnesota: Fortress Press) 2018.

<sup>13</sup> M. Daniel Carroll R, *Christians at the Border: Immigration, the Church, and the Bible* (Grand Rapids, Michigan: Brazos Press) 2009.

<sup>14</sup> James Hoffmeier, *The Immigration Crisis: Immigrants, Aliens, and the Bible* (Wheaton IL: Crossway Publishing, 2009), 144.

<sup>15</sup> *Ibid*, 15-160.

<sup>16</sup> Carroll, *Christians at the Border: Immigration, the Church, and the Bible* (Grand Rapids, Michigan: Brazos Press, 2013), 122, 167-168 (fn. 23).

and the preferential option for the poor and oppressed.<sup>17</sup> This dissertation ultimately upholds the importance of these themes for crafting the overall ethos of Christian responses to migration. Communitarian contributions to the conversation focus more on the importance of national sovereignty, protecting the particularity of nations and communities, defending and promoting the rule of law.<sup>18</sup>

This dissertation will respond directly to this division with the aim of shifting focus away from the communitarian versus cosmopolitan framing. It does so by following the lead of a group of scholars who have begun to craft a “third way” approach to migration ethics. Echoing O’Neill and Spohn’s intervention in “Rights of Passage,” Kwame Anthony Appiah proposed a “rooted cosmopolitanism” in an effort to bridge the concerns of both communitarians and cosmopolitans.<sup>19</sup> German theologian Marianne Heimbach-Steins proposed a post-colonial lens for migration ethics in order to highlight the ways colonialism created inequitable relationships between nations and prejudices against colonized nations and their citizens. Colonialism has thus contributed to the patterns of migration seen in recent decades and to the (often negative) reception migrants encounter, dynamics communitarian and cosmopolitan approaches fail to

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<sup>17</sup> See Daniel G. Groody; “Crossing the Divide: Foundations of a Theology of Migration and Refugees,” *Theological Studies* 70, no. 3 (2009): 638-667; Groody, “Jesus and the Undocumented Immigrant: A Spiritual Geography of a Crucified People,” *Theological Studies* 70, no. 2 (2009): 298-316; Groody, “Migration: A Theological Vision,” in *Intersections of Religion and Migration: Issues at the Global Crossroads*, eds. Jennifer B. Saunders, Elena Fiddian-Qasmiyeh, and Susanna Snyder (New York: Palgrave Macmillan, 2016), 225-240; Elizabeth W. Collier and Charles R. Strain, *Religious and Ethical Perspectives on Global Migration* (Lanham, Maryland: Lexington Books) 2014; Fleur S. Houston, *You Shall Love the Stranger as Yourself: The Bible, Refugees, and Asylum* (New York: Routledge) 2015; Robert Heimbürger, *God and the Illegal Alien* (Cambridge, UK: Cambridge University Press) 2018.

<sup>18</sup> See Nigel Biggar, *Between Kin and Cosmopolis: An Ethic of the Nation* (Cambridge UK: James Clarke) 2014; Mark Amstutz, *Just Immigration: American Policy in Christian Perspective* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company) 2017;

<sup>19</sup> Kwame Anthony Appiah, “Cosmopolitan Patriots,” in *For Love of Country?*, eds. Martha Nussbaum and Joshua Cohen (Boston: Beacon Press, 2002), 21-29.

address.<sup>20</sup> David Hollenbach has suggested that nations might be said to have particular responsibility to migrants whose need to migrate the nation has participated in (i.e. through military action).<sup>21</sup> He also has argued for global cooperation to create an equitable distribution of responsibility for migrants so that nations with little means to provide do not end up resettling disproportionate numbers of refugees.<sup>22</sup>

Kristin Heyer developed this focus on responsibility and root causes, making important contributions toward a more relational approach to Christian migration ethics. Heyer expanded the consideration of responsibility through the application of a social sin framework. In *Kinship Across Borders: A Christian Ethic of Immigration*, she demonstrated how neoliberal capitalism and the global expansion of corporate power make migration a matter of survival for many migrants. This further illuminates the dynamics of responsibility between the United States (and its citizens) and migrants.<sup>23</sup> In *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration* Tisha Rajendra critiqued Christian appeals to hospitality, human dignity, and the option for the

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<sup>20</sup> Marianne Heimbach-Steins, "Migration in a Post-Colonial World," in *Religious and Ethical Perspectives on Global Migration*, eds. Elizabeth W. Collier and Charles R. Strain (Lanham, Maryland: Lexington Books, 2014), 87-107.

<sup>21</sup> David Hollenbach, S.J., ed., *Driven from Home: Protecting the Rights of Forced Migrants* (Washington, D.C.: Georgetown University Press, 2010), 6-7; Hollenbach, S.J., "A Future Beyond Borders: Reimagining the Nation-State and the Church," in *Living With(out) Borders: Catholic Theological Ethics on the Migration of Peoples*, eds. Agnes M. Brazal and María Teresa Dávila (Maryknoll, NY: Orbis, 2016), 227; Hollenbach, S.J., *Humanity in Crisis: Ethical and Religious Response to Refugees* (Washington, DC: Georgetown University Press) 2020.

<sup>22</sup> Hollenbach S.J., ed., *Refugee Rights: Ethics, Advocacy, and Africa* (Washington, D.C.: Georgetown University Press, 2008), 188-189; See also Hollenbach, "Borders and Duties to the Displaced: Ethical Perspectives on the Refugee Protection System," *Journal on Migration and Human Security* 4, no. 3 (2016): 148-165, <https://doi.org/10.1177/233150241600400306>.

<sup>23</sup> Kristin E. Heyer, *Kinship across Borders: A Christian Ethic of Immigration* (Washington, D.C.: Georgetown University Press, 2012). Heyer also developed these ideas in a number of articles including Heyer, "Reframing Displacement and Membership: Ethics of Migration," *Theological Studies* 73, no. 1 (2012): 188–206, <https://doi.org/10.1177/004056391207300109>; Heyer, "Internalized Borders: Immigration Ethics in the Age of Trump," *Theological Studies* 79, no. 1 (2018): 146–64, <https://doi.org/10.1177/0040563917744396>.

poor, highlighting their inability to concretely allocate responsibility for migrants. Rajendra's contribution brought a deeply interpersonal understanding of justice as fidelity to specific relationships to the fore in order to better respond to the realities of why people migrate and to establish which nations might be particularly responsible for them.<sup>24</sup> We can track, then, a trajectory from O'Neill and Spohn, through Hollenbach, Heyer, and Rajendra in which the historic and contemporary relationships between people who migrate and the nations to which they most often migrate is taken into account in the development of Christian ethical responses to migration. It is here, on the expanding edge of work looking beyond communitarian and cosmopolitan perspectives, that this dissertation enters the dialogue in order to continue pushing forward a more relational approach that takes the concrete establishment of responsibility seriously.

This dissertation joins this ongoing discourse, with a particular focus on human relationality and responsibility as its grounding themes. As such, extensive attention to U.S. history in order to track the development of relationships relevant to the development of current U.S. immigration policy and discourse, is vital to this project. This history has undeniably been shaped by race and by anti-Black racism. While the particular scope of this dissertation does not afford the space to offer a full consideration of all the ways race and racism influence and shape the myths, practices, and discourse with which the project deals, this topic simmers beneath the surface of the entire project and has been influential for the development of my own interpretive lens. It will therefore be prudent to consider the state of the conversation on race in the United States in order to frame this project and explicitly name its influences.

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<sup>24</sup> Tisha Rajendra, *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration* (Grand Rapids, Michigan: Eerdmans) 2017.

The contemporary conversation on race and racism in the United States is indebted to a number of thinkers. Sociologist W.E.B. Du Bois studied and reported on the ways in which law enforcement was levied against Black people in order to keep them separated from white people, and on the social dynamics that supported this segregation.<sup>25</sup> In *The Souls of Black Folk* Du Bois developed the notion that Black people had to have a “double consciousness,” balancing an awareness of how they say themselves and how others perceive them. Essays in this collection also argue for rights to vote, a good education, and equitable treatment for Black people and continue Du Bois’ study of the history and development of segregation. He argued for greatly expanded education in the South in order to combat racism.<sup>26</sup> James Baldwin published a collection of essays in 1955 in which he critiqued depictions of Black people in literature and film for upholding racist stereotypes and aspiring to whiteness. Baldwin also reflected on the experiences of Black people in the United States.<sup>27</sup> In *The Fire Next Time* Baldwin insisted that Christianity and the worship of a “white god” was detrimental to Black people.<sup>28</sup> Baldwin published a number of other reflections on similar themes throughout his career.<sup>29</sup>

Martin Luther King Jr. took a different approach, turning to Christianity as a source for his activism against racism. In “Letter From Birmingham Jail,” King spoke to the importance of holding national laws accountable to higher standards of justice, rooted

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<sup>25</sup> W. E. B. Du Bois, *The Study of the Negro Problems* (Philadelphia: American Academy of Political and Social Science) 1898.

<sup>26</sup> W. E. B. Du Bois, *The Souls of Black Folk* (New York) 1993.

<sup>27</sup> James Baldwin, *Notes of a Native Son* (Boston: Beacon Press) 2012.

<sup>28</sup> James Baldwin, *The Fire Next Time* (New York: Vintage International) 1993.

<sup>29</sup> James Baldwin *Going to Meet the Man* (New York: Vintage Books) 1995; Baldwin, *No Name in the Street* (New York: Dial Press) 1972; Baldwin, *The Price of the Ticket: Collected Nonfiction, 1948-1985* (New York, St. Martin's/Marek) 1985.

in scripture and the Christian tradition, and called out white moderates for their participation in upholding injustice.<sup>30</sup> In *Strength to Love*, a collection of his sermons, King discussed this necessity of *agape* love, an overflowing love that goes above and beyond for the other, in order to face the realities of racism and injustice in the United States and commit to the hard work of creating a just world.<sup>31</sup> A few years later, Angela Davis edited a collection of contributions reporting on the conditions in the U.S. criminal justice system for Black people. *If They Come in the Morning: Voices of Resistance* also included descriptions of Davis' own experiences in prison and offered a strong critique of the criminal justice system, especially concerning prisons and trials.<sup>32</sup> In *Women, Race and Class* Davis used a Marxist lens to analyze the relationship between race and class in the United States, offering an indictment of capitalism and a strong critique of the exclusion of Black women from the women's liberation movement.<sup>33</sup> In 1983 novelist and activist Alice Walker coined the term "womanist" in order to distinguish a particular approach to feminism that arises out of the experiences of women of color, especially Black women.<sup>34</sup> Davis and Walker represent an ongoing process of exploring the intersections of identities and oppressions, creating an important basis for future work and a vital backdrop for this dissertation.<sup>35</sup>

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<sup>30</sup> Martin Luther King Jr., *Why We Can't Wait* (Boston: Beacon Press, 2010), 76-95.

<sup>31</sup> Martin Luther King Jr. and Coretta Scott King, *Strength to Love* (Philadelphia: Fortress) 2010.

<sup>32</sup> Angela Y. Davis and Bettina Aptheker, *If They Come in the Morning: Voices of Resistance* (New York: New American Library) 1971.

<sup>33</sup> Davis, *Women, Race & Class* (New York: Vintage Books) 1983.

<sup>34</sup> Alice Walker, *In Search of Our Mothers' Gardens: Womanist Prose* (San Diego: Harcourt Brace Jovanovich) 1983.

<sup>35</sup> This dissertation deals with the links between the oppression of Indigenous people, migrants, people of color, and people deemed criminal. While a full exploration of these intersections is beyond the scope of dissertation, the work for justice envisioned in this project ultimately necessitates attention to these links. The work of thinkers like Davis and Walker is therefore important background for considering how justice work must center the particular, contextual experiences and visions of oppressed people.

Expanding on their legacy, Ta-Nahesi Coates has written extensively on his own experiences of being Black in the United States and on the way White identity has been formed and expressed in the United States. White identity, he argues, has in many ways shaped the way White people in the United States respond to paradigm shifts, especially related to race and to Black people in particular.<sup>36</sup> In 2012 Michelle Alexander published *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, in which she showed the discriminatory U.S. criminal justice system that disproportionately impacts Black people (especially Black men) to be rooted in slavery and Jim Crow laws.<sup>37</sup> In other words, Alexander articulates the development of policies and attitudes that have led to an unjust and discriminatory criminal justice system. The parallels between her work and the historical trajectory outlined in this dissertation, along with the broader connections between immigration policy and the criminal justice system, make Alexander's work an especially helpful backdrop for this dissertation. Similarly attuned to the systematic and unconscious nature of racism, Ibram X. Kendi has published two vital monographs: *Stamped from the Beginning: The Definitive History of Racist Ideas in America* and *How to Be an Antiracist*. In the former he tracked the development of racist ideas in the United States and made clear that the United States had not achieved a 'post-racial' society but must instead dedicate itself to paying attention to race and how it

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<sup>36</sup> See Ta-Nehesi Coates, *The Beautiful Struggle* (New York: Spiegel & Grau) 2008; Ta-Nehesi Coates, *Between the World and Me* (New York: Spiegel & Grau) 2015; Ta-Nehesi Coates, *We Were Eight Years in Power: an American Tragedy* (New York: One World) 2017; Ezra Klein, "Ta-Nehesi Coates on why political power isn't enough for the right," *Vox*, February 18, 2020, accessed January 19, 2020, <https://www.vox.com/podcasts/2020/2/18/21141296/ta-nehisi-coates-why-were-polarized-ezra-klein-race-racism-demographic-change>.

<sup>37</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press) 2010.

continues to shape society.<sup>38</sup> Kendi continued to develop these ideas in *How to Be an Antiracist*, arguing against neutral or colorblind approaches to race and insisting that in order to combat racism, people must dedicate themselves to choosing active antiracism each day.<sup>39</sup>

In theology, there have been a number of important contributions on race that help inform the background of this dissertation. In 1970 James Cone published *A Black Theology of Liberation* in which he offered a scathing indictment of U.S. Christianity's entanglement with White Supremacy. Unlike Baldwin, who disavowed Christianity, Cone calls Christianity back to its liberationist roots and arguing that God's radical option for the oppressed meant that God is Black.<sup>40</sup> Cone's later work drew connections between the cross and the lynching of Black people, again centering justice for Black people as a crucial project for Christianity.<sup>41</sup> In *Racial Justice and the Catholic Church*, Brian Massingale considers the history of racism in the United States. His proposed response is a theo-ethical reconciliation that focuses on truth-telling and redress. Chapters three through five will take up a similar focus on the importance of truth-telling and of tangible actions to repair unjust relationships.<sup>42</sup> Taking up Walker's turn to womanism, Stacey M. Floyd-Thomas published a collection of essays from religious scholars reflecting on pushing forward womanist theological discourse. These scholars insist on the importance of experience as a source for theology, consider the various barriers race, sex, and class place on their lives, name womanism as a path to liberation consistent with

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<sup>38</sup> Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York, NY: Nation Books) 2016.

<sup>39</sup> Ibram X. Kendi, *How to Be an Antiracist* (New York: One World) 2019.

<sup>40</sup> James H. Cone, *A Black Theology of Liberation* (Maryknoll, NY: Orbis Books) 1990.

<sup>41</sup> James H. Cone, *The Cross and the Lynching Tree* (Maryknoll, N.Y.: Orbis Books) 2011.

<sup>42</sup> Bryan N. Massingale, *Racial Justice and the Catholic Church* (Maryknoll, N.Y.: Orbis Books) 2010.

the vision of Jesus, and offer insights into moral and ethical discourse from the experiences of Black woman's activism.<sup>43</sup> M. Shawn Copeland turned to the experiences of enslaved women as a source for theological insight.<sup>44</sup> In 2015 Kelly Brown Douglas published *Stand Your Ground: Black Bodies and the Justice of God*. In it she clearly articulated the development of Anglo-Saxon exceptionalism and its influence on the development of U.S. identity and consciousness that casts Black people as violent, criminal, and disposable. In response, she proposes a Christian counternarrative, rooted in Black expressions of faith, that insists on the dignity of Black people.<sup>45</sup>

The contributions of these thinkers and the tradition of scholarship and public thought they represent contribute to the academic and social context out of which this dissertation is written. The racial dynamics of expulsion in U.S. history and the way race contributed to the development of U.S. identity are briefly considered in chapter two. U.S. identity was formed in relation to a specifically Anglo-American civilization that rejected people designated as non-white. Race is therefore integral to the arguments chapter two makes. Chapter five picks up Kendi's conversation in order to parallel anti-racism and the necessity for Christians to reject neutrality and actively seek justice for migrants. Race therefore implicitly, and at times explicitly, informs this dissertation even as space and scope do not allow a full account.

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<sup>43</sup> Stacey Floyd Thomas, *Deeper Shades of Purple: Womanism in Religion and Society* (New York: New York University Press) 2006.

<sup>44</sup> M. Shawn Copeland, "Wading through Many Sorrows": Toward a Theology of Suffering in Womanist Perspective," in *Cut loose your stammering tongue: Black theology in the slave narratives*, Second Edition, eds. Dwight N. Hopkins and George C. L. Cummings (Louisville: Westminster John Knox Press) 2003; Copeland, *The Subversive Power of Love: the Vision of Henriette Delille* (New York: Paulist Press) 2009.

<sup>45</sup> Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll, New York: Orbis Books) 2015. Douglas' approach offers an especially influential background for the construction of my project, which deals with the development of U.S. identity that is prone to exceptionalism and which contrasts itself with an alien "other," and argues that Christianity ought to counter the formation of this identity with better narratives and the creation of just communities.

## Chapter Outline

The dissertation proceeds in the following manner. Chapter one explores Catholic and Protestant responses to migration, which largely fit into two conceptual frameworks: communitarian or cosmopolitan. Communitarians self-identify as realists. They insist that the Westphalian nation state system is the world that we have and within which we must work. Communitarians tend to emphasize the importance of the goods this system protects. Human rights are best promoted by strong, sovereign states, and thus sovereignty must be protected. Communitarians also emphasize the moral weight of fidelity to specific groups, arguing that it is right to have particular loyalty to kin or nation. The chapter explores this debate by outlining the perspectives of six theologians, three communitarians and three cosmopolitans, on three major areas of consideration for Christian migration ethics: Christian anthropology, Christian views on the state, and the law and scripture. These themes highlight the main contours of the debate by showing how the values communitarians and cosmopolitans prioritize function in their approaches.

This dissertation is especially concerned with the debate between communitarianism and cosmopolitanism because these ideologies have implicitly and explicitly shaped the worldviews of Christian churches, denominations, and individuals and thus play a large role in shaping public debate about migration in the United States. The chapter therefore concludes by considering how the values and perspectives espoused by various church authorities. Considering pastoral applications in this way illuminates how communitarian and cosmopolitan values function when people of faith apply them on the ground.

Chapter two draws from the accounts of historians, sociologists, legal scholars, and human rights advocates in order to outline the global dynamics of migration, paying particular attention to push and pull factors that create specific migration patterns. These accounts show a direct relationship between imperialist actions of countries such as the United States and the migration patterns that exist today, highlighting the limits of Christian debates that revolve around rule of law or hospitality to strangers alone. The borders at the center of this debate are already crossed, regularly and with ease, by companies seeking cheap land and labor, by governments protecting or promoting their own interests, by the effects of climate change, by the globalized economy. The effects of our actions do not stop at the U.S. border. Because these border crossings are often invisible,<sup>46</sup> if Christians are going to respond adequately to the realities of migration, we must begin with a fuller account of U.S. history, the establishment of our southern border, and the shaping of migration patterns in order to bring these realities to the fore.

What is needed then is a reframing of United States history that articulates the nation's story as continually marred by imperialism that has led to many of the push and pull factors that drive migration patterns today. It is no accident who shows up at U.S. border seeking entry. Migrants seeking entry into the United States "are here because [we] were there."<sup>47</sup> United States' actions at home and abroad contribute to both the reasons people are driven to leave their home countries and to the reasons they show up at the U.S. border, in particular. U.S imperialism has been supported by national myths that have become imbedded in U.S. foreign policy, in particular Manifest Destiny and the

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<sup>46</sup> Saskia Sassen, *Expulsions: Brutal and Complexity in the Global Economy*, (Cambridge: The Belknap Press of Harvard University, 2014), 211-215.

<sup>47</sup> Gary Younge, "Ambalavaner Sivanandan obituary," *The Guardian*, February 7, 2018.

Frontier Myth which have claimed land the United States occupied or wanted as a God-ordained right and cast anyone or anything past the boundaries of white Anglo civilization as a savage threat to be assimilated, put to use, or pushed back by force. Furthermore, this chapter shows that the notion of “law and order” holds particular sway on the collective psyche of many Americans, even as it has systematically protected the rights and interests of some at the expense of others, particularly people of color, people experiencing poverty, and foreigners deemed undesirable.<sup>48</sup>

This historical account offers a fuller picture of where the U.S. is and how we got here. It lays the foundation for a discussion of why a different Christian conversation is necessary by making clear the limits of present Christian responses to migration. While this project roots itself within basic cosmopolitan standards of justice and right relationship, it moves beyond cosmopolitan rhetoric to argue that the U.S. has systematically failed to be in right relationship with people from other nations, that this failure has driven migration patterns, and that based on that failure, the United States has specific responsibilities for righting these relationships. The dissertation uses the language of reparative justice to highlight the need for tangible compensation for damage done.<sup>49</sup> Reparative justice is characterized by attention to the need for tangible reparations in order to begin establishing relationships of accountability and reciprocity where they

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<sup>48</sup> See for example Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Harvard University Press) 2007; Heimburger, *God and the Illegal Alien* (New York: Cambridge University Press), 2018; or Roberto S. Goizueta, “Beyond the Frontier Myth,” in *Hispanic Christian Thought at the Dawn of the 21st Century*, eds. Alvin Padilla, Roberto Goizueta, and Eldin Villafañe (Nashville: Abingdon Press, 2016), 150-158.

<sup>49</sup> Margaret Urban Walker, “Making Reparations Possible: Theorizing Reparative Justice,” in *Theorizing Transitional Justice*, eds. Claudio Corradetti, Nir Eisikovits and Jack Volpe Rotondi (London: Ashgate, 2015), 219.

have previously not existed.<sup>50</sup> Given the concrete structural inequalities that U.S imperialism has created and the United States' failure to live in just, reciprocal relationship with other countries, reparative justice offers a productive framework out of which to consider immigration reform.

Chapter three argues that responsibility ethics provides a fruitful framework for addressing the current situation of migration and to determine what obligations can and should be placed on receiving countries such as the United States. As it is an ecumenical project, the dissertation turns to H. Richard Niebuhr and Charles Curran in order to gather insights into how both the Catholic and Protestant traditions interact with the notion of responsibility. This approach provides the foundation for a responsibility-based approach to migration that learns from and is compatible with Catholic and Protestant approaches to theology. As both Niebuhr and Curran situate their approaches within their respective traditions and in conversation with other thinkers from those traditions, they are especially suited to this goal. The chapter also addresses the fact that a responsibility framework must be conscious of the potential pitfalls of relativism. Properly applied, a responsibility framework takes a universal standard of justice and applies it specifically, and in the case of migration explicitly works out what is owed because the United States has failed to live up to a universal or Christian standard of just relationships. This project looks to Curran's work with Catholic Social Teaching and to denominational statements on immigration in order to reveal common standards of justice out of which a responsibility approach should operate.

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<sup>50</sup> Ibid, 215-218.

The chapter concludes by applying reparative justice, as developed by Margret Urban Walker, to the responsibility ethics framework the chapter has outlined. Reparative justice foregrounds the development of accountability in relationships that have been unjust in order to foster mutuality, equity, and justice. It therefore helpfully responds to the history outlined in chapter two, in which the United States has consistently failed to be in just relationships with people outside the strict confines of white, Euro-American society, a pattern that has directly contributed to migration into the United States. Creating a just situation out of this history requires the work of repair in order to create accountability and produce equitable situations. Chapter three also highlights how this reparation-focused responsibility ethic can help Christians live out the radical love Jesus taught as central to participating in the Kin-dom of God.

Before moving into a discussion of the practical implications of a responsibility-based approach to migration, chapter four grounds the conversation in a discussion of who and what the Church is called to be. This chapter provides a bridge between the conceptual work of the first three chapters and the practical proposals of the final chapter. It considers how what Christians say about Jesus relates to who and what the Church is meant to be and what the mission of the Church is in the world. In order to do so, the chapter first considers how Niebuhr and Curran's Christology and Ecclesiology are connected. Next, the chapter moves beyond Curran and Niebuhr to explore the contributions of more recent thinkers. As this project intentionally works against the imperial dynamics identified in chapter two, it draws especially from communities impacted by the U.S. immigration system and U.S. imperialism. This includes theologians from the Global South as well as Latinx and Native thinkers. These insights

into the proper role of Christians and the church direct the practical proposals of the final chapter.

Chapter five considers the practical implications of the responsibility ethic framework, understood through the lens of the Christological and ecclesiological work of chapter four. It considers the actions that can be taken by Christians to disrupt harmful, dehumanizing policies and create just situations for migrants. In other words, the chapter considers how Christians can begin to take responsibility and offer reparations for the causes of migration. Therefore, the chapter outlines four case studies in which the values of the ecclesiological vision of chapter four function in the concrete in order to provide examples Christian communities can learn from as they undertake the work of responsible repair. It also offers a consideration of policy proposals made by the church groups profiled in chapter one, uplifting the positive moves church communities have made and highlighting where more radical policy might be advocated for.

This dissertation offers a reframing of U.S. history in order to highlight the need for a responsibility ethic that takes seriously the ways in which U.S. actions have shaped migration patterns and thus obligate the U.S. to make reparations for the inequalities it has caused. It argues for a conceptual shift in Christian conversation in order to more adequately respond to the realities of migration, and offers practical steps for resisting continued U.S. imperialism, grounding these responses in the Christological and ecclesiological contributions of thinkers from communities that have been especially impacted by this imperialism and by the failures of U.S. immigration policy.

## 1.0 ECUMENICAL STATE OF THE QUESTION

This chapter argues that Christian responses to migration have largely been rooted in one of two major conceptual frameworks: communitarian or cosmopolitan. As there are many ways in which the various approaches to migration ethics may be categorized and divided, it is important that I make a case for my use of this particular binary. This is especially important as not everyone I include in these frameworks necessarily explicitly labels themselves as such. I am therefore placing them within each framework based on their ordering of goods and their conceptual starting points.

I use the debate between communitarians and cosmopolitans to organize this chapter in part because this is the language that has been used in recent work on immigration,<sup>51</sup> but more so because I find that these frameworks are most helpful for highlighting the basic assumptions most people bring to discussions of immigration and the principles with which they are concerned. These categories are well suited for mapping the basic contours of the debate, setting a strong foundation for the rest of my project. Dana Willbanks writes that immigration is “re-creating America” and that “the chief political and ethical divide is between those who endorse and wish to extend this re-creative process and those who believe the changes occurring as a result of immigration are increasingly destructive and who wish to apply the breaks.”<sup>52</sup> This is the divide I am

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<sup>51</sup> See for example: Mark Amstutz, *Just Immigration: American Policy in Christian Perspective* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company) 2017; Tisha Rajendra, *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration* (Grand Rapids, Michigan: Eerdmans) 2017; Robert W. Heimburger, *God and the Illegal Alien: United States Immigration Law and a Theology of Politics* (Cambridge, UK: Cambridge University Press) 2018.

<sup>52</sup> Dana Willbanks, *Re-creating America: The Ethics of U.S. Immigration and Refugee Policy in a Christian Perspective* (Washington D.C.: Abingdon Press, 1996), 179.

highlighting in this chapter. As Kristin Heyer puts it, in migration ethics communitarian arguments begin “from a more narrowly circumscribed understanding of belonging,” and “root defense of membership restrictions in the duties of states to preserve particular cultures or political identities,” while “for those who subscribe to cosmopolitan approaches, national boundaries require moral justification.”<sup>53</sup> Basically, communitarian ethics “begins at home,”<sup>54</sup> assuming a need to protect what is good about local communities first and foremost, while cosmopolitan ethics begin from a global perspective, concerned first with considering what justice is owed to all people before attending to more local concerns.

In the immigration debate, communitarians often consider themselves political realists. They insist that the Westphalian nation state system is the world that we have and within which we must work. Rooted in particular readings of the Bible and the Christian tradition, communitarians tend to emphasize the importance of the goods this system makes possible. Human rights are best promoted by strong, sovereign states, and thus sovereignty must be protected. Communitarians also emphasize the moral weight of fidelity to specific groups, arguing that it is right to have particular loyalty to kin or nation. They often also consider it important to preserve nations’ self-determination, and to create and support the boundaries of their communities, physical or otherwise. This tends to lead to a strong emphasis on upholding the rule of law. While most communitarians grant that there is an ultimate higher authority that sometimes puts us at

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<sup>53</sup> Kristin E. Heyer, *Kinship Across Borders* (Washington D.C.: Georgetown University Press, 2012), 111.

<sup>54</sup> William O’Neill, “Ethics of Migration in the United States,” in *Living With(Out) Borders*, eds. Agnes Brazal and Maria Teresa Davila (Maryknoll, NY: Orbis, 2016), 68.

odds with positive human law, the instances in which they see this actually happening are considerably limited, and so the law should, in general, be followed and respected.

Cosmopolitans tend to emphasize the moral obligation to care for all of humanity. They believe that whatever our local or national ties may be, we are all connected and responsible to each other as one human family under God. Human dignity rooted in our creation in God's image is one foundational basis for this approach. Cosmopolitans are also generally hesitant to take the status quo for granted and often see fit to challenge it based on their cosmopolitan understanding of Christian or biblical values and what they understand to be God's vision for the world.

This chapter begins with a philosophical consideration of membership, offering an examination of a communitarian and a cosmopolitan approach. It then moves to compare communitarian and cosmopolitan understandings of three basic themes relevant to migration: Christian anthropology, the role of the state, and biblical exegesis. This is followed by an examination of Christian statements on migration, which highlights the ways in which they tend to be grounded in the same principles and assumptions as the communitarian and cosmopolitan worldviews. The chapter concludes by briefly noting approaches which move beyond these two frameworks, gesturing to the work to come in proceeding chapters.

## **1.1 A PHILOSOPHICAL CONSIDERATION OF MEMBERSHIP**

### **1.1.1 Michael Walzer**

Jewish political philosopher Michael Walzer's discussion of equality and distributive justice in *Spheres of Justice* is foundational to the communitarian worldview. Walzer writes that human society is a distributive community in which "we come together to share, divide, and exchange."<sup>55</sup> Against the notion that there is a single correct distributive system that all rational people would choose were they made ignorant of their contextual circumstances, Walzer insists greater attention be given to the particulars of context and history. The question for Walzer is not "what would anyone choose," but rather "what would people situated as we are and with our particular cultural commitments choose?" He sees the principles of justice as fundamentally pluralistic. Morally speaking, goods ought to be distributed in different ways for different reasons based on various understandings of the goods themselves.<sup>56</sup> Walzer organizes his theory of goods into six principles: 1. all distributed goods are social in nature; 2. people's identities are rooted in the ways they conceive of, create, and possess such goods; 3. there is no identifiable set of basic goods that can be said to span all material and moral worlds; 4. the meanings given to goods are determinative of their distribution and movement, and all distributions are just or unjust based on the meanings given to these goods; 5. the social meanings of goods are historically rooted and therefore the distribution of such goods changes throughout history, and 6. distributions of goods that are distinct from each other must be autonomous (i.e. piety ought not to give one advantage in the marketplace, nor money in the ecclesial sphere).<sup>57</sup>

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<sup>55</sup> Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (New York: Basic Books, 1983), 3.

<sup>56</sup> Walzer, 5-6.

<sup>57</sup> Ibid, 7-10.

Possible methods for the distribution of goods include free exchange, desert, and need. Ultimately none of these methods is sufficient for Walzer. Distributions based on free exchange in which there are no dominant goods or monopolies, while adequate in theory, in practice do not play out equitably. For example, money, which is meant as a neutral medium of exchange, becomes, in practice, a dominant good. Likewise, distribution based on desert does not work fully in practice, for while it might be possible to say that someone's attributes ought to earn them respect or influence, it is not possible to say that they are owed any specific person's respect or the ability to influence any particular individuals. A politician may be said to deserve a particular office, but at least in any democratic society, this is impossible to enforce. No one can be said to be owed my particular vote, however deserving of office they may be. Finally, need seems in many respects to be perhaps the best or most just method for determining distribution, but yet again there are goods which cannot practically be distributed based on this principle. For example, ought jobs to be distributed to those most in need of them, or to those most qualified? Would we rather be operated on by a surgeon who was best for the job or one whose need for it was greatest? Needs also conflict with one another, and it is not always clear which needs ought to be given priority.<sup>58</sup>

Thus Walzer concludes that different goods must be distributed based on different principles depending on the good and its social meaning in a particular context. He argues that this requires that boundaries be defended so that goods may be properly distributed in particular spheres. This is a complex project, but Walzer insists that to begin to distinguish the meanings of various goods and demarcate distinct distributive

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<sup>58</sup> Walzer, 21-26.

spheres is to launch an “egalitarian enterprise” and to be on the correct path to justice.<sup>59</sup> Therefore distribution in a just society cannot be based on what Walzer calls simple equality. In such a society, monopoly is prevented by distributing, for example, an equal amount of money to every citizen and having every good available for purchase. The problem with such a society is that while one monopoly is broken, others will inevitably rise up. Constant state intervention notwithstanding, Walzer sees no way in which monopolies can be ultimately avoided.<sup>60</sup> He advocates instead for complex equality. In a society based on complex equality, it is dominance and not monopoly which is combated. Various goods may be monopolistically held, as is inevitable, but no one good ought to be “generally convertible.” That is to say, having money, education, or piety should not grant a person undue advantage across all spheres. Small inequalities will exist everywhere—some people will have more money, education, talent, etc. than others—and local monopolies will be produced and held by different groups, but tyranny and large scale injustice will be avoided because “no one citizen’s standing in one sphere or with regard one social good can be undercut by his standing in some other sphere, with regard to some other good.”<sup>61</sup> For example, one person may be elected to political office, making them unequal in the political sphere from someone who was not elected. This should not, however, grant the politician advantage in another sphere, such as access to better health care or business opportunities.<sup>62</sup>

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<sup>59</sup> Ibid, 28.

<sup>60</sup> Ibid.

<sup>61</sup> Walzer, 13-18.

<sup>62</sup> Ibid, 19.

This discussion of distribution and equality is the basis upon which Walzer builds his theory of membership and its proper distribution. He names the political community as the proper setting for just distribution to be acted out concretely. While social goods are exchanged across the borders of such communities, the political community remains the largest conceivable world of common meaning and thus the closest thing we have to a closed or self-contained distributive world. Furthermore, this community is in and of itself a good which is distributed. Indeed it is a vital good in that it is in many ways a prerequisite for the distribution of other goods.<sup>63</sup> It is different, however, from most goods in that it is distributed not by giving or sharing but by taking someone *into* the community. The “Samaritan”<sup>64</sup> in this scenario does not act but is acted upon.<sup>65</sup> It is, therefore, not a good which can be distributed by some external body or authority, but must instead be distributed voluntarily by those who are already members of the community in question.<sup>66</sup> Further, it must be given to those who are not already members of the community.

Setting aside for the moment the fact that relationships exist beyond the borders of political communities,<sup>67</sup> membership is therefore primarily something given to strangers. Considering the distribution of membership thus gives rise to the question of our duty to strangers and what may or may not be owed to them. Generally speaking, Walzer argues that if we encounter a true stranger, such as in the story of the Good Samaritan, positive assistance can be said to be required if the need is true and urgent,

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<sup>63</sup> Ibid, 29.

<sup>64</sup> By Samaritan, Walzer means someone who comes across a stranger in need (Walzer, 33).

<sup>65</sup> Ibid, 46.

<sup>66</sup> Walzer, 28-29.

<sup>67</sup> Ibid, 32.

and if the assistance would mean relatively low risk or cost to the assister. We are not required to allow our lives to be shaped in any fundamental way by such an encounter.<sup>68</sup>

One might question Walzer's understanding of the parable here. Is this really a story about someone who offers this sort of non-life altering need to a stranger on the road? Later chapters will engage with this question and argue that there is more going on in this story than Walzer articulates.

While an understanding of membership based on simple equality might indicate that a just world would be one in which either everyone encounters each other as strangers or in which all people are related to each other as citizens of a global state; Walzer favors a complex equality approach in which membership is distributed within distinct spheres. We are all strangers in some spheres and, ideally, have membership in at least one. In each of these spheres, or political communities, membership is defined in distinct ways proper to each context. Being a social good, membership is constituted by our understanding of it. Different political communities conceive of membership in different ways and mean different things by it. For Walzer this is especially important because "at stake here is the shape of the community that acts in the world, exercises sovereignty, and so on."<sup>69</sup> The rights to choose the basis of admission into and exclusion from a community are fundamental to communal independence and self-determination and must be protected and upheld as much as possible.<sup>70</sup>

For Walzer, it is not helpful to frame questions of immigration, admission, and exclusion in terms of what is just for all people and in all circumstances. Rather, the

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<sup>68</sup> Ibid, 33.

<sup>69</sup> Walzer, 61-62.

<sup>70</sup> Ibid, 32, 51.

question each community must ask itself is, “How should people like us understand membership and to whom are we obligated to extend this membership?” Each community must determine for itself and its context what is just. It is however possible to speak of moral constraints on a community. Walzer notes, for example, the plight of refugees. Refugees are a special group because they have lost the membership that has previously provided for or was supposed to provide for their access to various goods. Their needs can only be met through the extension of new membership. As their need is very urgent and cannot be met through other means, they make the strongest claim for admission and they leave the world in a dilemma. Their claim on us as potential host states is legitimate and in the name of justice they must be afforded a secure place of membership somewhere, and yet this is not a right which Walzer sees as realistically enforceable. No particular state can be made to take in refugees, in part because there is no body with the coercive power to make a state do so. The decision to take in refugees is one each state must make for itself.<sup>71</sup>

As we consider extending membership in response to the claims refugees make on us, Walzer insists that it is right to look to take in those who have “some more direct connection to our way of life.”<sup>72</sup> Though he notes that there are obvious instances in which we may have participated in making people refugees in the first place and thus have obligations to them, he turns quickly to advocate especially for those with ideological and ethnic affinities to the potential host country. We cannot, he argues, take

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<sup>71</sup> This dilemma is mitigated to a degree by the principle of asylum, but Walzer notes that even this comes with problems, especially as this policy was intended to serve small numbers of people in need on an individual basis. As the numbers seeking asylum grow, this becomes more difficult and problems related to properly attending to their needs grow (Walzer, 50-51).

<sup>72</sup> Walzer, 49.

in everyone, so refugees are best divided among potential host countries in this manner.<sup>73</sup>

While in principle taking in the “huddled masses yearning to breathe free” is a noble cause, “the right to restrain the flow remains a feature of communal self-determination.”<sup>74</sup> Thus the community’s identity is protected and the right to self-determination maintained even as the plight of those with serious need makes a claim on us and our membership.

Beyond his concern that this right be protected, Walzer’s thought here is also rooted in his discussion of our obligations to strangers. Just as a stranger’s legitimate and urgent needs may obligate us to respond only if the risk or cost is not too high and if the encounter will not unduly shape or determine our lives, the plight of migrants in need cannot obligate us to the degree that many people’s ways of life<sup>75</sup> would be drastically changed or the self-determined character of the community reshaped.<sup>76</sup>

For the most part, Walzer offers a helpful consideration of membership. The goods he identifies are real and worth defending. Walzer’s approach falters, however, in terms of the strength of his insistence on the right of communities to self-define. It is certainly the case that communities have this right. When it comes to migration and the extension of membership, however, this right is not as primary nor as clear-cut as Walzer wishes to make it. Walzer insists that “the right to restrain the flow of migrants remains a

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<sup>73</sup> Ibid.

<sup>74</sup> Ibid, 51.

<sup>75</sup> Here Walzer modifies a Hobbesian argument. For Hobbes, people incapable of earning a living in their own countries have a right to land “not sufficiently inhabited” and anyone who stands against this right for “things superfluous” is morally wrong. Walzer calls this out for the defense of European colonialism it is, but modifies the notion by arguing that occupying space in a territory is just so long as the people already inhabiting that territory must not alter their reasonable expectation to live the way of life they are accustomed to. “Things superfluous” would be degrees of luxury that cannot be given moral priority over the legitimate need of strangers trying to secure the basic necessities of life for themselves (Walzer, 46-47).

<sup>76</sup> Walzer, 46-47, 51.

feature of communal self-determination. The principle of mutual aid can only modify and not transform admission policies rooted in a particular community's understanding of itself."<sup>77</sup> This raises significant questions. When a migrant requests entry to the United States, for example, does U.S. communal self-understanding outweigh the migrant's understanding of who we are and who we have been as a nation? Might their understanding also have some bearing on what is owed to the people crossing or trying to cross U.S. borders? What about when a nation's self-understanding is deeply flawed, or inaccurate, or when it has caused that nation to perpetuate injustice? These questions will be taken up in chapters two and three, which argue that admission policies based in a flawed and sinful U.S. self-understanding lie at the center of United States' problem.

For now, we turn to a cosmopolitan consideration of membership.

### **1.1.2 Martha Nussbaum**

Philosopher Martha Nussbaum's cosmopolitanism provides a helpful philosophical counterpoint to Walzer's account of membership. Although she has critiqued cosmopolitanism later in her career, her earlier work serves as a strong and clear articulation of a cosmopolitan understanding of the notion. Further, I will show that there are consistencies between her early work and her subsequent turn to the capabilities approach which uphold some of the basic commitments of cosmopolitanism while remaining suspicious of too strong an attachment to communitarian ideals.

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<sup>77</sup> Ibid, 51.

Nussbaum argues that cosmopolitanism is concerned with putting what is right before national loyalty and drawing from “universal reason before the symbols of national belonging.”<sup>78</sup> She roots her understanding of cosmopolitanism in the Stoic tradition. In an age of war, ethnically and racially charged violence, and a pervasive disregard for the basic dignity of human beings, she offers this Stoic tradition as a paradigm through which we ought to approach the world and its problems.<sup>79</sup> This worldview is best summed up in Diogenes the Cynic’s insistence that he was a “a citizen of the world,” and his refusal let his local origins define who he was.<sup>80</sup> Hence the most primary moral affiliation for any person, no matter their place of origin or citizenship, is their connection to all of rational humanity. Stoic cosmopolitanism is about recognizing what is “especially fundamental about” human beings and is therefore most worthy of respect.<sup>81</sup> These most fundamental human qualities are what connect us as one universal community, no matter where we hail from or the differences that separate us. Nussbaum writes that this Stoic understanding of humanity as one community is rooted in a belief that humans possess a capacity to reason which is worthy of deep respect at all times.<sup>82</sup> This is important because it becomes a source of her later criticism of the Stoic cosmopolitan tradition. In her more recent work Nussbaum argues that using human reason as a basis for human dignity and our connection as a human community excludes individuals with severe mental disabilities from membership in this human community,

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<sup>78</sup> Martha Nussbaum, “Patriotism and Cosmopolitanism,” *Boston Review* (October 1, 1994), <http://bostonreview.net/martha-nussbaum-patriotism-and-cosmopolitanism>.

<sup>79</sup> Nussbaum, “Kant and Cosmopolitanism,” in *The Cosmopolitan Reader*, eds. Garret Wallace Brown and David Held (Malden, MA: Polity, 2010), 28.

<sup>80</sup> Quoted in Nussbaum, “Kant and Cosmopolitanism,” 29.

<sup>81</sup> Nussbaum, “Kant and Cosmopolitanism,” 31.

<sup>82</sup> *Ibid*, 30.

and perhaps threatens their very humanity itself. Further, it does not leave space from our connections and obligations to non-human animals. Nussbaum proposes instead the idea that all sentient beings are worthy of respect as a basis for human connection.<sup>83</sup>

Whether rooted in our capacity to reason or Nussbaum's more inclusive turn to sentience, this recognition of the deep worth of all people and the connection we all share with one another is understood to be the foundation out of which all people ought to live their lives. It is the proper basis of our conduct as human beings and the source of our most fundamental obligations. Nussbaum cautions that this does not necessarily mean the Stoics sought the creation of a singular world government, and so we need not insist on this sort of world state in order to faithfully apply their wisdom in the modern world. Rather, what was important for the Stoics was that this deep connection between all of humanity be the lens through which we view ourselves and our standing in the moral world.<sup>84</sup> It is not so much a specific proposal for a political project as a guiding insight meant to direct our actions in the world and limit what we consider to be morally justifiable.<sup>85</sup> The common human community is meant to be understood as a moral community, a primary source of moral obligations and the proper recipient of our most basic allegiances.<sup>86</sup> Our political and moral thought ought therefore to be directed by this understanding of ourselves as connected to all people, and for Nussbaum and the Stoics we live best when we consider the good of all people in our political and personal deliberations.<sup>87</sup>

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<sup>83</sup> Nussbaum, *The Cosmopolitan Tradition: A Noble But Flawed Ideal* (Cambridge, MA: The Belknap Press of Harvard University Press, 2019), 237-238.

<sup>84</sup> Nussbaum, "Kant and Cosmopolitanism," 29.

<sup>85</sup> *Ibid.*, 33.

<sup>86</sup> Nussbaum, "Patriotism and Cosmopolitanism."

<sup>87</sup> Nussbaum, "Kant and Cosmopolitanism," 29-30.

This way of understanding ourselves in relation to the world also provides a caution against certain forms of patriotism and national loyalty. Nussbaum writes that taking this Stoic worldview seriously means we should think of all our political considerations as considerations of problems common to all humans. According to Nussbaum and her Stoic influences, we do our best political and moral deliberation from a place where we recognize our common humanity and the common nature of human problems.<sup>88</sup> Though the problems we face often arise in concrete and particular circumstances, they are not tied to or based on local or national identity in any fundamentally unique way.<sup>89</sup> Approaching problems as though they are unique to one's nation limits moral consideration and objectives, and thus negatively impacts the ability to effectively address them.<sup>90</sup> We are further hindered when we become too narrowly loyal to or think too highly of our own local identities. Partisan loyalties consistently sabotage political deliberations and render us ineffective problem solvers.<sup>91</sup> Nussbaum is suspicious of the sort of patriotic pride that grants, explicitly or implicitly, particular moral importance to one national identity. This sort of patriotism, she argues, is not only morally dangerous, but ultimately undermines the goals patriotism is intended to promote,<sup>92</sup> goals communitarians tend to insist national sovereignty and loyalty to one's nation serve. For Nussbaum, justice is better served and our contemporary problems better attended to when we approach the world with an understanding of our primary

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<sup>88</sup> Ibid.

<sup>89</sup> Nussbaum, "Patriotism and Cosmopolitanism."

<sup>90</sup> Nussbaum, "Kant and Cosmopolitanism," 30.

<sup>91</sup> Ibid.

<sup>92</sup> Nussbaum, "Patriotism and Cosmopolitanism."

allegiance as being to the whole human community rather than to a particular nation or people group.<sup>93</sup>

This does not mean we disregard local loyalties altogether. One consistency in Nussbaum's thinking throughout her career is that she never loses sight of the legitimate claim our local allegiances place on us, nor the richness such identities can bring to a human life,<sup>94</sup> even as she emphasizes the importance of our allegiance to all of humanity. Understanding oneself as a citizen of the world does not mean people have to forgo their more local identities. Citizens of the United States are still "Americans", even if they are global citizens first and foremost. What the Stoics argue is that our lives are made up of concentric circles, beginning with our most intimate loyalties, often family, and extending outward until a circle encompasses all of humanity. The task, they say, is for us to draw the outer circles inward until all people are included in "our community of dialogue and concern" and the circle that represents our common humanity receives the attention and respect it is due.<sup>95</sup> The goal is that no one be considered a stranger beyond the reaches of our concern or to whom we are not morally obligated.<sup>96</sup> Another image the Stoics utilize is that of one body with many limbs. It is best for every limb of the body to love the whole body and to understand itself as deeply connected to the rest of the body, otherwise that limb fails to serve its own interests as well as the interests of the whole. So too with humanity. Our local identities have a part in defining us, but our commonality with all humanity is, for the Stoics, more foundational to our true identity. We can only

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<sup>93</sup> Ibid.

<sup>94</sup> Nussbaum, "Kant and Cosmopolitanism," 31.

<sup>95</sup> Nussbaum, "Patriotism and Cosmopolitanism."

<sup>96</sup> Nussbaum, "Kant and Cosmopolitanism," 31.

truly do well for ourselves and others when we understand ourselves in relation to the whole, not primarily as an individual limb somehow severed from the body. Locally identities are good, but they must not be too inward-facing. So, as citizens of the United States, we must also consider the “ties of obligation and commitment that join America to the rest of the world.”<sup>97</sup> This interest in humanity as it exists beyond the borders of our particular nation serves not only the interests of the world community, which of course include the true interests of individual nations, but also helps us to be a better citizen of our own nation by promoting a clearer self-knowledge. We are able to better understand ourselves when we see ourselves in relation to the whole world community and the diverse ways in which humans live out their common humanity. Nussbaum holds that a major roadblock in political productivity is our inability or unwillingness to examine our own preferences and why we have them. Learning about how we share common humanity with those who live in ways radically different from our own prevents us from considering our own ways of life to be normative. Failure to educate ourselves in this way leads us to granting a false moral salience to the boundaries of our communities and our particular ways of life, limiting us considerably.<sup>98</sup>

Nussbaum is especially concerned with arguing for the importance of a cosmopolitan approach to education, insisting that citizens will be more ready for the demands of this world if their educational and moral formation includes a strong emphasis on our ties to the human community as the primary source of our moral obligations. She responds to proponents of nationalism (among which we can certainly

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<sup>97</sup> Nussbaum, “Patriotism and Cosmopolitanism.”

<sup>98</sup> Ibid.

include those who take a communitarian approach to immigration<sup>99</sup>) by arguing that while these thinkers often make “a thin concession to cosmopolitanism,” generally in the form of a basic commitment to human rights, this is not enough. While emphasis on human rights is certainly important, it is not sufficient, for example, for citizens of the United States to learn that while they are above all citizens of their particular nation, they must also recognize and respect the rights of humans from other nations as well. This type of thinking still centers national identity in a way that Nussbaum insists is counterproductive and morally flawed. Instead, we ought to have a much stronger emphasis on human commonality and interconnectedness as a basis out of which we learn about our own context as citizens of a particular nation sharing one world with citizens of many other nations.

Nussbaum picks up the Stoic idea that citizens who are most well formed will be those who understand in a deep way that we share this world with citizens of other countries and who above all other ties and loyalties see themselves as citizens of a common world community tackling common problems that cannot be contained within the borders of one country or another. She argues that we should include alongside education about our own nation a robust exploration of the history and present situations of other countries, as well as attention to the global dynamics of the problems our own nation faces. For example, she suggests that children ought to be taught about how problems like hunger in India impact and are impacted by what happens in other countries. Learning to recognize these border crossing dynamics so characteristic of the modern world will set students up to be better citizens of both their nation and the world

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<sup>99</sup> Nussbaum does not do this explicitly, however her characterization of these proponents of nationalism is consistent with the arguments of many communitarians, including those highlighted in this chapter.

by preparing them for the sort of international dialogue and cooperation that many of the problems our world currently faces will require.<sup>100</sup> A cosmopolitan worldview helps highlight the ways what is truly good for us is ultimately tied to what is good for others, and therefore we must understand ourselves as having goals in common with the rest of humanity. This is our proper conceptual starting point.<sup>101</sup> One reason Nussbaum has argued for a cosmopolitan emphasis in education is that this focus on the human community as a source of moral obligation can help people identify what they owe to other humans simply by virtue of their common humanity. Without such an emphasis, these obligations can go (and often have gone) unnoticed.<sup>102</sup> Nussbaum's attention to the ways in which we might be insufficiently prepared to address global problems and the limits to our vision that may exist is an especially salient element of her approach. This basic idea will become particularly relevant in the historical reconstruction I offer in chapter two, as well as in the constructive proposals I offer in chapter five.

Just as understanding ourselves as citizens of the world does not mean disregarding our local identities, developing a sufficiently broad sphere of moral concern does not mean that we cannot or should not have particular concern for our local social sphere. Nussbaum argues that just as parents generally give their own children more love and care than they do the children of others, it is natural to give those within our own social sphere more direct concern. What becomes a problem is when we consider our own children, or our own fellow citizens, as *worthy* of more concern than other people's

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<sup>100</sup> Nussbaum, "Patriotism and Cosmopolitanism."

<sup>101</sup> Nussbaum, "Kant and Cosmopolitanism," 32.

<sup>102</sup> Nussbaum, "Patriotism and Cosmopolitanism." I expand on this notion in later chapters.

children or citizens of other nations.<sup>103</sup> Particular concern to those who are “ours” is justified for Nussbaum not by any superiority but rather by “the overall requirements of humanity,” which are best served if everyone is cared for in a particular way by those to whom they are most immediately connected. It makes sense that most of my duties to humanity as a whole will be lived out concretely in the place where I already am.<sup>104</sup> That is to say, it is justifiable precisely because it is universal and generally good for humanity as a whole.<sup>105</sup> It is worth noting that this logic is not entirely different from the communitarian arguments we will encounter below, which insist that universal human rights are best protected by strong, sovereign governments with the ability to enforce laws, but the starting point for Nussbaum is a consideration of what is owed to all people. This is a different methodology from the communitarians considered later in the chapter.

While Nussbaum critiques the tradition of philosophical cosmopolitanism later in her career, it is never the basic, core belief that all humans are fundamentally valuable and connected, nor the notion that the global community is a proper source of moral obligation with which she takes issue. Her critiques are instead rooted in what she understands to be the limits of the tradition as it currently stands, not in any rejection of its most basic insights about human dignity or the international realm as a community of significant moral obligation.<sup>106</sup> She ultimately affirms much of what the tradition offers as a basis for our action in the world. In her most recent work, *The Cosmopolitan Tradition*, she writes about the Capabilities Approach<sup>107</sup> and its relationship to the

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<sup>103</sup> Nussbaum, “Patriotism and Cosmopolitanism.”

<sup>104</sup> Nussbaum, “Kant and Cosmopolitanism,” 31

<sup>105</sup> Nussbaum, “Patriotism and Cosmopolitanism”

<sup>106</sup> Nussbaum, *The Cosmopolitan Tradition*, 236

<sup>107</sup> Nussbaum’s capabilities approach focuses on the people’s capacity to achieve wellbeing and frames inequality as primarily that which limits these capabilities. See Nussbaum, *Women and Human*

cosmopolitan tradition, “in most respects my version of CA fleshes out the insights of the tradition.”<sup>108</sup> Especially important for the purposes of this dissertation, when Nussbaum addresses migration as an acute world issue, she still begins by stating that asylum and migration “involve human dignity at the most basic level.”<sup>109</sup> Even as she critiques the tradition’s limits, human dignity is her starting point. It was her commitment to human dignity, along with a deepening understanding of what dignity entails, that has led Nussbaum away from her earlier insistence on the moral irrelevance of national borders. She now argues that human freedom and dignity are expressed fully only when people are able to participate in shaping the institutions of their nation state.<sup>110</sup> This commitment to human dignity as a starting point is characteristic of a cosmopolitan approach to migration. In fact, Nussbaum argues that the cosmopolitan tradition offers a good start for thinking about some of the issues surrounding migration, and that in several cases it even directs how the conversation should further develop beyond what the tradition explicitly offers.<sup>111</sup>

Nussbaum’s turn to the Capabilities Approach makes her an especially helpful conversation partner for Walzer. Keeping, as I have highlighted, the basic ethical commitments of cosmopolitanism, her approach challenges Walzer’s focus on the distribution of goods by focusing instead on the protection of human capabilities. This shift in focus, while never ignoring the necessary role material goods play in ensuring

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*Development: the Capabilities Approach* (New York: Cambridge University Press) 2000; Nussbaum, *Creating Capabilities: the Human Development Approach* (Cambridge: Belknap Press of Harvard University Press) 2011.

<sup>108</sup> Nussbaum, *The Cosmopolitan Tradition*, 236.

<sup>109</sup> Ibid 229.

<sup>110</sup> David Hollenbach, S.J., “Borders and Duties to the Displaced: Ethical Perspectives on the Refugee Protection System,” in *Journal on Migration and Human Security* 4, no. 3 (2016): 152.

<sup>111</sup> Nussbaum, *The Cosmopolitan Tradition*, 229-235.

human flourishing,<sup>112</sup> offers a different framework for considering what is owed to people.

Having thus grounded ourselves within this philosophical consideration of membership, we can now turn to explore how Christian communitarians and cosmopolitans approach migration by examining three representative figures in each framework.

## **1.2 CHRISTIAN ANTHROPOLOGY**

This section examines two theologians, one communitarian and one cosmopolitan, who root their approaches to migration in distinct Christian anthropologies. The comparison between these thinkers is helpful in that it begins to illuminate the ways in which the philosophical commitments of communitarianism and cosmopolitanism, as seen in Walzer and Nussbaum, take on particular forms when based in Christian belief systems.

### **1.2.1 Nigel Biggar**

Anglican theologian Nigel Biggar argues that while it is unsurprising that Christian values often lead people to assume a cosmopolitan worldview, this is not a responsible approach for forming a Christian view of the proper distribution of goods and membership in the world. He contends that while many people see the indiscriminate or

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<sup>112</sup> Ibid, 244-245.

*agape* love of God as a reason to endorse cosmopolitanism—arguing that if God loves all people equally, we ought to extend equal and unconditional love to all people and resist partisan or nationalist stances—understanding Christian love in this way is incorrect. For Biggar, God’s love must be understood as it relates to forgiveness. Forgiveness, he writes, has two moments: compassion and absolution. As compassion, God’s love sympathizes with wrongdoers and stands ready to offer forgiveness. It is indiscriminate. But as absolution, as the actual putting aside of past injury and reinstating of trust, God’s forgiveness is conditional on genuine repentance on the part of the wrongdoer, and is therefore discriminate.<sup>113</sup> Biggar insists that once we flesh out our understanding of God’s love in this way, it becomes clear that Christians cannot bring the notion of God’s unconditional love to bear on their arguments for how goods ought to be distributed or how we ought to treat our global neighbors. He argues that there is no direct link between God’s love as unconditional and a cosmopolitan worldview.<sup>114</sup>

Instead, Biggar argues that our starting point ought to be anthropological. Specifically, he suggests that Christians begin their investigation into how to treat near and distant neighbors<sup>115</sup> with the notion of humans as creaturely. As a basic beginning point, this does establish that all people are fundamentally equal as we are all made in God’s image. By virtue of this basic equality, Biggar concedes that we all owe each other a certain degree of respect and basic non-maleficence. In some cases we may even owe

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<sup>113</sup> Biggar also turns to the parable of the Prodigal Son to strengthen his case, arguing that this story is not one of unconditional forgiveness because the son’s genuine repentance is a prominent part of the story, whether it is explicitly expressed to the father, who forgives, or not. See Nigel Biggar, *Between Kin and Cosmopolis: An Ethic of the Nation* (Cambridge UK: James Clarke, 2014), 4-5.

<sup>114</sup> Biggar, 2-5.

<sup>115</sup> William O’Neill and William Spohn, "Rights of Passage: The Ethics of Immigration and Refugee Policy," *Theological Studies* 59, no. 1 (1998): 84-106.

each other aid, although unlike non-maleficence, which we can always extend to anyone, Biggar argues that our creaturliness limits our ability to provide aid. We must therefore choose to whom and when our aid will be extended. He suggests, like Walzer, those with whom we have cultural affinity or to whom we may be obliged by strong ties of gratitude as the proper recipients of our limited aid. Therefore, even though humans are essentially equal, Biggar insists that it is not only morally acceptable, but even perhaps our duty to offer aid to our near neighbors before or instead of our distant ones.<sup>116</sup>

His focus on humans as creaturely also leads Biggar to conclude that human beings are not the only worthy recipients of our respect. According to his analysis, customs and institutions are also owed respect on the basis that all human beings live and grow in particular contexts. Specificity and particularity are a fundamental part of creaturely existence. Customs and institutions represent distinct forms of the common good and allow for concrete human flourishing. They create the contours of our lives, and therefore Biggar argues that we are their beneficiaries. As benefactors are owed a degree of gratitude and respect by those they benefit, customs and institutions are owed our respect. For Biggar, their importance rests on the fact that are what allow us to live authentically as human creatures.<sup>117</sup>

Nations are one such institutional context in which Biggar sees this sort of authentic creaturely flourishing being incarnated in a specific form, so respect and loyalty to one's nation are therefore appropriate. He notes that we must, of course, be wary of

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<sup>116</sup> Biggar, 5-6. It is worth noting that another way of prioritizing the extension of our finite ability to provide aid is through the preferential option for the poor and vulnerable. While this dissertation does not deal directly or at length with this idea, the notion that God has historically shown particular concern for those who are most vulnerable and that this ought to inform human priorities will be returned to throughout.

<sup>117</sup> Biggar, 6-7.

and avoid the dangers of romantic nationalism. Nations are transitory and ever evolving and in this sense not, strictly speaking, natural. However, they are natural in the sense that they offer, through their various customs and institutions, particular incarnations of flourishing consistent with our creaturely human nature. They are specific embodiments of the common good. For Biggar, this means the nation-state system is consistent with Christianity for several reasons. First, diverse communities with different customs, institutions, wisdom, etc., are a natural result of the fact that creaturely humans exist in concrete and particular contexts. This means that human flourishing cannot but take on different forms in different contexts, and nations are thus formed. Because this is a natural product of the way God created the world, Biggar insists it is good. He also argues that Christianity has historically promoted diversity in that its missional tactics have included translation of scripture and liturgy into local vernacular and this missionary style contributed to the development of diverse national identities. Christianity chose this path rather than ascribing divinity to a particular language, Biggar argues, because of a belief that the Word of God must be freely accessible to all. For him this indicates that a respect for diversity is fundamental to Christianity and to God's plan for the world.<sup>118</sup>

This loyalty to one's nation and people Biggar calls for is not boundless: "true patriotism is not uncritical,"<sup>119</sup> he insists, and Christians will do well to remember that the nation has an ultimate accountability before God.<sup>120</sup> We must also recognize that nations other than our own have made important contributions to the common good and to human flourishing, and that achievements of this sort impact the rest of the world as

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<sup>118</sup> Ibid, 10-12.

<sup>119</sup> Biggar, 14.

<sup>120</sup> Ibid, 15.

well.<sup>121</sup> No nation exists in a self-contained vacuum. Biggar's point is that the Christian goal should not be "that we should grow *out of* national identity and loyalty and into a cosmopolitanism that, floating free of all particular attachments, lacks any real ones, but rather that in and through an ever-deepening care for the good of our own nation, we are drawn into caring for the good of foreigners."<sup>122</sup>

Biggar also emphasizes a second anthropological theme as he crafts his argument for how Christians ought to think about nations: human sinfulness. Biggar aligns himself with the Augustinian tradition on the sinful inclinations of human nature and our tendency to pursue pleasure, which necessitates some form of outward restraint. In our modern world Biggar finds that this tendency toward sin both results in and is negatively influenced by too strong an emphasis on the liberal freedom to choose whatever life one desires. He argues that while human freedom of choice is of course a good, untethered it is actually damaging to both individuals and the broader community. Biggar insists that in order to restrain our tendency to sin we must pair freedom of choice with some unified vision of what a dignified life of freedom ought to look like. Our freedom needs to be directed, guided towards productive and healthy ends so that we do not end up driven solely by our own self-destructive tendency toward pleasure and sin. To achieve this, Biggar insists that every nation needs a prevailing worldview that provides a vision of this dignified life, and it needs cultural and legal structures to promote this way of life.<sup>123</sup>

This is where human sinfulness relates to migration in Biggar's analysis. Immigration naturally leads to diversity within nations as new cultures interact with those already

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<sup>121</sup> Ibid, 16.

<sup>122</sup> Ibid, 17.

<sup>123</sup> Biggar, 28-30.

present in the host nation. Generally speaking, Biggar finds some diversity within the borders of a community to be a good way to keep the culture fresh rather than static, but this diversity must always stay within certain limits.<sup>124</sup> His concern is that too much “uncontained” diversity undermines a nation's ability to maintain this unifying worldview, threatening its ability to promote human flourishing within its borders and contribute to the global common good. He therefore insists that diversity must “be contained and disciplined by the nation’s public affirmation of a particular worldview.”<sup>125</sup>

Christians must therefore also recognize “the need to control and limit cross-border mobility.”<sup>126</sup> Biggar insists that borders function to define the territory in which particular incarnations of human flourishing take shape. These borders are not only physical; Biggar is also concerned with conceptual boundaries. For Biggar these conceptual boundaries involve a general consensus about the common good and an agreed upon understanding of what it means to be a member of the community.<sup>127</sup> This is reminiscent of Walzer’s insight that goods such as membership are distributed based on their meanings in particular communities. Biggar holds both physical and conceptual national borders as important because they function to protect the particular ways of life natural to our creatureliness. This helps to restrain sin by grounding our freedom in particular visions of the good life. He argues that it is natural that too much mobility across these borders is experienced as an invasion by those within the borders, as a threat

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<sup>124</sup> Ibid, 26.

<sup>125</sup> Ibid, 27.

<sup>126</sup> Ibid.

<sup>127</sup> To his credit, Biggar notes that not all consensuses about national identity ought to be tolerated, and he raises those based on ethnic purity as an example (Biggar, 18).

to their way of life, because in very real ways it is such a threat. Biggar insists that willingness on the part of immigrants to respect and assimilate to native customs can ease this sense of threat, and is therefore necessary if immigration is to work smoothly. Thus for Biggar, a Christian approach must emphasize the importance of protecting and controlling these borders, both physical and cultural, while leaving a degree of openness to immigrants willing to meet certain requirements or conditions for entry.<sup>128</sup>

In order for nations to achieve cohesive accounts of the good life, Biggar argues that national autonomy must be protected. This autonomy is not precisely the same as sovereignty, which is the language that tends to be used when discussing international politics. For Biggar, legal sovereignty is the ability of a nation to do whatever it wills within its borders. Autonomy is more grounded: it is “the moral right to incarnate and explicate human goods in distinctive ways—the right to exercise responsibility toward the universal moral order in a creative fashion.”<sup>129</sup> It is not a lack of responsibility and it is not unlimited. This autonomy allows nations to promote the common good within their borders, but also leaves Biggar the moral space to argue that intervention is sometimes warranted when states are guilty of gross injustice, such as a failure to uphold or sufficiently acknowledge the moral obligations proper to the common good.<sup>130</sup> Biggar is not interested in promoting some sort of libertarian sovereignty over national resources or the right for a nation to do whatever it wishes within its borders, but rather a morally limited autonomy which allows the unique vision of human flourishing to be maintained

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<sup>128</sup> Biggar, 17-18.

<sup>129</sup> Ibid, 54.

<sup>130</sup> Ibid, 19, 57.

and to grow. The borders that strong immigration policies protect, both physical and cultural, help ensure that this worldview is protected.

Other communitarians, some of whom are discussed in this chapter, forge different paths in order to make a case for the moral significance of borders and the legitimacy of a preference for citizens of our own nation. What is important to note here is the way in which Biggar roots his consideration of nations and national loyalty in specific anthropological claims about what it means for humans to be creaturely.

Biggar's attention to the ways in which human flourishing is incarnated in particular and diverse contexts is well placed. Most scholars working at the intersection of theology and migration would be likely to agree, and would support his interest in protecting cultural diversity. His subsequent conclusions, however, remain problematic. While I agree that we are limited in the aid we can realistically extend, Biggar's argument that our limited aid is most properly extended locally to citizens of our own nation is unconvincing. Our nearest neighbors and those with whom we share a common culture may certainly be said to have a legitimate claim on us, but chapters two and three will argue that there are others, near and distant, who make at least as legitimate a claim on us. Moreover, while Biggar's concern that we grant human sinfulness its due seriousness and work against it in the public sphere is not misplaced, his account of how this is best achieved has not been borne out in history. Whereas grounding our freedom in a vision of the good is helpful, and while it is true that this must be done in community, historically and in the modern world the nation is not and has not been the proper community for this. Nations need some basic principles upon which people generally agree, but actual, effective accounts of the good, of a life well lived, will be far too thick to gain such large-

scale agreement. Given this, it is better that visions be worked out within smaller communities, who then dialogue and work together with other small communities. Nations therefore need be far less concerned with immigration policies aimed at protecting a unifying vision of the good than Biggar would have them be. Furthermore, the institutions and ideologies Biggar insists restrain sin have in fact been the perpetrators of much sin in history. This notion will be expanded upon in chapter two, but one need only a preliminary understanding of the cultural and institutional history of anti-Black racism in the United States, for example, to recall how this has been the case. Biggar tends to operate from an assumption that cultures and institutions are largely good, although they may from time to time perpetuate injustice and need to be corrected. Human history shows that much more suspicion of these systems is due. This disagreement comes down to a difference in views of sin. Biggar writes from a concern about individual sin which must be restrained. I am much more interested in structural sin which must be dismantled.

Biggar helps make clear the ways in which communitarian commitments and Christian anthropology interact and build upon each other. We turn now to Daniel G. Groody, a cosmopolitan thinker who exemplifies how this interaction differs when the commitments are cosmopolitan rather than communitarian. In particular, Groody's approach highlights the ways in which a cosmopolitan understanding of membership in a global community takes on particular meaning when paired with a Christian understanding of our ultimate citizenship in the Kingdom of God.

### 1.1.1 1.2.2. Daniel G. Groody

For Catholic priest and theologian Daniel G. Groody, C.S.C., it is perhaps most vital that we remember “migration is fundamentally about people.”<sup>131</sup> Behind every statistic, every study, every book and article are the actual human people who migrate, and Groody insists we must respond to migration with the humanity of migrants fully in focus. He is especially concerned because of the abundance of labels utilized within the field of migration studies (economic migrants, forced migrants, internally displaced people, etc.), which can be helpful categorizations but can also severely limit our vision. Throughout Groody’s writing we are repeatedly called to refocus and remember that “behind these labels, migrants often want to be recognized for more than their existential condition of physical displacement.”<sup>132</sup>

On top of the dehumanizing danger, physical difficulties, and lack of basic material necessities migrants endure, there is often also the experience of being viewed as less than human, and they report that this attack on their personhood is deeply painful. This can be the result of well-meaning categorizations that reduce them to a type of migrant or more malicious racist stereotypes promoted by those who wish to limit migration.<sup>133</sup> Groody responds to this dehumanization by calling us to ground the way we approach migration in the teaching that all people are made in the image of God. Because we are made in God’s image, Groody argues, we all possess an inherent dignity. For

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<sup>131</sup> Daniel G. Groody, “Migration: A Theological Vision,” in *Intersections of Religion and Migration: Issues at the Global Crossroads*, ed. Jennifer B. Saunders, Elena Fiddian-Qasmiyeh, and Susanna Snyder (New York: Pelgrave Macmillan, 2016), 225.

<sup>132</sup> *Ibid*, 229.

<sup>133</sup> *Ibid*, 230.

Groody this reveals something deeply important about people. It is not simply another category or label; it is a profound truth that gets at the heart of human nature, and because of this he argues that “defining all people in terms of their likeness to God provides a very different starting point for the discourse on migration and creates a very different trajectory for” the discussion.<sup>134</sup> His point is that a focus on human dignity can help us see behind all the categorizing labels and racist stereotypes to the reality of who migrants are as people made in God’s image, better situating us to respond to migration from a place of compassion.

Drawing on Catholic social teaching, which has insisted that respecting human dignity means that an economy must be measured by the effect it has on all people’s quality of life, Groody argues that a focus on human dignity will move us to judge immigration policies not by their economic or political costs but rather their human costs. Further, it calls us pay particular attention to the cost to those who are most vulnerable.<sup>135</sup> It is likely that most communitarians would ultimately agree with this prioritization of people and the costs they might endure, but as communitarians base their approach around a belief in the need for strong nation states in order to protect and promote human flourishing (as seen in Biggar’s analysis) communitarians and cosmopolitans are likely to weigh the human cost of policies differently. For example, a communitarian like Biggar might favor a strict border policy with a high potential cost to migrants on the basis that this policy will protect the nation’s stability, allowing it to contribute to the common good and promote the flourishing of its own people.

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<sup>134</sup> Groody, 230.

<sup>135</sup> *Ibid*, 230.

Groody's analysis is different. He recognizes that states have a right and a duty to control their borders and protect their people. However, he contends that this must go hand in hand with a proper acknowledgement of the demands of global solidarity rooted in an acknowledgement of the fundamental dignity of all human people. This means border control "must be addressed only after issues of distributive justice have been met, otherwise we end up looking at immigration as a problem itself rather than a symptom of deeper social imbalances which precipitate the movement of people."<sup>136</sup> This is a distinctly cosmopolitan move. Groody is not ignoring or discrediting the moral weight of nation states nor arguing that we do not have specific obligations to our more immediate neighbors. Rather, for cosmopolitans like Groody, our common human dignity means that we must begin with an acknowledgement of our duty and obligations to all people and work to ensure everyone's basic needs are met. Cosmopolitan ethics leads with a consideration of global justice, striving to ensure that we always give proper consideration to what is owed to all people before moving into the particular. Communitarians seek to secure and defend the rights and needs of local communities first and then consider who might rightfully be offered what is left.

Starting with human dignity leads Groody to emphasize the need for solidarity which reaches across borders rather than the more localized solidarity with which communitarians tend to be concerned. He argues that Christians ought to view national identities as valuable but proximate and move towards a recognition of our citizenship in the world to come, the Kingdom of God. He understands this to be profoundly counter-cultural, arguing that while globalization allows money and goods to cross borders with

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<sup>136</sup> Groody, 231.

ease, it is harder than ever for people to cross those same borders. Further, in addition to putting up walls along our borders, he writes that we have erected even larger walls in our hearts, walls which prevent us from seeing beyond our own interests and make it difficult to see and respond to the larger world of which we are a part. Bridging such divides, Groody writes, has been a Christian priority for centuries and was a part of Jesus' ministry.<sup>137</sup> Followers of Jesus are challenged to a new way of relating to people around them, one not based on social status, citizenship, or any other human category. A Christian approach to migration must highlight the ways in which we are fundamentally interconnected as humans. This should lead us to consider the common good of all people, not just our own interests. Citizenship in God's kingdom requires an open heart, and "such a perspective challenges especially those who exclude on the basis of superficial notions of private property, legal status, and personal or even national rights without any social, moral, or divine reference point, or any regard for the exigencies of distributive, contributive, and restorative justice that flow as a natural consequence from divine gratuity."<sup>138</sup>

Groody's emphasis on human dignity also influences his consideration of the legal questions surrounding migration, and in particular his response to undocumented migration. As will become more evident later in this chapter, communitarians concerned with the importance of strong nation states tend also to stress the importance of the rule of law and are therefore especially concerned with the illegality of undocumented migration. Groody concedes that undocumented immigrants break civil law, but he insists

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<sup>137</sup> Groody, 231-232.

<sup>138</sup> *Ibid*, 237.

that they are following a more important law: the law of human nature which calls them to such goods as providing for their families and affirming their inherent dignity. He believes understanding this will help us view undocumented immigration with more nuance by reminding us that migrants are not a problem, but rather people who have been put on the move as a result of social inequality and other global problems.<sup>139</sup> By resisting the criminalization of people seeking to live with the dignity proper to their nature, we can begin to empathize more and respond in ways that honor our common humanity. The strength of Groody's approach in comparison to Biggar's is that in framing migration in this way it offers a point of view much different from that upon which much of U.S. immigration policy has been built.<sup>140</sup> Seeing with fresh eyes may be a step towards effective and just immigration policies.

Goody's anthropological approach provides a sounder and more compelling basis for Christian thought on migration than Biggar's. We have a duty to consider what is owed to all people before we can consider more particular, local duties and rights. This is not to discredit the importance of what is owed in the local sphere, but rather a question of a basic ethical orientation. This dissertation grounds its discussion in a consideration of justice on a global scale and measures any proposals it makes against the demands of universal human dignity. Still, there are limitations to Groody's approach. In particular, it is not clear that human dignity sufficiently directs or assigns responsibility, leaving us with some understanding of what is owed to migrants but no real specifications about

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<sup>139</sup> Ibid, 233.

<sup>140</sup> It is worth noting that the point of view Groody is advocating, while counter to popular U.S. culture, is the standard viewpoint of Catholic Social Teaching.

who owes what to whom. Chapters two and three will draw on the work of William O'Neill and Tisha Rajendra to expand on this claim.

Biggar and Groody provide helpful examples of how communitarian and cosmopolitan concerns and commitments can be embedded within explicitly Christian worldviews. The following section moves to a consideration of the relationship between these philosophical frameworks and Christian views of the state.

### **1.3 CHRISTIAN VIEWS ON THE STATE**

Having examined the ways in which Christian communitarians and cosmopolitans frame their commitments in Christian language and situate them within Christian systems of belief, we turn now to a more explicit consideration of the relationship between the political and religious commitments of each framework. In order to do so, this section explores the proper role of the state in a Christian worldview according to two divergent Christian thinkers.

#### **1.3.1 Mark Amstutz**

Evangelical political scientist Mark Amstutz is in many ways a quintessential communitarian, particularly in his views on the role of the state and how it relates to Christian values. In *Just Immigration: American Policy in Christian Perspective* he

labels his perspective as a realistic one.<sup>141</sup> He seeks not to put forth abstract or idealistic theories about how the world ought to be or what the details of a truly just immigration system would be. Rather he is interested in examining U.S. policy from a communitarian perspective in which the present nation-state system is understood as normative.<sup>142</sup>

While he calls U.S. policy generous and inclusive, and appreciates that it prioritizes families, protects due process, and manifests special concern for those who have been abused and persecuted,<sup>143</sup> he also acknowledges that U.S. policy has many limitations, both in its features and its application. Among his frustrations with the system Amstutz lists the potential for “chain migration” encouraged by family-based visas, insufficiently secure borders, inconsistency in policy and practice at the federal and state levels, failure to keep closer tabs on visitors who may later overstay their visas, and an overabundance of judicial discretion which causes inconsistency that undermines immigration law and the very rule of law itself.<sup>144</sup>

Amstutz is especially concerned with undocumented immigration. He outlines the negative effects he sees resulting from unauthorized border crossing: First, the creation of a class of people living in the shadows of the United States causes divisions in our society. Second, the presence of undocumented people “creates the temptation for employers to exploit them and even abuse their basic rights.”<sup>145</sup> Third, while he

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<sup>141</sup> Amstutz self-identifies as a realist. I use the term here and throughout this chapter because it is the terms he uses for himself. While acknowledging that this term has a more complicated and specific definition within political philosophy, this is not how I am using it here. See Mark Amstutz, *Just Immigration: American Policy in Christian Perspective* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2017), 15.

<sup>142</sup> *Ibid*, 15.

<sup>143</sup> Amstutz, *Just Immigration*, 52-58.

<sup>144</sup> *Ibid*, 58-67.

<sup>145</sup> *Ibid*, 67. This placement of the blame for exploitation on the shoulders of undocumented workers because they “create temptation” is a striking move, and one with which this dissertation is adamantly

acknowledges that the economic effect of undocumented immigration is contested, he argues that undocumented workers depress the wages of all U.S. workers. Relatedly, his fourth concern is that undocumented immigration increases economic inequality more broadly. Fifth, he insists that undocumented immigration contributes to the creation of broken families because “mixed-status families” risk family separation through the deportation of one or more members.<sup>146</sup> Finally, Amstutz argues that “unlawful migration nurtures further illegality,” because undocumented migrants rely on fraudulent documentation to live and work in the United States and because “society becomes accustomed to unlawful behavior, thereby undermining the rule of law.”<sup>147</sup>

Upholding the rule of law is primary for Amstutz. Like Biggar, he is deeply concerned about the ways human communal life is prone to conflict, and how greed and sin undermine the common good. Citing Romans 13, he argues that our sinful reality renders the coercive power of the state necessary to ensure justice and the protection and advancement of human rights.<sup>148</sup> In order to achieve this, governments must maintain a strong and enforceable rule of law. Preserving the sovereignty of nation states therefore becomes important for Amstutz because it is the sovereign state that has the coercive power necessary to enforce the laws that protect these rights. Without the systems and laws that protect sovereignty, Amstutz argues, states cease to exist, and without the state, it is not possible to enforce laws. If laws are unenforceable, human rights cannot be

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opposed. The responsibility should be on employers to resist the temptation to exploit workers, not on workers to limit the temptation.

<sup>146</sup> Ibid, 67-69. Again, this places the blame on migrants where we should instead condemn the policies that would separate families in this way.

<sup>147</sup> Amstutz, *Just Immigration*, 69.

<sup>148</sup> Amstutz, “Two Theories of Immigration,” *First Things: A Monthly Journal of Religion and Public Life* no. 258 (2015), <https://www.firstthings.com/article/2015/12/two-theories-of-immigration>.

protected.<sup>149</sup> In support of this claim, Amstutz points to the current situation of migration into Europe, in which most migrants are refugees fleeing conflict. These refugees, he argues, are “victims of failed states—a reminder of the importance of well governed societies for any global system of justice.”<sup>150</sup> This placing of responsibility solely on the failure of individual nation states to provide their citizens with rights and dignity belies the global dynamics that drive migration and ignores the fact that nations do not become “failed states” alone in a vacuum (as will be explored in detail in chapter two). Amstutz would do well to acknowledge the role “stable” nations have played in destabilizing these “failed states.” Any attempt to address migration without a consideration of these complex dynamics remains insufficient and irresponsible. Furthermore, Amstutz’s argument that undocumented immigration threatens the rule of law in any dire way remains unpersuasive. The notion that any sort of illegal activity necessarily breaks down the rule of law does human rationality a disservice. Humans are capable of distinguishing between different types of law breaking and navigating when it is and is not appropriate to break the rules, particularly if they are given the tools to do so rather than encouraged to follow the law, full stop. People have been breaking laws with regularity for years and it has not yet led to mass chaos or the breakdown of civil society.<sup>151</sup> There is no reason to assume that undocumented immigration and the crimes related to living as an

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<sup>149</sup> Amstutz, *Just Immigration*, 104.

<sup>150</sup> Amstutz, “Two Theories of Immigration.”

<sup>151</sup> We might think, for example, about the traffic laws broken by people every day (speeding, rolling stops, failure to use a blinker). While many people break these laws, U.S. roads have not descended into chaos, and a general sense of order still exists on the roads. The normalcy of speeding has not, by and large, resulted in a shared sense that people may drive on whatever side of the road they want, allow their unlicensed children to drive, or disregard traffic lights. Society has mostly been able to identify when traffic laws may be broken (driving 70 mph on a highway when the speed limit is 60 mph) and when they ought not be (allowing a ten-year-old child to drive on that same highway). We are able to see the difference between these two situations and act accordingly.

undocumented person are somehow a worse case of illegal activity that will fundamentally alter the ability of a nation to maintain the peace.<sup>152</sup>

Amstutz also argues for the important role sovereign states play in emphasizing the bonds of communal solidarity among citizens, which enhance human dignity, and for the ways in which the global nation-state system has created the conditions that allow for international cooperation towards human flourishing and against injustice.<sup>153</sup> The events of history that make many wary of nationalism, he argues, are actually often the result of an insufficient respect for national sovereignty. Nazism, for example, was an imperial project “that refused to recognize the sovereignty of non-Germanic peoples.”<sup>154</sup> That Nazism was also a failure of a nation to take care of its own people, instead utilizing the coercive rule of law to systematically marginalize and massacre millions of people, German and otherwise, does not factor significantly into Amstutz analysis.

Unlike Biggar, who disputes Christian cosmopolitanism in order to craft his argument for the legitimacy of nations, Amstutz argues that “there can be no doubt that Christianity’s moral and evangelical universalism accords with many aspects of the cosmopolitan perspective.” He simply insists that while this may be the case, cosmopolitanism provides an insufficient basis upon which to build an immigration policy. He contends that for all that cosmopolitan idealism reminds us of important Christian values, it fails in that it overemphasizes the idea of common membership in a

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<sup>152</sup> Chapter two will address the ways the rule of law has been used to support and protect the interest of some people at the expense of others. It will also address the way that it has at times itself led to illegal activity. Groody’s appeal to the law of human nature is helpful here. When systems of law and order leave insufficient space for people to live with basic dignity, sometimes they must turn to less-than-legal avenues in order to assert their basic rights.

<sup>153</sup> Amstutz, “Two Theories of Immigration.”

<sup>154</sup> Amstutz, “Two Theories of Immigration.”

human community to the detriment of the important bonds that are meant to create fidelity and solidarity to the local and national community. He also accuses cosmopolitanism of doing too little to ensure obedience to the law and the rendering unto Caesar what is rightfully Caesar's. Without these communal bonds and an enforceable rule of law, humans cannot properly flourish and reach the potential of their God-given gifts and talents. For Amstutz, the analyses of many ecclesial bodies in the United States fall short because they do not give the state its due or acknowledge its importance in advancing human rights. He notes, "it may be easier for religious idealists to simply consider a utopian world where sovereignty is replaced by global governance. But simply moralizing about the injustices of contemporary migration is insufficient."<sup>155</sup> Amstutz argues that a Christian approach to migration must therefore include the right of the state to regulate membership and enforce laws, or we risk the breakdown of much of what holds society together and reins in human sin. Cosmopolitan ideals are incapable of being the basis for a sound and functioning immigration system, and thus Christians must include in their analysis of immigration the communitarian understanding of the political community as necessary for the advancement of human rights and general wellbeing.<sup>156</sup>

For Amstutz, Christianity is a religion and not an "ideology," meaning that it is concerned primarily with the meaning of life and not with issues of a socio-political nature. Membership in the city of God has implications for life in the earthly city, but Christianity has no ready-made solutions to problems or answers to questions in the political sphere.<sup>157</sup> This understanding of the relationship between Christian faith and the

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<sup>155</sup> Amstutz, *Just Immigration*, 238.

<sup>156</sup> Amstutz, *Just Immigration*, 102-109.

<sup>157</sup> *Ibid*, 110.

law influences Amstutz's approach to scripture. For Amstutz scripture is not a manual for navigating the political or economic spheres. While it contains principles that can help direct our approach, such as the call to be compassionate or to treat strangers kindly, these principles cannot be translated into policy proposals or directives.<sup>158</sup> Christians who want to have influence on the immigration debate ought to spend less time advocating policy proposals and more time on the moral formation and education of believers. Christians can participate in the improvement of policy, "but rather than telling public officials what policies to pursue, the task of the church is to help structure the ethical analysis of international migration."<sup>159</sup> For Amstutz, Christian communities are called to influence the moral imagination of the nation, not create policy. This is an interesting conclusion, as in my estimation much of his "realist" approach is more about conceding to prevailing political paradigms rather than restructuring our ethical analysis or reshaping our moral imagination. This risks leaving too little space for Christianity to have any substantial role in the national conversation.

Amstutz approach is not without strengths. His willingness to acknowledge the insights of both communitarianism and cosmopolitanism and his attempt to wrestle with the difficulty and tension inherent in trying to bring Christian beliefs to bear on matters of the state make him preferable to Biggar, who takes a much harder line against cosmopolitanism in order to make his case for a communitarian approach to nation states. There are, however, two major pitfalls of Amstutz's approach. First, the idea that communitarians hold the monopoly on a "realist approach" to the political sphere is

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<sup>158</sup> Ibid, 132-133.

<sup>159</sup> Ibid, 239.

questionable. Thinkers like Amstutz ground their arguments more in how the nation-state system is *supposed* to work than in how it actually functions. Ideally, perhaps, nations foster communal solidarity amongst their citizens and create the conditions for global cooperation, but do they function this way in practice? Particularly in regard to migration, the communitarian emphasis on sovereign nations does not appear capable of actually responding to the realities of global migration today, for all that their critiques of cosmopolitanism as too idealistic may be warranted. This will be addressed in more depth in chapter two. For now, it is sufficient to assert that approaches like Amstutz's fail to address the very real, boundary-crossing dynamics that already characterize the world and are largely unable to account for the ways in which the systems they seek to protect and uphold have been the very systems crossing borders with impunity and shaping the migration patterns that threaten them.<sup>160</sup>

Second, communitarians like Amstutz give significant weight to the rule of law and the systems meant to promote human flourishing and protect human rights. Again, this may be the intention behind systems of government, but in practice these systems often fail in this goal. Worse, this failure has historically not only been a problem of effectiveness but an actual function of the way these systems have been designed. Communitarians like Amstutz put too much stake in systems that have not served everyone equally and have often served some at the direct expense of others, systems that have systematically oppressed people. This systematic oppression of peoples is directly tied to the reasons people migrate, a reality with which communitarianism has yet to offer a sufficient reckoning.

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<sup>160</sup> See Heyer, 110.

### 1.3.2 Robert Heimburger

Evangelical Anglican theologian Robert Heimburger offers an account of Christian political theology that differs helpfully in both emphasis and conclusions from Amstutz's. Heimburger begins by establishing that the distribution of rights based on a distinction between aliens and citizens is a relatively new idea in human history and is therefore not an eternal concept and we are not bound to maintain it. The possibility of alternative ways of ordering life and distributing rights and goods thus becomes open to us.<sup>161</sup> From here, he moves to explore how as Christians we ought to begin rethinking our relationship with people who are not citizens of our nation. He argues that being a part of a specific people or nation is a God-given good, and that fidelity to that people is natural and right, but that our ultimate or most foundational belonging is not tied to these groups. This means we must first and foremost see those from other nations as human beings, to whom we are connected. We understand our identity as a member of a group rightly when it is properly prioritized and not considered our ultimate belonging.<sup>162</sup> We can see echoes of Nussbaum in this approach. Heimburger looks to Paul as an example of this, noting that Paul holds his Jewishness in such a way that it is not overbearing or domineering. It does not force itself on others, but rather allows Paul to maintain the space necessary to be open to and receive others.<sup>163</sup> Learning to understand our own

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<sup>161</sup> Robert Heimburger, *God and the Illegal Alien* (Cambridge, UK: Cambridge University Press, 2018), 25-44.

<sup>162</sup> Heimburger, 45-53.

<sup>163</sup> *Ibid*, 57.

identities in this way is how we can begin to re-envision our relationship to those from other places and groups.

Heimburger argues that one of the biggest problems with the U.S. immigration system is the government's power to exclude and deport is largely unchecked. Any true tie between U.S. law and a larger moral framework or outside standard of justice has been severed. It is basically up to the nation to decide what is right and just, and to judge for itself what it ought to do. National interests drive the laws, and any true consideration of justice is rendered toothless and unbinding.<sup>164</sup> In response to this, Heimburger seeks a Christian theology of governmental authority. He examines the degree to which the guarding of place (a nation's right to protect its borders) is compatible with Christian values and understanding of land possession. An exploration of scripture, specifically Israel's relationship to the land they inhabited as God-given, reveals that the land, because it was a God given gift and not a right, came with obligations. Among those obligations was the necessity of governing justly, based on what had been revealed to the people about God and God's vision for the world. Failure to fulfill this obligation, in other words to rule contrary to a God-given standard of justice, is to risk being dispossessed of the land by God. Biblically speaking, then, guarding the land is or can be good, but it must be limited by the judgment of God and paired with just governance.<sup>165</sup>

By this standard, Heimburger argues that the United States' unchecked power to exclude and deport based on its own definitions of justice is incompatible with a Christian worldview. For the United States, Heimburger argues that this definition of

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<sup>164</sup> Ibid, 86-94.

<sup>165</sup> Heimburger, 95-146.

justice has largely meant an emphasis on shoring up national interests and defending the nation against perceived threats.<sup>166</sup> The Christian worldview that Heimburger draws from scripture looks a lot different. Heimburger looks at the laws God gives the people of Israel in the Hebrew Bible, laws which emphasize the importance of providing legal protections for vulnerable people and which explicitly include fair treatment of migrants. He also considers the New Testament, turning particularly to the parable of the Good Samaritan from which he gathers that mercy is meant to be extended in concrete situations to those who we encounter, that concern must extend beyond our own “in-group,” and that justice must always respond to concrete reality, not abstract norms.<sup>167</sup> This is the understanding of justice against which Heimburger argues nations ought to be measured. Those who do not measure up, he warns, risk losing their claim to the land.<sup>168</sup>

Heimburger concludes with an examination of the history of Mexican migration to the United States which highlights the ways in which he sees his account of a theology of politics influencing immigration reform. The United States is linked to Mexico “not only by geography but by war, trade, and migration,”<sup>169</sup> and as such it ought to be understood that these two nations have a particular and special relationship. In the 1960s, politicians driven by abstract notions of equality amended earlier immigration quota systems so that countries in the Western Hemisphere would receive the same immigration caps as those in the Eastern Hemisphere. This change ignored the proximity of Mexico, both geographically and historically: historically, shifting and porous borders and a

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<sup>166</sup> Ibid, 72-94.

<sup>167</sup> Ibid, 191-197.

<sup>168</sup> Ibid, 124.

<sup>169</sup> Heimburger, 163.

consistent U.S. need for cheap labor created and sustained migration patterns that far exceeded the quotas suddenly placed on Mexico. Furthermore, in the decades following this shift, there have been significant moves attempting to crack down on undocumented border crossings, which have failed to decrease immigration to the United States from Mexico and rather fostered the creation of a shadow class of undocumented Mexican workers upon whom the United States relies economically. Citizens of these nations are thus intimately and permanently tied together, a fact which U.S. policy fails to recognize. By Heimburger's analysis, U.S. citizens have been and continue to be negligent and even oppressive neighbors to Mexico.<sup>170</sup>

Judging the United States by the standard of God's justice he has articulated, Heimburger argues, leads us away from abstract considerations of migration and justice and into concrete considerations of the migrants already in our midst and how we are called to be neighborly to them. Duties to protect and meet the needs of the citizens of our nation are put in perspective by the reminder that mercy and justice cannot be reserved only for the in-group. We owe justice to all we encounter. Heimburger ultimately argues that we ought to legally recognize the undocumented immigrants already in the United States, deeply part of our communities and functioning as members of our society. This recognition should include an extension of legal residence. He also writes that we would do well to learn from our failings and work towards immigration policies that recognize and reflect our special relationship with Mexico and will therefore help to avoid the creation of a future undocumented underclass.<sup>171</sup>

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<sup>170</sup> Ibid 149-178.

<sup>171</sup> Heimburger, 197-216.

Heimbürger's interest in unpacking the historical relationship between the United States and Mexico and bringing it to bear upon migration ethics is well placed, and will be expanded upon in chapter two. Furthermore, his work to root land ownership in obligations to biblical justice is a helpful counter to communitarian adherence to the status quo. His methodological approach, however, gives rise to several concerns. Naming the land as God-given is an important way to nuance our relationship to the land we inhabit and to remind us that this land comes with responsibilities, but it cannot be ignored that the same passages Heimbürger cites have been used to support the idea of a God-given right to land which has served as the theological underpinning of horrific imperialist projects. Particularly in the United States, where the very right of this nation to inhabit and control this land has been predicated on the idea that we had or have a divine right to it, we must be careful not to give tacit support to this colonialist reading of scripture. This problem of scripture and its use to support the Doctrine of Discovery and Manifest Destiny will be addressed in chapter two. Heimbürger would do well to acknowledge this history. Further, his position, at a basic level, takes for granted that the United States has a right to this land at all, an idea this dissertation seeks to unpack. As later chapters will argue in more detail, we must continue to work actively to decolonize our ways of thinking in order to adequately address migration in the United States. Heimbürger makes important strides, but there is work still to be done in the area of land rights and migration ethics.

This section has highlighted the ways in which Christian views of the state relate to communitarian and cosmopolitan frameworks. Although there is variance within the frameworks, Amstutz and Biggar are helpful in that they illuminate the way

communitarians, in general, seek to protect the state's role in reigning in sin and to limit the scope of the church in the realm of politics, while cosmopolitans, in general, tend to be concerned with articulating the responsibilities states have because of their power and their history. The next section turns to examine the ways communitarian and cosmopolitan approaches to the relationship between scripture and migration ethics differ.

## **1.4 THE LAW AND SCRIPTURE**

Communitarian and cosmopolitan thinkers also tend to take distinct approaches to their reading and application of scripture. These differences in approach have to a degree been evident in the four Christian scholars already explored in this chapter, each of whom turn to the Bible at some point in their consideration of migration. However, a fuller exploration of how communitarians and cosmopolitans approach scripture is warranted, as it helps to make clear the differences between each framework. Therefore, we turn now to two Biblical scholars, one from each perspective, in order to flesh out the differences in their approaches. In particular, this section explores the different ways each thinker wrestles with what the Bible teaches about law and what that means for how Christians ought to live and act in relation to modern legal systems. First, however, a brief exploration of how the Bible functions in Christian ethics is necessary.

### **1.4.1 The Bible as a Grounding Source**

How one reads the Bible as a source for ethical insights will have a significant impact on the conclusions to which one comes. Christians come to such varied conclusions on ethical topics in part because they utilize different methods for interpreting scripture and applying it to moral and ethical formation.<sup>172</sup> Being conscious of our own hermeneutical lenses and how they shape our understanding of scripture can help all people of faith more clearly define the relationship between the Bible and their moral lives. It can also help us more clearly understand one another, a key component of any successful discourse. In reading scripture as an ethical source, therefore, this dissertation holds that two important points must ground our approach. First, a presupposition that “the Bible is somehow formative and normative for Christian ethics.”<sup>173</sup> However it is read and interpreted, the Bible remains a central component of Christian life. It is proper to say that it holds a normative and formative function for Christian life and Christian ethics. It contains the foundational story (or stories) out of which the Christian tradition has formed. It is that to which Christians have consistently returned throughout history.<sup>174</sup> To be Christian is to be formed in relation to the Bible in some important way. Second, however, it cannot be said that Christian ethics and Biblical ethics are or should be synonymous.<sup>175</sup> It will be worthwhile to expand briefly on this second point.

To say that biblical ethics and Christian ethics are not synonymous is to take seriously the reality that the Bible is a contextual text. More precisely, the Bible is a

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<sup>172</sup> William C. Spohn, *What Are They Saying About Scripture and Ethics* (New York: Paulist Press, 1984), 129.

<sup>173</sup> Bruce Birch, Jacqueline E. Lapsley, Cynthia Moe-Lobeda, and Larry L. Rasmussen, *Bible and Ethics in the Christian Life* (Minneapolis Minnesota: Fortress Press, 2018), 3.

<sup>174</sup> *Ibid*, 10-11.

<sup>175</sup> Birch, et al., 3.

series of contextual texts, written by communities with needs and concerns both similar to and very different from those faced by contemporary societies. The modern world faces moral dilemmas the writers of scripture could never have conceived of. Furthermore, when they did face issues we still face today, the context was often entirely different. For example, hunger and starvation were experienced in much the same way by biblical communities as they are now. Addressing the causes, however, looks very different now, when access, not availability, is the key driver of hunger.<sup>176</sup> Poverty and hunger in the modern world are caused by “a set of local, regional, and international arrangements of trade, finance, and economic and political realities more complex and far-reaching than people of the biblical world could have imagined.”<sup>177</sup> Biblical insights into hunger, therefore, cannot be applied in a simplistic, straightforward fashion and be expected to adequately inform our contemporary approach to ending hunger.

Moreover, the various texts that make up the Bible do not originate out of or speak to a unified community voice. They arise out of particular communities at particular times. Sometimes, the texts likely represent a majority position, such as what is found in the Decalogue, and other times they represent a minority voice calling out problems seen in the popular majority, as with prophets like Jeremiah. Even the sayings and life of Jesus are only accessible to readers as they are mediated through the concerns of early Christian communities, for whom the Gospels were written. The Bible, taken as a whole, contains “agreements, tensions, continuities, [and] contradiction”<sup>178</sup> These texts are in conversation with each other, but they cannot be said to offer a unified vision of the

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<sup>176</sup> Ibid, 6-8.

<sup>177</sup> Ibid, 8.

<sup>178</sup> Birch, et al., 4-6.

human life well lived out of which we might base our ethical decision-making today. The goal in reading these texts, therefore, cannot be “to replicate any of those contexts in our own response” to ethical dilemmas, but rather “to allow these witnesses to all inform the moral context, choices, and actions of those who read these testimonies as scripture.”<sup>179</sup>

Christians affirm that God has made Godself present in history, most fully in the person of Jesus. We affirm this as an ongoing reality. God speaks into and is present in the concrete situations of human life today just as much as God was in biblical times. The Bible is made up of community responses to and interpretation of their experiences of God’s will and intention. They were not written as timeless moral truths to be applied in any context.<sup>180</sup> They provide helpful insights into how those who have come before understood the voice of God and applied that to their moral decisions, but “such ancient moral testimony cannot be torn from its moorings and simply applied to modern moral challenges as if God had ceased to act and reveal the divine self with the end of the biblical period.”<sup>181</sup>

The theologians in this section exemplify two different approaches to the task of reading the Bible as a grounding ethical source. The tension between the necessity of understanding the Bible as a formative and normative source and distinguishing Biblical ethics from Christian ethics will serve as a lens by which to judge their approaches. Beyond this basic framing, however, we must also briefly consider methodology. William Spohn has argued that the spectrum of methodological approaches to the role of the Bible in ethics span from a fundamentalist view of scripture as a book of rules

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<sup>179</sup> Ibid, 6.

<sup>180</sup> Ibid, 8-9.

<sup>181</sup> Ibid, 9.

commanded by God to the belief that scripture holds no authority at all for contemporary people.<sup>182</sup> Taking the Bible seriously as a formative and normative source means the latter is not an acceptable approach, but properly separating biblical ethics and Christian ethics also means rejecting the fundamentalist approach. Elsewhere Spohn helpfully suggests that the Bible's role as a source for ethics is illuminative rather than directly prescriptive. By this he means that the stories recorded in the Bible should help form us as moral agents by instilling certain values and opening us up to possibilities and ways of thinking that our dominant cultures might not.<sup>183</sup> This dissertation affirms Spohn's illuminative approach. The theologians profiled below will therefore also be critiqued based on this methodological approach.

#### **1.4.2 James K. Hoffmeier**

Evangelical bible scholar James K. Hoffmeier roots his response to immigration in Romans 13. While as far as I am aware, he does not label himself a communitarian (his approach is simply "biblical"), his assumptions about and deference to the existing legal status quo situate him firmly within this framework. An immigrant himself, Hoffmeier begins *The Immigration Crisis* with an anecdote about a fellow church-goer named George who sought his counsel when he overstayed his visitor's visa in Canada and feared deportation. George needed to leave the country to apply for a new immigration status, but was concerned he would not get back in if he left. Hoffmeier counseled

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<sup>182</sup> Spohn, *What Are They Saying About Scripture and Ethics*, 6-7. This entire book provides a thorough and helpful consideration of six different approaches to the relationship between scripture and ethics.

<sup>183</sup> William C. Spohn, *Go and Do Likewise: Jesus and Ethics* (New York: Continuum, 1999), 100-108.

George to “do what was right and legal and trust that things would work out for him,” meaning he should leave and apply for landed status (similar to a green card in the United States) from outside of Canada. It was over ten years later that Hoffmeier found out George had taken his advice and was successful in gaining legal residence in Canada.<sup>184</sup> It is worth noting that the likelihood of a similar “success” story in the United States is limited, particularly in recent years. Immigrants already in the United States without documentation, whether because they overstayed their visas or crossed the border without authorization, have few means of gaining legal status. Often lacking “the necessary family or employment relationships and often [unable to] access humanitarian protection, such as refugee or asylum status,” many simply cannot qualify for the visas they would need to stay.<sup>185</sup> Even for those who would qualify, applying for legalized status would necessitate leaving the country, as George did. Once they leave, the fact that these migrants were “out of status” in the United States can result in their being barred from applying for legal status for three to ten years.<sup>186</sup> Add to this the fact that immigration quotas have created massive backlogs in green card applications that can leave people waiting decades to have their application processed and approved, and Hoffmeier’s advice to George becomes increasingly less tenable.

Furthermore, Hoffmeier offers no clues as to what leaving Canada looked like in practice for George. It is not clear if he returned to his home country or went to a third country in order to apply for landed status, nor does Hoffmeier detail what sort of risks

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<sup>184</sup> James Hoffmeier, *The Immigration Crisis: Immigrants, Aliens, and the Bible* (Wheaton IL: Crossway Publishing, 2009), 15.

<sup>185</sup> “Why Don’t They Just Get in Line? There Is No Line for Many Unauthorized Immigrants,” American Immigration Council, October 1, 2019, accessed November 12, 2019, <https://www.americanimmigrationcouncil.org/research/why-don't-they-just-get-line>.

<sup>186</sup> *Ibid.*

George undertook in leaving. We do not know what George left behind in Canada (family, economic security, safety, community, etc.), what was waiting for him in the country he left Canada for, nor whether these details factored into the advice Hoffmeier offered. What is clear is that the insufficiencies of Hoffmeier's default approach have already begun to emerge. His commitment to law and order lacks sufficient contextualization, a problem that will grow more evident throughout this section.

Hoffmeier writes out of concern that "various communities, human rights organizations, and churches are appealing to teachings, laws, principles, and practices from the Bible or are quoting Scripture as the basis for the positions they advocate regarding immigration and the treatment of illegal aliens."<sup>187</sup> He worries that while well-meaning, these actors lack a sufficient understanding of what the Bible actually has to say regarding immigration and a sound hermeneutical lens for reading scripture in its proper context.<sup>188</sup> As a corrective, Hoffmeier works his way through all the passages in scripture he finds to be most relevant to immigration in order to ascertain what a biblically sound approach to immigration ought to include.

He begins by noting that very early on in scripture clearly defined nations with explicit borders can be identified, that these borders and boundaries are taken seriously, and that national sovereignty is respected.<sup>189</sup> He draws connections between then and now, arguing that ancient Egypt was a "land of opportunity" not dissimilar to modern America<sup>190</sup> and that the attitudes of most countries today are by and large the same as that

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<sup>187</sup> Hoffmeier, 21-23.

<sup>188</sup> Ibid, 21-23.

<sup>189</sup> Ibid, 29-32.

<sup>190</sup> Hoffmeier, 38.

of the Egyptians in biblical times: “not anti-immigrant or against foreigners per se...but they did want their sovereignty respected and their borders protected, and they wanted to control who entered their land and why.”<sup>191</sup> For Hoffmeier, Abraham’s interactions with the Egyptians model how outsiders should respect and accommodate a host culture,<sup>192</sup> and Joseph is evidence that foreigners with education and talent were able to get ahead in Egyptian society and even hold important offices, provided they sufficiently assimilated to the culture.<sup>193</sup> He also notes that despite Joseph’s high position, he and his brothers still seek formal permission to move their families into Egypt.<sup>194</sup> They follow the rules and customs of their host nation. Hoffmeier later argues that the law not only called Israelites to treat the (legal) aliens in their midst with equity and justice, but also that these foreigners had obligations as well, namely that they were subject to the same rules and regulations as native-born members of the community, and that they could not pick and choose which social laws to obey and follow, regardless of their native culture, if they wanted to retain good standing in the community they had entered.<sup>195</sup> For Hoffmeier, it is true that “God wanted aliens to be recipients of his salvation,” but only “provided they followed the provisions laid out in the law for their incorporation into the community of Israel.”<sup>196</sup> This emphasis on immigrants following the legal procedures of and assimilating to the culture in their host countries is characteristic of Hoffmeier’s approach.

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<sup>191</sup> Ibid, 43.

<sup>192</sup> Ibid, 48.

<sup>193</sup> Ibid, 46, 57.

<sup>194</sup> Ibid, 55, 57.

<sup>195</sup> Ibid, 76-78.

<sup>196</sup> Ibid, 111-112.

Hoffmeier also studies the language used for various migrants and foreigners in the Hebrew Scriptures. The Hebrew noun *ger*, derived from the verb *gwr*, “to sojourn,” is often translated “alien,” or “foreigner.” Hoffmeier argues that “foreigner” is too vague a translation, and also shows that Scripture uses other words such as *nekhar* to denote those who are simply foreign. Therefore, he concludes that *ger* and *nekhar* refer to two different classifications of people. This is important for Hoffmeier because advocates for undocumented immigrants often use passages about *ger* to support their positions. He argues that this is only valid if the word *ger* can be said to apply to immigrants with any legal standing or lack thereof. He finds that the word *ger* is often used together with the word *toshav*, or “resident,” and the legal protections and benefits provided to *ger* in the Law that are not provided to *nekhar*.<sup>197</sup> Furthermore, during the forty years they spent in the Sinai region, the Israelites did not refer to themselves as *ger*, indicating that though they were landless refugees, they did not understand themselves to be the same as *ger* because the land that they were inhabiting was not a formally demarcated territory controlled by an established political authority.<sup>198</sup> Hoffmeier therefore concludes that in the Hebrew scriptures, *ger* refers to those who were *legal* resident aliens who entered Israel through established procedures. Passages which call for certain treatment of *ger* are therefore, in his view, only relevant to our treatment of legal immigrants today and do not have any bearing on the discussion of undocumented immigration.<sup>199</sup> According to Hoffmeier’s reading then, passages such as Leviticus 19:33, in which Israel is called to

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<sup>197</sup> Hoffmeier, 48-51, 73.

<sup>198</sup> Ibid, 66-67.

<sup>199</sup> Ibid, 48-52, 73.

treat the strangers among them as citizens, are improperly used when cited to support the protection of undocumented immigrants:

Israel received the moral mandate to love aliens who lived in Israel and not to oppress them. This principle is extended in the legal sphere where there was to be equal treatment under the Law. No legal bias toward the alien was acceptable. I would argue that we in the West, therefore, should demand no less of our legal system. Biblical law made provisions for the alien to receive the same social benefits, such as gleaning rights, that were offered to other needy people in Israel. This humanitarian element suggests that our state and federal governments should treat the *legal* alien in the same manner as it does citizens.<sup>200</sup>

According to Hoffmeier, the biblical standard for justice is rooted in and based on the Law.<sup>201</sup> Based on his read of the text, justice very nearly becomes synonymous with following the law. That relating justice and law so closely might mean we must also consider what the law owes to justice or how the laws of a nation ought to be based in justice does not appear to be as much of a concern. His goal is to show that scripture supports and upholds the law, and so he uses scripture as evidence of this principle. For example, he notes that while in exile the people of God are “encouraged to promote “peace and prosperity” (*shalom*) in Babylon,” a principle of which Daniel is an exemplar in that he chose not to oppose his situation in Nebuchadnezzar’s court but rather worked hard “in a positive and constructive manner” that benefitted himself, his people, and Babylon.<sup>202</sup> Hoffmeier insists that modern immigrants should follow this advice, for if their host country prospers so will they.<sup>203</sup> Social and political insurrection should thus be avoided in favor of promoting *shalom*.<sup>204</sup> That Daniel also quite famously breaks

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<sup>200</sup> Hoffmeier, 96 (emphasis mine).

<sup>201</sup> Ibid, 114-122.

<sup>202</sup> Ibid, 127-128.

<sup>203</sup> I am not convinced that this is an accurate assessment. Chapter two will explore some of the ways in which this notion that a nation’s prosperity will “trickle down” to migrants is suspect.

<sup>204</sup> Hoffmeier, 128.

Babylonian law and social customs appears to have no bearing on Hoffmeier's analysis, as he makes no mention of it.

Hoffmeier notes that in the New Testament, immigration receives no direct teaching or laws. Jesus and his family were refugees for a few years in Egypt (though “undoubtedly” Joseph asked permission before entering Egypt),<sup>205</sup> but little else is said. Instead, Hoffmeier articulates how Christians developed a sense of being aliens on earth with no true homeland because they are citizens of the Kingdom of God. This “dual citizenship” is something with which Christians must figure out how to cope.<sup>206</sup> What does being citizens of God's Kingdom mean for living in the world? Harsh as it may seem to our modern, western sensibilities, Hoffmeier insists that the Bible teaches that authority is based on God's will: God raises up and removes leaders. He argues that Jesus confirms this when he tells Pilate that he has no authority that does not come from God.<sup>207</sup> Paul's words in Roman 13 expand on this notion and begin to work out what this means practically for Christians. Hoffmeier is adamant that in this passage Christians are called to submit to the laws and to the authorities of the land in which they live, and that this is true even if the laws are unfair or inconvenient, or if we do not like them.<sup>208</sup> “Based on this clear instruction,” he concludes that “citizens and foreigners should be subject to a nation's laws, and this applies to immigration laws and how one enters a country and becomes a legal resident (or citizen.)”<sup>209</sup>

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<sup>205</sup> Hoffmeier, 133.

<sup>206</sup> Ibid, 139.

<sup>207</sup> Ibid, 141.

<sup>208</sup> Ibid, 140-144.

<sup>209</sup> Ibid, 142.

Hoffmeier will grant that there are some “clear” cases in which human law directly contradicts God’s law, and in such cases one may be called to break the law. For example, a medical professional may be called upon to perform an abortion but refuse on moral and religious grounds. This, for Hoffmeier, is a legitimate parting of ways with the laws of the land. For this principle to apply to immigration law, the laws would have to be inherently unjust based on Biblical standards of justice.<sup>210</sup> Hoffmeier concludes that U.S. immigration laws do not conflict with God’s laws, and as he finds “nothing in scripture that would abrogate current immigration laws,” the breaking of these laws must be understood as improper for Christians.<sup>211</sup> If “breaking immigration laws to improve one’s economic standard does not rise to the same moral level as a medical professional refusing to perform an abortion,”<sup>212</sup> as he argues it does not, then he finds no reason for Christians to support the breaking of these laws.

Hoffmeier does not go into detail about the difference he sees between these two scenarios. He seems to expect his readers to agree with him that abortion is unjust enough to necessitate the serious act of law-breaking. The reasons, it appears, are meant to be obvious.<sup>213</sup> Hoffmeier also offers no actual analysis of current U.S. immigration policy, nor a consideration of how it measures up to Biblical standards of justice, an analysis by which he might support his claim that current U.S. law is not opposed to scripture. It is apparently enough for him to show that the people in scripture had immigration laws and

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<sup>210</sup> Hoffmeier, 145.

<sup>211</sup> Ibid, 146.

<sup>212</sup> Ibid, 147.

<sup>213</sup> As contributor to and editor of a volume that has been called “a handbook for anti-abortion activists,” in which every author is purportedly “avidly pro-life,” and believes elective abortion to be “a heinous crime” and “outrageous social problem,” it is possible Hoffmeier simply expects serious people of faith to be in agreement on the issue. See Paul Simmons, "Hoffmeier, James K., Ed. "Abortion: A Christian Understanding and Response" (Book Review)" *A Journal of Church and State* 30, no. 3 (1988), 586.

expected them to be followed. For Hoffmeier, this makes it obvious that we are right to expect immigration laws to be followed today. This is an insufficient consideration of the relationships between scripture, law, and ethics, and it is irresponsible in that it proscribes a way of living in the world that has serious consequences for real people, consequences with which Hoffmeier has not sufficiently dealt or, it seems, even fully considered. Recall that he does not discuss any particulars of U.S. law or the impacts immigration policy has on people in practice before proclaiming it just. A more sufficient model for the relationship between scripture and ethics must take seriously the real differences between the contemporary world and the biblical world, and it must uphold a distinction between biblical ethics and Christian ethics.

Hoffmeier insists that his prioritization of law abiding need not mean we forgo compassion:

Some time ago I was approached on a Sunday morning by a couple of people at the entrance of the church where I have served as an elder for many years. They said they needed food, but the food pantry was closed. I opened my wallet and found a five dollar bill, which I gave to them, and they left. I did not ask about their residency status. Their need appeared to be genuine to me. If, however, they had said, “We need money or work, but we can’t find employment because we lack a temporary worker (H-1b) visa or a green card,” I would have tried to help them with their immediate need (food) while at the same time addressing their residence status. I would fall back on the advice I gave George over thirty years ago (see Preface): do what it takes to legalize your residency, even if it means leaving the country and applying for a H-1b visa or green card. If they were Christians I would remind them that Romans 13 is clear that “everyone must submit himself to the governing authorities.” In my view there is no need to drive a wedge between the New Testament’s teachings about being compassionate to people and the state’s responsibility to enforce its laws and provide for its citizens.<sup>214</sup>

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<sup>214</sup> Hoffmeier, 151.

Christians are of course called to be compassionate, he argues, especially to people in need, but we are also bound to respect the law and submit to authority because it is ordained by God. According to Hoffmeier, this means that Christians must therefore take stances on immigration that uphold the law, and ought to encourage others to do the same.<sup>215</sup> The notion that we can be compassionate without attending to the ways in which people are systematically oppressed by the laws and institutions of our nation is deeply flawed. There is no such thing as compassion separate from justice.

Hoffmeier's reading of scripture comes across as strikingly one-dimensional. Taking a fundamentalist, "command of God" approach,<sup>216</sup> he almost entirely collapses the distinction between the ethics of particular biblical communities (as he understands them) and Christian ethics, largely takes the text at face value, and rarely digs deeper to ask how it properly applies to modern questions. He seems at times to simply avoid those passages of scripture, details in the text, or further questions that might undermine his conclusions, choosing instead the passages that best support his commitment to the law. Not all communitarians take quite such a literalist approach or draw such direct lines between migration and border enforcement practices in scripture and their analyses of modern policy. Amstutz, recall, is wary of using the Bible as a manual,<sup>217</sup> and would probably take issue with Hoffmeier's approach to scripture. Most Christian communitarians would however likely agree with most of the conclusions Hoffmeier draws about the Christian obligation to the law. What is helpful about Hoffmeier is the extreme nature of his reading of scripture makes especially clear the types of principles

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<sup>215</sup> Hoffmeier, 139-152.

<sup>216</sup> Spohn, *What Are They Saying About Scripture and Ethics*, 19-35.

<sup>217</sup> Amstutz, 132-133.

communitarians tend to draw from scripture and the ways in which their commitments interact with the Biblical text.

### 1.4.3 M. Daniel Carroll R.

As an evangelical biblical scholar himself, M. Daniel Carroll R. provides a helpful cosmopolitan counterpoint to both Hoffmeier's methodology and the insights which he finds in scripture. In *Christians at the Border* Carroll seeks to provide a foundation out of which Christians can formulate opinions about immigration.<sup>218</sup> Christians, he argues, ought to come at this issue as Christians, and use the Bible as a lens through which to do so.<sup>219</sup>

While Hoffmeier's conclusions about immigration hinge on a strict adherence to Romans 13 as binding all Christians to obey the law and encourage others to do the same, Carroll sees Romans 13 not as a place to begin our discussion of immigration, but rather something to consider at the end.<sup>220</sup> He begins instead with Genesis and the creation of the world. Genesis teaches that all people are created in the image of God. Being made in the image of God means we all possess the potential to have a relationship with the Creator and that people have a "singular standing before God and in the world."<sup>221</sup> For Carroll, humans are the pinnacle of creation made in God's image and are called to be

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<sup>218</sup> M. Daniel Carroll R, *Christians at the Border: Immigration, the Church, and the Bible* (Grand Rapids, Michigan: Brazos Press, 2013), xxviii.

<sup>219</sup> Ibid, 42-44.

<sup>220</sup> Ibid, 105.

<sup>221</sup> Ibid, 47.

stewards of the earth, endowing us with the capacity and privilege to rule.<sup>222</sup> What this means for Carroll is that all humans are fundamentally valuable. He insists that “the creation of all persons in the image of God must be the most basic conviction for Christians as they approach the challenges of immigration today. Immigration should not be argued in the abstract, because it is fundamentally about immigrants” and these immigrants, being made in the image of God, are deeply valuable.<sup>223</sup> Beginning from a recognition that immigrants are all valuable human beings made in God’s image does not imply that no control over borders and who crosses them is consistent with Christian values, but rather, like Groody, Carroll insists that prioritizing their humanity as the proper starting place for consideration can and should inform the way Christians approach immigration and should influence the tone<sup>224</sup> our participation takes.<sup>225</sup>

As Carroll moves further into scripture, he notes that migration is a prominent feature in the story of God’s people. Unlike Hoffmeier who uses this movement of people to argue that laws protecting and upholding borders are not opposed to scripture, Carroll focuses on how migration fits into what the Bible reveals to us about God. The people of God are a migrant people. Further, God is with them as they migrate. God is present and

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<sup>222</sup> Ibid, 45-47. In later chapters, I will address how this androcentric view of humans in relation to nature relates to our tendency to seek to dominate and exploit not only nature but each other, arguing that it should therefore be avoided.

<sup>223</sup> Carroll, 47.

<sup>224</sup> It is in this spirit that Carroll chooses to use the language of “undocumented immigrants” rather than “illegal aliens.” Illegal carries connotations of guilt and tends to be pejorative, implying that someone is prone to illegality, which is not the case for the majority of immigrants who cross our borders, documented or otherwise. The word “alien” similarly implies that someone is permanently foreign or other (Carroll, xxviii) Using the language of “undocumented immigrants” allows Carroll to set a more humanizing tone for his discussion and does not reduce the human beings crossing the border without permission to the illegality of that action. For Carroll, the fact that all people are made in God’s image offers a new place from which to start thinking about immigration and rethinking policy, and ought to lead to laws rooted in empathy that help empower those who migrate (Carroll, 49-50).

<sup>225</sup> Ibid, 49.

found in the migration of peoples in scripture, and we can therefore expect God to be present in the migration of peoples today.<sup>226</sup> Carroll's reading of these stories is different from Hoffmeier's. For Carroll, they are stories of the trials migrants face and of how people navigate the intersection of two cultures that make a claim on them. Whereas Hoffmeier saw Joseph as an example of someone who succeeded by following Egyptian rules and assimilating to the local customs, Carroll points out that Joseph's uprightness did not prevent him from being the victim of a false accusation that landed him in jail, and that Joseph's status as an immigrant and Potiphar's as a high ranking Egyptian influenced who the Egyptian legal system believed.<sup>227</sup> This attention to privilege is important.

He goes on to highlight the ways in which Joseph both adapted to Egyptian culture and held on to his own culture as well. For Carroll, Joseph illustrates the struggle many immigrants experience balancing the influences of two worlds. He has "a heart for two cultures" and he embodies the encounter between and mixing of these cultures.<sup>228</sup> Similarly, whereas Hoffmeier sees Daniel as someone who chooses not to make waves in Babylon and who instead works to spread peace and prosperity for himself and his new nation, Carroll points out the ways in which Daniel steadfastly holds to his beliefs and his cultural practices, his refusal to compromise his beliefs even if it meant danger, sacrifice, and law-breaking. Like Joseph, Daniel works to strike a balance between accommodating the culture of the land he has found himself in and maintaining his allegiance to his own customs and his God. It is especially important to Carroll that Daniel and his friends

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<sup>226</sup> Ibid, 51-58.

<sup>227</sup> Carroll, 59.

<sup>228</sup> Ibid, 59-60.

maintain their culture through following dietary restrictions despite what is served to them in the palace. Food plays an important role in how people live out their identity as a people. Following their old dietary restrictions allows Daniel and his friends to mark out boundaries for themselves and for their keepers at the palace.<sup>229</sup>

This analysis of Joseph and Daniel remains far more compelling and thorough than Hoffmeier's, in part simply because Carroll offers a fuller account of their stories, noting the ways in which they navigated their roles in foreign spaces while holding onto aspects of their culture. His approach to the use of scripture is also much closer to my own than Hoffmeier's. For Carroll, these biblical texts do not offer us examples of policy proposals or sanction border patrol simply because nations in scripture also controlled their borders. Rather, he finds key themes that help orient Christian approaches to immigration. First and foremost, these stories of migration give a human face to migrants. They depict common struggles, desires, and strategies for survival and flourishing. They offer us "very realistic scenes and situations and amazingly true-to-life characters. These immigrants and refugees are people above all else, people caught up in the trials, tribulations, and joys of life" and they are people who are part of God's plans, people in whose migration God is present and at work.<sup>230</sup> Their stories can help us see the full humanity of those who migrate today, as well as the potential they embody. Second, Carroll notes that migration, in that it forces both those who migrate and those who encounter migrants to face the unfamiliar, provides a creative space in which our thoughts and beliefs about God and faith can be challenged and expanded. He is

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<sup>229</sup> Ibid, 60-61.

<sup>230</sup> Carroll, 70-71.

especially concerned that we understand how much potential there is to learn about the Christian faith from those who migrate.<sup>231</sup>

Like Hoffmeier, Carroll offers a consideration of biblical law and its instructions regarding the treatment of migrants. He insists we must place the law in its proper context within the narrative of God's people. It is given to the people directly following their escape for Egypt and the defeat of Pharaoh's army. In other words, it is given to them "as a redeemed people," and is intended to show them how to *live as* redeemed people.<sup>232</sup> It is a blessing, provided to teach the Israelites about God and how they are to be in relationship with God. The content of the law was meant to be a concrete and culturally specific illustration of the beliefs and values of the community. Carroll argues systems of laws produce and provide a reflection of the culture they exist in. They both influence and mirror their cultural context, and show what is understood to be good and bad in that culture. This means that the laws surrounding the treatment of foreign people<sup>233</sup> both inform us about Israel's value system and show part of what it means to be the people of God.<sup>234</sup> These laws include provisions meant to mitigate the vulnerability of foreigners with no land and few connections in Israel, and were designed to ensure fair treatment,

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<sup>231</sup> Carroll refers especially to migrants who are Christians and whose faith is part of their journey, but his approach leaves space for learning from the experiences and insights of non-Christian migrants too (Carroll, 71).

<sup>232</sup> Ibid, 80-81.

<sup>233</sup> Carroll, like Hoffmeier, makes note of and examines the various Hebrew words used to discuss foreigners in scripture. But unlike Hoffmeier, who sees these distinctions in language as sanctioning a strong distinction in modern law between what is owed in cases of legal vs. illegal immigration, Carroll concludes that not much more can be said beyond noticing that as a result of encountering various migrants and foreigners, Israel made value judgments and distinguished between the types of migrants in their midst. For Carroll this is simply a fact, the natural outcome of having strangers live in a community. It does not suggest that these distinctions are correct or God ordained, nor that they should influence our policies today (Carroll, 83-87).

<sup>234</sup> Ibid, 81-83.

especially in legal cases.<sup>235</sup> While many cultures surrounding Israel shared a commitment to hospitality, for Israel this hospitality took on specific characteristics and was one way in which the people could imitate God.

Part of the motivation explicitly given in scripture for these laws is Israel's history as foreigners in Egypt, and especially as mistreated foreigners. Israel knows that vulnerability and what it means to be exploited, and they are called to remember that history and do better. The God who heard their cries and rescued them is calling them to another way of being in the world.<sup>236</sup> This is especially important for Carroll because it runs contrary to common concerns that immigrants will threaten the identity of the community or nation. For Israel, newcomers were meant to be seen not as a threat but rather a fundamental part of what Israel's identity was to be as people in a covenantal relationship with God.<sup>237</sup> Their presence served as a reminder of where Israel came from, of what God had done for them, and of what this revealed to them about God's character and what it means to be in relationship with that God.

Carroll also notes that these laws are not the end of the conversation or of Israel's understanding of God's vision for the world. Prophetic writers like Ezekiel expressed the hope that one day native Israelites and sojourners would share a closer connection than what is prescribed in the law.<sup>238</sup> This is a key distinction between Carroll's approach and Hoffmeier's. Hoffmeier sees the laws as more or less sanctioning our current immigration policy because he insists that distinctions can be drawn in scripture between migrants

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<sup>235</sup> Ibid, 88-89.

<sup>236</sup> Ibid, 89-92.

<sup>237</sup> Carroll, 97.

<sup>238</sup> Ibid, 93.

who have followed the rules to become a legally protected member of Israelite society and those who have not. Carroll sees the law as teaching us about God's care for people who migrate and the vulnerability of their situation, providing a basic ethical orientation that God envisions for all people, an ethic of care to strangers that should inform our engagement with policy proposals in the modern world. How this ethic takes shape in actual policy will not look exactly as it did when Israel was learning to embody it. What is important is that it drive our approach to immigration and policy reform.<sup>239</sup> Carroll's interest in what the Bible reveals to us about God's character and how those insights can help shape our approach to modern ethical questions is a more sound approach to the relationship between scripture and ethics than Hoffmeier's. This is especially the case when we look to biblical laws for guidance. These laws come out of people's experience of the Divine and can therefore offer us wisdom, but they are also culturally limited human responses to God, and so the particular form these laws take ought not to be the beginning and end of our understanding of what laws should look like now. Hoffmeier's use of scripture is more fundamentalistic in its application and therefore ultimately limited in its ability to speak to a world that is very different from the one in which scripture was written.

Like Hoffmeier, Carroll also offers an exploration of what insights the New Testament has to offer related to migration. He points out that Jesus and his family were forced by the threat of King Herod to seek asylum in Egypt, placing Jesus within the larger context of migratory movements that span the whole of the Hebrew Bible and human history more generally and providing a point of connection for those who migrate

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<sup>239</sup> Ibid, 96.

today.<sup>240</sup> He also notes how encounters with outsiders and strangers, such as his encounter with the Samaritan woman at the well in John chapter 4, were God-ordained parts of the plan for Jesus' life and mission on Earth, and that his ability to uphold his identity as a Jew while engaging these outsiders and transcending the enmity between Jews and Samaritans is an example for us all.<sup>241</sup> Jesus lives his Jewishness in such a way as to not downplay the importance of cultural identity while simultaneously allowing himself to put those cultural ties in perspective and be open to those who are other.<sup>242</sup>

All of this provides the backdrop against which Carroll considers Romans 13. This approach is based on a belief there are important factors to consider before the issue of legality enters to discussion. He insists that we ought to begin first with the rest of the biblical witness about the value of human beings and God's care for migrants and vulnerable people and allow that ethic to inform our understanding of Romans 13. In other words, we must begin with the whole orientation towards people in general and immigrants in particular which he has spent the book drawing from scripture. Our consideration of current law and policy and where we ought to go from here should be shaped by this basic care for all people and call to extend particular care for those who are most vulnerable, migrants included. A Christian approach to immigration cannot simply reduce the conversation to one of legality. To do so would be to ignore much of what the Bible has to offer. Perhaps more importantly, we cannot read Romans 13 with an unchecked assumption that the laws of any particular nation are good. We must rather consider whether the legal system at present is fundamentally just. Romans chapter 13

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<sup>240</sup> Carroll does not share Hoffmeier's concern about whether or not Joseph sought permission to enter Egypt.

<sup>241</sup> Carroll, 106-110.

<sup>242</sup> Ibid, 115.

must be read in context with chapter 12, in which Christians are called to resist conforming to the patterns of the world and to be influenced instead by the will of God. Renewing our minds and aligning them with that which God values is, Carroll writes, the purpose of his exploration of scripture.

Carroll argues that Romans 13 calls us to “discerning submission, not blind obedience.”<sup>243</sup> This submission is not meant to be limitless, and it does not imply that we are meant to sanction or agree with everything a human government does. Christians ultimately respond to a higher authority in God, and when God’s laws and human laws conflict, as they have many times throughout history, serious consideration on how to proceed is warranted. This may mean disobedience, but also then accepting the consequences doled out by the state. In countries like the United States it may also mean working through the democratic process to change that which is unacceptable in the laws of the land. A consideration of the legal issues surrounding migration is insufficient if it is limited to questions of migrants’ legal status. The conversation must instead be expanded to examine the laws themselves and whether or not they are just. Ultimately, what is most important for Carroll is that we recognize that appeals to Romans 13 do not and cannot begin and end the discussion of immigration in the United States. Romans 13 must be contextualized within the broader ethical worldview carved out in scripture, and respect for the law as it presently stands must go hand in hand with movement to new, more just and biblically sound laws.<sup>244</sup> By the standard set by this exploration of Romans

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<sup>243</sup> Carroll, 125.

<sup>244</sup> Carroll, 125-126.

13 (and in direct contrast to Hoffmeier) Carroll finds current immigration law fundamentally lacking in justice and therefore in need of reform.<sup>245</sup>

This dissertation aligns itself with Carroll's use of scripture and the conclusions he draws, finding them far superior to Hoffmeier's methodology and conclusions. This extends to Carroll's application of Romans 13. His approach is thorough and grounded, and he clearly upholds the distinction between biblical ethics and Christian ethics. Carroll carefully considers what the insights of various biblical texts might offer to the modern world. Moreover, he does not take a single passage at face value but rather places it within a larger scriptural context. That he refuses to begin his consideration of immigration with the question of legal status and that he does not limit the legal questions he considers to a discussion of whether or not a law has been broken is to his credit. It is more responsible to read Romans 13 not as an endorsement of all (or even most) authority, but rather to pair any insistence that authority be respected with a sufficiently substantial consideration of the responsibilities of those in power based on a Biblical standard of justice.

Carroll's approach, like Groody's, is helpful for properly orienting our thoughts as we enter the immigration debate and encounter migrants in our midst. There are, however, limitations to Carroll's approach. In particular, as with Groody, Carroll has not yet done enough to place responsibility for the care of migrants in specific hands. Any approach which seeks to respond to the situation of migration in our world today will need to be more specific about who in particular is obligated to extend what specific care to migrants, otherwise we risk reducing theology to platitudes.

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<sup>245</sup> Ibid, 122-124.

## 1.5 CHRISTIAN PASTORAL APPLICATIONS

So far this chapter has outlined the contours of communitarian and cosmopolitan approaches to immigration through the exploration of four themes relevant to migration ethics: philosophical frameworks, theological anthropology, Christian views of the state, and the relationship between the Bible and human laws. The following section turns to consider the world outside of academia, exploring the pastoral application of these themes by drawing on the statements various Christian bodies have made in response to public debates about immigration in the United States. The debate between communitarianism and cosmopolitanism as it is laid out in this chapter is important because these ideologies are echoed in the assertions of Christian churches, denominations, and individuals and thus play a large role in shaping public debate about migration in the United States.<sup>246</sup> This section therefore offers an exploration of how the principles illuminated in each of these primary frameworks can be found in the ways Christian actors have framed their participation in the immigration debate in the United States.

### 1.5.1 Catholic Pastoral Contributions

While there are individuals within all denominations who fall on either side of this ideological divide, it is generally the case that Catholic contributions rooted in

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<sup>246</sup> While worth considering, it is beyond the scope of this project to conclude whether these ideologies shape Christian contributions, whether Christian contributions are shaped by partisan concerns, or some other relationship between these. For my purposes, I am simply noting the resonance between cosmopolitan and communitarian worldviews and the contributions of Christians in the public sphere.

natural law and Catholic Social Teaching tend to be more cosmopolitan in nature. In their joint 2003 response to migration in the United States, *Strangers No Longer: Together on the Journey of Hope*, the United States Conference of Catholic Bishops and the *Conferencia del Episcopado Mexicano* insist that all migrants, regardless of documentation status, possess inherent dignity and value and must be treated in ways that respect this dignity.<sup>247</sup> The Church is called to defend this dignity and to proclaim and promote the basic unity of all humanity.<sup>248</sup> The communion of the Church presents an opportunity to fulfill the call to all followers of Jesus to cultivate hospitality by making migrants feel welcome in parish spaces. No one is to be a stranger in the Church.<sup>249</sup> These are all assertions grounded in a prioritization of the moral obligations of human dignity and the common human family. The bishops align with cosmopolitan approaches which begin with what is owed to humans as humans first, similar to Groody's insistence that we attend to the demands of distributive justice before considering border security. The Bishops round their thinking in an eschatological hope for the unity of humanity.<sup>250</sup>

Catholic churches are also encouraged to celebrate the cultures of newcomers, and to pay particular attention to the struggle many migrants face when straddling two cultures and the claims those cultures make on them.<sup>251</sup> Pastors are called to attend to the struggles faced by migrants, especially those who cross undocumented,<sup>252</sup> and stronger formation of pastors is encouraged so that they may be better prepared to assist migrants

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<sup>247</sup> United States Conference of Catholic Bishops and the *Conferencia del Episcopado Mexicano*, *Strangers No Longer Together on The Journey Of Hope*, (Washington, DC: United States Conference of Catholic Bishops Publishing, 2003), pp. 38-39.

<sup>248</sup> *Ibid*, pp. 103.

<sup>249</sup> *Ibid*, pp. 103

<sup>250</sup> USCCB, pp. 27.

<sup>251</sup> *Ibid*, pp. 42.

<sup>252</sup> *Ibid*, pp. 45.

with these struggles is encouraged.<sup>253</sup> The unity of the Church is an image of the broader vision God has for humanity.<sup>254</sup> The bishops insist that God presence is revealed to us in migrants<sup>255</sup> and that migrants come to us “as bearers of faith and culture.”<sup>256</sup> When they turn to Scripture, they note that God was present in migration in the Hebrew Bible and that, migration had a prominent place in the way God’s plans were enacted.<sup>257</sup> They cite the importance of laws ensuring just treatment of foreigners in Israel,<sup>258</sup> and note that migrants in the modern world can see Jesus’ time as a refugee in Egypt as a point of connection between their lives and Scripture.<sup>259</sup> This echoes Carroll’s reading of scripture and what it reveals to us about migration and God’s vision for the world.

While the Bishops do not deny the right of a sovereign state to control its borders,<sup>260</sup> they do call for a restructuring and reform of present immigration policy in the United States. Policy proposals include ensuring that root causes of migratory patterns are addressed, creating more effective legal paths for migration, reforming policies to better ensure that families stay together, and recognizing the importance of the labor provided by undocumented immigrants by granting them legal residence.<sup>261</sup> They also call for a review of immigration enforcement tactics to better protect the human

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<sup>253</sup> Ibid, pp. 51.

<sup>254</sup> Ibid, pp. 41.

<sup>255</sup> Ibid, pp. 3.

<sup>256</sup> Ibid, pp. 8.

<sup>257</sup> Ibid, pp. 24.

<sup>258</sup> Ibid, pp. 25.

<sup>259</sup> Ibid, pp. 26.

<sup>260</sup> Ibid, 30, 36.

<sup>261</sup> USCCB, pp.59-71.

dignity of these who migrate.<sup>262</sup> These concerns align with Heimburger’s understanding of how biblical justice should direct immigration reform.<sup>263</sup>

More recently, Pope Francis has spoken on the topic of migration. In a 2013 homily at Lampedusa in the wake of the death at sea of hundreds of migrants seeking refuge, he reminded his listeners that the migrant they encounter is a brother or sister, a member of our human family, and that to forget this is to sin. He frames the global failure to respond to migration in these terms, as a problem of our sinful indifference to those around us. He exhorts us to love, to offer hospitality, and to remember our brothers and sisters so that future tragedies may be avoided.<sup>264</sup> In a homily in Ciudad Juárez, Mexico in 2016, Francis reminded his listeners of the human face of migration, which is too often blurred by statistics and abstractions. Migration is about people, and people are to be taken in “great earnest” and valued deeply. He prays we would experience conversion and have our hearts opened, and calls Christians to “be signs lighting the way to salvation” through work supporting the rights of migrants.<sup>265</sup> In 2017 at the World Day of Migrants and Refugees, the Pope reminded us that Jesus calls us to welcome others, especially those most vulnerable. This is a necessary element of our journey with and to God, and he links it especially to the particular needs of child migrants. Migration as a phenomenon and a crisis is not disconnected from salvation history, and working to help

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<sup>262</sup> Ibid, pp. 78.

<sup>263</sup> In 2013 the USCCB released *On Strangers No Longer: Perspectives on the Historic U.S.-Mexican Bishop’s Pastoral Letter on Migration* in celebration of the 10<sup>th</sup> anniversary of the original letter. The book provides more depth and an updated look at migration in the United States, but does not include any significant divergence from the themes addressed in the letter.

<sup>264</sup> Pope Francis, “Visit to Lampedusa,” July 8, 2013, [http://www.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco\\_20130708\\_omelia-lampedusa.html](http://www.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130708_omelia-lampedusa.html).

<sup>265</sup> Pope Francis, “Apostolic Journey of His Holiness Pope Francis,” February 17, 2016, [http://www.vatican.va/content/francesco/en/homilies/2016/documents/papa-francesco\\_20160217\\_omelia-messico-ciudad-jaurez.html](http://www.vatican.va/content/francesco/en/homilies/2016/documents/papa-francesco_20160217_omelia-messico-ciudad-jaurez.html).

migrants is a way of participating in God’s plan for the world. Like the Bishops, Francis cites God’s commanding Israel to treat strangers justly.<sup>266</sup> Again, we can clearly see that Francis roots his approach in moral assumptions and an approach to scripture that is similar to the cosmopolitans examined in this chapter.<sup>267</sup>

## 1.5.2 Protestant Pastoral Contributions

Depending on which aspects of scripture they highlight, Protestant approaches to migration are much less unified. Some mainline denominations, such as the Evangelical Lutheran Church in America (ELCA) and the United Methodist Church (UMC) tend more towards cosmopolitanism. The ELCA’s Social Message on Immigration begins with affirmations of the positive contributions migrants have made to both the nation as a whole and to the ELCA specifically, highlighting the potential immigrants bring with them as they cross borders and enter our communities, aligning them with Heimburger’s analysis. The Message also takes note of the many struggles immigrants face in new countries, such as racism and limited hospitality on the part of their host nation, and it names the prevalence of racism and the inefficient and at times cruel laws that make up our current immigration system a situation of social sin. This attention to the struggles migrants face in their host nation and concern with the systematic and structural

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<sup>266</sup> Pope Francis, Message of His Holiness Pope Francis For The World Day of Migrants and Refugees (2017), [http://www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco\\_20200513\\_world-migrants-day-2020.html](http://www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20200513_world-migrants-day-2020.html).

<sup>267</sup> More recent Catholic pastoral thought will be considered in chapter five. See, for example, Todd Scribner and J. Kevin Appleby, *On Strangers No Longer: Perspectives on the Historic U.S.-Mexican Catholic Bishops' Pastoral Letter on Migration* (New York: Paulist Press) 2013; Mark Seitz, “Night Will Be No More,” October 13, 2019, accessed December 12, 2020, <https://www.hopeborder.org/nightwillbenomore-eng>.

dynamics of sin is characteristic of cosmopolitan approaches to migration. The ELCA's proposed response to immigration in the United States is rooted first and foremost in a belief in universal human dignity. Migrants are human beings endowed with great worth, and they ought to be treated fairly and generously. The Message also reminds Lutherans to practice hospitality and calls for laws that promote the common good by taking our responsibility to those who migrate seriously.<sup>268</sup> Basing their approach in human dignity is a distinctly cosmopolitan starting point, as is this prioritization of our responsibility to migrants. A communitarian approach, as we have seen, would instead be primarily concerned with the needs of U.S. citizens first.

The Book of Discipline of the United Methodist Church asserts that the church must "recognize, embrace, and affirm all persons, regardless of country of origin, as members of the family of God."<sup>269</sup> This appeal to the common family of God as the basis for considering the rights of migrants is classic Christian cosmopolitanism. Further, they note that "God's world is one world. The unity now being thrust upon us by technological revolution has far outrun our moral and spiritual capacity to achieve a stable world."<sup>270</sup> This is cosmopolitan not only in its acknowledgement of the unity of the world under God, but in the claim that we need a moral framework that can sufficiently deal with the global reality of our modern world. A global moral framework is precisely with what cosmopolitanism is concerned (recall, for example, Nussbaum's writing on the importance of a cosmopolitan education). The Book of Discipline also explicitly

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<sup>268</sup> ELCA Social Statement on The Church In Society, September 1991, accessed August, 2019, [http://download.elca.org/ELCA%20Resource%20Repository/Church\\_SocietySS.pdf?\\_ga=2.176315685.1095335524.1494878591-985209459.1494445375](http://download.elca.org/ELCA%20Resource%20Repository/Church_SocietySS.pdf?_ga=2.176315685.1095335524.1494878591-985209459.1494445375).

<sup>269</sup> *The Book of Discipline of the United Methodist Church: 2016*, (Nashville: The United Methodist Publishing House, 2016), 122.

<sup>270</sup> *The Book of Discipline*, 142.

recognizes the rights of individuals to follow their conscience and disobey laws they deem unjust or discriminatory in enforcement,<sup>271</sup> a distinctly non-communitarian notion.<sup>272</sup> The United Methodist Church has also released various statements on migration in which a cosmopolitan worldview can also be found. They call forced migration in any form a denial of human dignity, and cite Hebrews 13:2, reminding Christians that we are called to hospitality and that welcoming strangers can be a way to encounter the divine. Churches are encouraged to have discussions about how they can be more welcoming to migrants and to consider the vital contributions immigrants make to our society and our churches.<sup>273</sup>

Other Protestant groups tend to highlight more communitarian concerns. The Evangelical Immigration Table, a group of Evangelical Christian leaders “committed to learning more about what the Bible says about “welcoming the stranger,” and living out these biblical principles in our churches, our communities and our nation,”<sup>274</sup> lists the principles of what it would consider a just immigration policy. While such a policy would necessarily respect human dignity and promote the unity of the family, it must also respect the rule of law, ensure that national borders were sufficiently secure, protect taxpayers and ensure they are fairly considered. They advocate “restitution based immigration reform” which balances the need for the rule of law to be upheld without unduly separating mixed status families by providing a path to legal residence that

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<sup>271</sup> Ibid, 139-140.

<sup>272</sup> Communitarians will generally, if begrudgingly, admit that some law breaking may be required, as we saw with Hoffmeier, but they will be much more loath to admit it.

<sup>273</sup> “Global Migration: Moving from one place to another is a protected human right,” United Methodist Church, accessed on November 12, 2019, <https://www.umcjustice.org/what-we-care-about/civil-and-human-rights/global-migration>.

<sup>274</sup> “Welcome to the Table,” The Evangelical Immigration Table, accessed November 12, 2019 <http://evangelicalimmigrationtable.com>.

includes “among other appropriate requirements” that undocumented immigrants pay a “significant fine as a penalty for having overstayed their visas or crossed into the U.S. unlawfully.”<sup>275</sup> Like Hoffmeier, they understand this policy proposal to be rooted in clear, common sense and biblical values.<sup>276</sup> While there are some similarities, it is clear that the emphasis of this evangelical approach is different from that of the mainline Protestant and Catholic contributions outlined above. The members of this coalition are influenced much more heavily by the same concerns and assumptions Hoffmeier, Amstutz, and Biggar laid out in their books. Their emphasis on protecting the rule of law and the interests of U.S. citizens are clearly communitarian in nature. What is especially interesting about this approach is the suggestion that undocumented immigrants should pay a fine in order to legalize their status. This shows that the members of this the Evangelical Immigration Table take the illegality of undocumented border crossing especially seriously, so much so that justice for them requires some sort of reparative action in order to amend the harm done to the U.S. community. Communitarianism, with its particular concern about the destabilizing effect of illegal actions and the necessity of strong nation states, is the proper framework within which to understand this view.

It is beyond the scope of this chapter to make a definitive case for whether these positions taken by various Catholics and Protestants are rooted in theological differences or influenced by partisan concerns. In all likelihood, Christian thinkers are influenced by both. This chapter serves to outline how this distinction between communitarianism and cosmopolitanism largely defines the major Christian approaches to immigration in the

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<sup>275</sup> “A Restitution-Based Immigration Reform,” The Evangelical Immigration Table, accessed November 12, 2019, <http://evangelicalimmigrationtable.com/a-restitution-based-immigration-reform/>.

<sup>276</sup> Ibid.

United States. These conceptual frameworks help to articulate what is at stake for people in the national debate, and allow us to sort through some of the assumptions people bring to the table.

## 1.6 A THIRD WAY

I contend that there are limitations in both communitarian and cosmopolitan approaches, and with the framing of this debate itself. Debates between states' rights and human dignity, between the importance of the rule of law and the primacy of care for all people in Christian scriptures raise important considerations, but this conversation often remains insufficiently contextualized. The following chapters intend to shift the conversation to the history of migration into the United States in order to argue for a responsibility-based reparative justice approach that addresses what is missed when the conversation is framed as a debate between communitarian and cosmopolitan values alone.

Some important work has already been done to bridge these two frameworks and uphold the key values of each approach. Kwame Anthony Appiah has argued for a “rooted cosmopolitanism” which takes the claims of our common humanity seriously while giving due credence to the particularities of human experience and the moral claims those particularities also make on us.<sup>277</sup> David Hollenbach has suggested that conflicting claims might be navigated by prioritizing the needs of the poor over the desires of the rich, the liberty of those who are oppressed over that of those in power, and

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<sup>277</sup> Kwame Anthony Appiah, “Cosmopolitan Patriots,” in *For Love of Country?*, eds. Martha Nussbaum and Joshua Cohen (Boston: Beacon Press, 2002), 21-29.

(especially helpful in response to communitarian concern over the rule of law) the inclusion of those who have been marginalized over the protection of existing systems which have marginalized them.<sup>278</sup> Likewise, some thinkers have begun moving beyond communitarianism and cosmopolitanism and have directed attention instead to what both frameworks miss about migration. William O’Neill has called for the consideration of the “complicity of the host country in generating immigration/refugee flows.”<sup>279</sup> Hollenbach argues that “existing special relationships and interactions across borders can give individual nations particular responsibilities to other particular groups.”<sup>280</sup> Noting the limits of approaches which frame migration in terms of rights of movement and questions of reception alone, Kristin Heyer calls for relational justice frameworks which draw attention to wider societal culpability and address root causes of migration.<sup>281</sup> Tisha Rajendra draws on John Donahue’s notion of biblical justice as a relational category especially concerned with the obligations of those in power to those on the margins<sup>282</sup> in order to establish that a country such as the United States has specific responsibilities to take in migrants that go beyond calls for hospitality to strangers and the preferential option for the poor.<sup>283</sup> The following chapters build on these contributions in order to

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<sup>278</sup> David Hollenbach, *Claims in Conflict: retrieving and renewing the Catholic human rights tradition* (New York: Paulist Press, 1979), 204.

<sup>279</sup> William O’Neill, “Rights of Passage: The Ethics of Forced Displacement,” *Journal of the Society of Christian Ethics* 27 no. 1 (Spring/Summer 2007), 122.

<sup>280</sup> David Hollenbach, *Driven from Home Home: Protecting the Rights of Forced Migrants* (Washington D.C.: Georgetown University Press, 2010), 6.

<sup>281</sup> Kristin Heyer, “Internalized Borders: Immigration Ethics in the Age of Trump.” *Theological Studies* 79 no. 1 (2018), 155-157.

<sup>282</sup> John R. Donahue, “Biblical Perspectives on Justice,” in *The Faith That Does Justice*, ed. John Haughey (New York: Paulist Press, 1977), 69.

<sup>283</sup> Tisha Rajendra, *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration* (Grand Rapids, Michigan: Eerdmans, 2017), 93, 111-112.

respond to the reality of migration as it exists today. Chapter two begins this work with a reconstruction of U.S. history as it relates to migration.

## 2.0 MIGRATION IN CONTEXT

*That sunny day in early 2017, we marched behind Tongva drummers, the original people of what is currently Los Angeles. We held placards that read “No Ban On Stolen Land!” protesting Donald Trump’s executive order barring travel to the United States from seven Muslim-majority countries in Africa and the Middle East. This defiance is the living legacy of centuries of Indigenous resistance: the active refusal to cede moral authority over who belongs and who doesn’t to a settler nation.<sup>284</sup>*

### 2.1 MAPPING THE DEVELOPMENT OF MIGRATION INTO THE UNITED STATES

The limits of the communitarian and cosmopolitan approaches explored in chapter one highlight the need for a different framework through which to consider immigration policy. To this end, German theologian Marianne Heimbach-Steins employs a post-colonial lens, highlighting the dynamics at play in global migration that the communitarian and cosmopolitan approaches fail to address.<sup>285</sup> Though she directs her attention specifically to the European context, the principles of her approach can be applied to the U.S. as well. For Heimbach-Steins, modern European approaches to immigration are rooted in Europe’s colonial history. “Fortress Europe,” a term which describes the impulse to tighten borders against increased immigration from outside

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<sup>284</sup> Nick Estes, “Go Back Where You Came From,” Open Space SFMOMA, November 04, 2019, <https://openspace.sfmoma.org/2019/11/go-back-to-where-you-came-from/>.

<sup>285</sup> Marianne Heimbach-Steins, “Migration in a Post-Colonial World,” in *Religious and Ethical Perspectives on Global Migration*, eds. Elizabeth W. Collier and Charles R. Strain (Lanham, Maryland: Lexington Books, 2014), 87-108.

Europe, represents “a new type of neo-colonialism.”<sup>286</sup> In order to understand the present situation in Europe, she argues, we must recognize that European colonialism did two important things. First, it “[shaped] long term international relationships and lasting unequal opportunities” and access to resources.<sup>287</sup> The relationships and inequality colonialism created have a direct impact on migration patterns today. People migrate, in part, because of an inequitable distribution of global resources, and this chapter will argue that the places those with fewer resources chose to migrate are directly related to historical colonial relationships. Second, colonial structures “also created culturalist patterns, ideologies of domination and subordination which continue to influence the way international migrants are treated in legal systems, political decision making, and economic and social practices of the societies they live in or want to immigrate to.”<sup>288</sup> In other words, the ideologies on which colonialism was based and which it perpetuated—racist ideas of superiority/inferiority—have had lasting effects on how Europeans perceive the foreigners among them. These perceptions then directly impact immigration policy and the treatment of immigrants or potential migrants more broadly.

This chapter argues that U.S. actions at home and abroad contribute to both the reasons people are driven to leave their home countries and to the reasons they show up at the U.S. border in particular. A reframing of U.S. history is needed in order to highlight the nation’s imperialist tendencies; and to show how this imperialism has driven the migration patterns we see today. It is no accident who shows up at the U.S. border

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<sup>286</sup> Ibid, 91-93.

<sup>287</sup> Ibid, 93.

<sup>288</sup> Heimbach-Steins, 93.

seeking entry. Many migrants “are here because [we] were there.”<sup>289</sup> This chapter also explores how U.S imperialism has been supported by national myths that have become embedded in U.S. foreign policy. In particular, the chapter maps out how Manifest Destiny and the Frontier Myth have claimed any land the United States occupied (or coveted) as a God-ordained right and cast those beyond the boundaries of white Anglo civilization as a threat to be assimilated, put to use, or pushed back by force. The chapter further shows how such ideologies have fostered a nation that systematically protects the rights and interests of some at the expense of others, particularly people of color, people experiencing poverty, and foreigners deemed undesirable.

## 2.2 SETTLER COLONIALISM: THE ORIGIN OF U.S. IDENTITY

Although it has come under increasingly widespread scrutiny in recent years, the notion that the Americas were “discovered” is one of the most prevailing and foundational myths influencing U.S. identity to this day. It is the basis upon which Columbus Day remains a federal holiday observed by many (though there have been not insignificant movements toward the alternative celebration of Indigenous Peoples Day<sup>290</sup>), and it provides the conceptual framework that has allowed for the United States to form into the nation it is today.

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<sup>289</sup> Gary Younge, “Ambalavaner Sivanandan obituary,” *The Guardian*, February 7, 2018, accessed January 20, 2020 <https://www.theguardian.com/world/2018/feb/07/ambalavaner-sivanandan>.

<sup>290</sup> As of October 2019 at least ten states have officially shifted from celebrating Columbus Day to some form of Indigenous People’s Day. See Leila Fadal, “Columbus Day or Indigenous Peoples’ Day,” *National Public Radio*, October 14, 2019, <https://www.npr.org/2019/10/14/769083847/columbus-day-or-indigenous-peoples-day>.

There is much worthwhile literature on this period of North American history and its legacy. In *American Holocaust: Columbus and the Conquest of the New World*, David E. Stannard casts the conquest of the Americas by Euro-settlers as a bloody genocide, outlining many of the atrocities committed in the name of civilization throughout the history of Anglo presence on this continent. His work makes it clear that this genocide was and is institutional, embedded deep in the fabric of what became the United States. He also highlights the role Christianity has played in this history, a dynamic that will become especially important in later chapters.<sup>291</sup> Historian James W. Loewen's work examines the development of various U.S. narratives beginning in these early decades of Euro-American settlement. He seeks to retrieve a more full and accurate history than that which is generally taught in the United States. His work is especially helpful in that it outlines the racism inherent in the way U.S. history is often told.<sup>292</sup> While these historians provide helpful contextualization for this chapter, it is the work of historian Roxanne Dunbar-Ortiz from which we will primarily draw. As will be shown below, the development of U.S. history with which this chapter is concerned developed especially as early Anglo settlers began creating a U.S. identity defined both at odds with and through the appropriation of Indigenous cultures. Dunbar-Ortiz highlights these dynamics with precision, and the grounding of this chapter in an explicitly Indigenous

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<sup>291</sup> David E. Stannard, *American Holocaust: Columbus and the Conquest of the New World* (New York: Oxford University Press) 1992.

<sup>292</sup> James W. Loewen, *Lies My Teacher Told Me* (New York: Touchstone) 1995. See also Ted Morgan, *Wilderness at Dawn: the Settling of the North American Continent* (New York: Simon & Schuster) 1993; Andrew K. Frank and Glenn A. Crothers, eds, *Borderland Narratives: Negotiation and Accommodation in North America's Contested Spaces, 1500-1850* (Gainesville: University Press of Florida) 2017.

U.S. history sets us up well for mapping their development.<sup>293</sup> Moreover, her own Indigenous heritage and commitment to holding herself accountable to the Indigenous peoples of the Americas, past and present, make her an especially potent narrator of U.S. history. Her account is helpful for this chapter because it synthesizes a broad historical overview into a coherent narrative, highlighting the connections between events, identifying historical patterns, and raising themes that will be important to this chapter.<sup>294</sup>

Dunbar-Ortiz insists that founding myths matter because “origin narratives form the vital core of a people’s unifying identity and the values that guide them.”<sup>295</sup> They are what orient us in the world, and they therefore warrant serious consideration for a project such as the formation of a Christian ethical response to migration. We cannot contemplate how we ought to live if we do not first consider how our past has shaped our relationship to our nation and the world. Moreover, Dunbar-Ortiz highlights the ways in which national origin stories provide states with a foundation upon which patriotism can be fostered and loyalty to the nation demanded.<sup>296</sup> This insight recalls the arguments of

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<sup>293</sup> One purpose of the account of history provided in this chapter is that it is intentionally counter to the dominant narratives generally told in the United States. The reason for this will be explored more fully in chapter three, but in sum, it is the contention of this project that dominant narratives of U.S. history have failed to give a sufficient picture of reality. The lifting up of what is missing in these narratives is fundamental for adequately responding to immigration in the United States. Dunbar-Ortiz’s work, in that it foregrounds Indigenous perspectives and centers the experiences of Indigenous peoples, is helpful for countering the narratives that have centered white Anglo (male) perspectives and experiences. Furthermore, as it was published in 2014, her work also reflects more recent scholarship, building on the work that has been done by scholars such as Stannard and Lowen and bringing it into conversation with more current discourses.

<sup>294</sup> It provides a helpful balance to this chapter that Dunbar-Ortiz draws these connections without losing the nuance and distinctness of each event or collapsing the whole of U.S. history into a one-dimensional narrative.

<sup>295</sup> Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 3. Dunbar-Ortiz’s discussion of history and origin narratives can be related to Johann Baptist Metz’s work on memory. While this dissertation does not engage Metz in any detail, his work is a strong analogue to be considered in conversation with the preceding chapters. See, for example, Johann Baptist Metz. *Faith in History and Society: Toward a Practical Fundamental Theology* (New York: Seabury Press) 1979.

<sup>296</sup> Dunbar-Ortiz, 47.

several communitarians in chapter one, for whom the unifying story or vision of the nation is especially important and worth protecting. A major problem to be examined in this chapter is that the founding myths of the United States are rooted in outdated, problematic ideologies. This has been especially problematic for the United States' understanding of and approaches to immigration. These founding myths must therefore be identified and deconstructed in order to facilitate movement toward more just immigration policy in the United States.

Constructing a more accurate history of the United States is therefore essential to the formation of an adequate immigration ethic. A fundamental problem with prevailing U.S. approaches to immigration is that they are rooted in inadequate accounts of U.S. history.<sup>297</sup> We must therefore start at the beginning to reconstruct our understanding of U.S. history in order to both understand how we got here and begin to identify what in our past may create responsibilities for the United States, particularly responsibilities related to migration. This question of responsibility will be dealt with more fully in later chapters, but the reconstruction of U.S. history offered in this chapter sets the groundwork for the responsibility framework we are building. Finally, providing a fuller account of the European “discovery” of the Americas and the subsequent establishment of colonies and later the United States ought to substantially shift the way the question of immigration and border control is understood and approached. This chapter seeks to unsettle the conceptual foundation and worldview upon which the very right to exclude is built, particularly when that right rests in the hands of the U.S. government.

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<sup>297</sup> This is not a problem of forgetting or amnesia. Rather, we have been taught to remember incorrectly. In chapter three, we will consider why we have been taught history in this way.

The 15<sup>th</sup>-century encounter with and subsequent settling of the Americas by Europeans has historically been characterized as “discovery.” In reality, the Americas were not discovered at all, at least not by Europeans. When Columbus landed in North America in 1492 he found not “virgin wilderness” populated by wandering nomads, but a complex network of Indigenous nations.<sup>298</sup> Human societies have existed in both North and South America for thousands of years. The peoples of the continents developed innovative agricultural systems, unique forms of game management, and complex, civilized societies. This means that “by the time of European invasions, Indigenous peoples had occupied and shaped every part of the Americas, established extensive trade networks and roads, and were sustaining their populations by adapting to specific natural environments.”<sup>299</sup> These peoples had complex and diverse cultures and governments, and they interacted with one another as independent and self-governing nations on equal footing with one another.<sup>300</sup> Bearing this history in mind reframes the way the pre-contact era is often understood in the United States. Hence Christopher Columbus and subsequent European explorers did not “discover” the Americas; they invaded and then systematically displaced sovereign Indigenous nations.

That the peoples of the Americas were recognizable, sovereign, and independent nations is, to a degree, reflected in Euro-America dealings with them, from the earliest

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<sup>298</sup> Dunbar-Ortiz, 30-31.

<sup>299</sup> Ibid, 27. See also, Matthew Klinge, “Frontier Ghosts Along the Urban Pacific Slope,” in *Frontier Cities: Encounters at the Crossroads of Empire* (Philadelphia: University of Pennsylvania Press, 2012), 124.

<sup>300</sup> Ibid, 25-27. It is also worth noting that these nations also warred with and at times even conquered one another. As this dissertation is written with the aim of considering the history of attitudes and behaviors that shaped U.S. identity, policy, and discourse, it is beyond the scope of this project to analyze this Indigenous warfare and conquest. What is important for us to consider here is not whether Indigenous nations always related justly to one another but rather how the United States has behaved unjustly and what the consequences of that behavior might be.

settlers to today. The existence of over 370 treaties between the United States and the various Native nations within its borders stand as unequivocal legal evidence that “the United States formally recognized the fully sovereign national status and character of North American Indigenous governments during the period following the American Revolution.”<sup>301</sup> The reality of Indigenous sovereignty has, however, consistently been at odds with Euro-American interests, and so has been subverted in numerous ways. The Euro-American settler colonial project was therefore fundamentally rooted in the Doctrine of Discovery.

The Doctrine of Discovery finds its basis in the Roman legal notion of *territorium (res) nullius*, which holds that something that is not currently owned may become the property of anyone who seizes it. With the establishment of the Holy Roman Empire this idea was expanded to include the legal right to occupy a discovered territory. Eventually the European notion of a fundamental distinction between Christians and “infidels” was embedded in this legal practice. This notion allowed for the expansion of Christianity through the “discovery” of and claiming of sovereignty over lands inhabited by “infidel” societies. These lands were considered legally subject to re-conquest due to the unwillingness of their inhabitants to accept Christianity.<sup>302</sup> This idea was first applied to the Americas in the Papal Bulls of Pope Alexander VI, who confirmed the rights of the sovereigns of Castille and Aragon (modern day Spain) to “acquire and Christianize” this

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<sup>301</sup> Rebecca L. Robbins, “Self-Determination and Subordination: The Past, Present, and Future of American Indian Governance” in *The State of Native America: Genocide, Colonization, and Resistance*, ed. M. Annette Jaimes (Boston: South End Press, 1992), 89.

<sup>302</sup> Glenn T. Morris, “International Law and Politics: Toward a Right to Self-Determination for Indigenous Peoples” in *The State of Native America: Genocide, Colonization, and Resistance*, ed. M. Annette Jaimes (Boston: South End Press, 1992), 58.

“New World.”<sup>303</sup> It therefore came to be that European colonizers considered themselves to have acquired legal title to lands already inhabited by Indigenous nations because these nations’ “natural claims” to the land were forfeit upon European “discovery.” Dunbar-Ortiz denounces this as “legal cover for theft,” which set the stage for “Euro-American wars of conquest and settler colonialism [which] devastated Indigenous nations and communities, ripping their territories away from them and transforming their land into private property.”<sup>304</sup> This is the beginning of a sustained Euro-American effort to undermine Indigenous sovereignty and promote colonial interests, particularly in the form of land acquisition, through the intentional manipulation of the rule of law.

The Doctrine of Discovery is deeply embedded in the founding of the United States. Simply put, without this doctrine the fight for Euro-American independence from Britain makes little sense. It is only because the British crown had claimed sovereignty over the land in order to establish colonies there in the first place that these colonies were later able to claim an independent right to govern themselves on that land. Further, in the early years of U.S. independence, Thomas Jefferson, as Secretary of State, claimed that the doctrine was applicable to U.S. action beyond its newly established borders. The Supreme Court later upheld this idea in an 1823 majority opinion on a case involving a land dispute, in which the Court affirmed that while “Indigenous people could continue to live on the land, the title resided with the discovering power, the United States.”<sup>305</sup> This

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<sup>303</sup> Ibid, 59.

<sup>304</sup> Dunbar-Ortiz, 198. It is precisely because non-European nations such as those inhabiting the Americas at the time of European “discovery” were recognizable as sovereign nations with legitimate claims to their land that the Doctrine of Discovery became necessary to uphold the expansionist interests of imperial powers from Europe.

<sup>305</sup> Dunbar-Ortiz, 200.

provides the conceptual basis for centuries of masking the theft of Indigenous land by giving it the appearance of legal legitimacy.

The United States is founded on settler colonialism. Unlike other forms of colonialism, settler colonialism seeks specifically to remove Indigenous populations in order to replace them with settlers.<sup>306</sup> The practices and worldview that fostered this European colonial project in the Americas were formed centuries before Columbus set sail. A brief consideration of the history of European Christian crusades highlights this development of colonial ideology, the legacy of which the United States inherits and continues. Crusades, while supported by a deadly religious zeal to Christianize the world, were explicitly linked to economic goals. In part, this is because they were intended to result in European control of lucrative trade routes. The Crusades also, however, provided opportunity for soldiers to advance themselves economically and socially by acquiring wealth through the sacking and looting of Muslim cities which would in turn grant them a degree of prestige upon their return home. Further, the late 13<sup>th</sup> century saw the papacy begin to turn this crusading energy against “domestic” enemies, in particular heretics, pagans, commoners, and especially women. This became a way for knights and noblemen to seize land and, having done so, force a situation of servitude unto those commoners who were already living on that land.<sup>307</sup>

This is important for understanding the formation of U.S. myths and identity for two reasons. First, U.S. history is a story of the seizure of land and exploitation of labor in service of increasing the wealth of the few. It is important to highlight the origins of

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<sup>306</sup> Amanda Morris, “What is Settler-Colonialism?,” *Teaching Tolerance*, January 22, 2019, accessed January 20, 2020, <https://www.tolerance.org/magazine/what-is-settlercolonialism>.

<sup>307</sup> Dunbar-Ortiz, 32-34.

this practice here. In short, “the rise of the modern state in Europe was based on the accumulation of wealth by means of exploiting human labor and displacing millions of subsistence producers from their lands,”<sup>308</sup> practices which are continued in the founding and expansion of the United States. Second, the displacement of European peasantry that begins in this period has a direct relationship to the settling of the Americas. Dunbar-Ortiz shows that in the centuries after knights and noblemen began claiming land and forcing the inhabitants of that land into servitude, the notion of land as private property began to gain popularity alongside the practice of “enclosure,” the privatization of land that had previously been commons. The peasantry who had traditionally used the commons as pasture for sheep and cows, and as a source of water, food, medicinal plants, firewood, and more, were evicted and rendered unable to provide for themselves as the land was turned over to private commercial use.<sup>309</sup> This privatization of land and mass displacement of people creates a population ready to “serve as settlers in North American British colonies.”<sup>310</sup> The people suddenly denied access to the common land that allowed them to make a living became prime candidates for settling the Americas because their situation made them especially vulnerable to draws of indentured servitude, which provided a means of living and the promise of future prosperity in the “New World.” After completing the terms of their servitude, these settlers “were free to squat on indigenous land and become farmers again.”<sup>311</sup>

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<sup>308</sup> Dunbar-Ortiz, 33.

<sup>309</sup> Ibid, 34-35. Again, we encounter a pattern of land seizure for profit that will influence the actions of the Euro-American settlers who spend the next few centuries similarly taking forceful control of land, disregarding the livelihoods and wellbeing of the people already inhabiting it.

<sup>310</sup> Ibid, 35.

<sup>311</sup> Ibid, 35.

Thus, Dunbar-Ortiz argues that “by the time Spain, Portugal, and Britain arrived to colonize the Americas, their methods of eradicating peoples or forcing them into dependency and servitude were ingrained, streamlined, and effective.”<sup>312</sup> This gets embedded into U.S. practice and self-understanding. After gaining its independence, the nation embarked on a project of expansion dependent upon continual seizure of Indigenous territory. This seizure of land was violent and bloody, and it utilized and manipulated the legal system in order to gain legitimacy and achieve its ends. According to Dunbar-Ortiz, this led to a “nightmarish” period of extreme and unrestrained violence and increased colonization of indigenous lands as the United States proceeded to make its way across the continent, utilizing a program of “scorched earth and annihilation.”<sup>313</sup>

In the early period of U.S. independence, alliances were formed between Indigenous nations in order to fend off settler encroachment, and the Washington administration determined that the promotion of U.S. interests required breaking up these alliances. Moreover, the administration insisted that war, rather than diplomacy, would be the best method for achieving this goal. Here we can begin to see the continued legacy of the classes who had made their way to the “New World,” by way of indentured servitude in order to find access to the land and livelihood that had been taken from them in Europe. Not only did these people and their descendants provide bodies to populate the colonies and the new nation they later formed, they also provided a ready-made army desperate for land or profit and willing to go to extreme means to gain it. Dunbar-Ortiz notes that although the armies who fought Indigenous nations to expand U.S. borders

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<sup>312</sup> Dunbar-Ortiz, 40.

<sup>313</sup> Ibid, 78-79.

were led by federal officers, by and large the soldiers populating these armies were squatter settlers: less well-off settlers squatting on indigenous land who were “unaccustomed to military discipline but fearless and willing to kill to get a piece of land to grab or some scalps for bounty.”<sup>314</sup> Thus the colonial legacy of unjust land acquisition and the relentless quest for profit, inherited from Europe, continues to develop in the new settler nation.

This period of war against the Indigenous peoples relied on the use of “vicious killers to terrorize the region, thereby annexing land that could be sold to settlers,” a primary source of revenue for the burgeoning government.<sup>315</sup> The military strategy developed in this period was aimed at destroying the enemy’s will or capacity to resist by utilizing any means necessary. Called “irregular warfare,” this method continued to be prevalent even after the official founding of the professional U.S. Army in the early 1800s. The main characteristic of irregular warfare was the use of extreme violence against civilians, including outright physical attacks as well as efforts to undermine the systems upon which they relied for survival.

Alongside these overtly violent forms of genocide, legal tactics emerged, including the practice of treaty-making. As noted above, this practice was necessary because the United States recognized, at least in some capacity, the Indigenous nations of the continent as sovereign nations having some legally legitimate claim to the land.<sup>316</sup> These treaties often came at the end of violent assaults against Indigenous nations as a

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<sup>314</sup> Dunbar Ortiz, 81.

<sup>315</sup> Ibid, 82.

<sup>316</sup> The U.S. constitution names the power “to regulate commerce with foreign Nations...and with Indian Tribes” as a power of the federal government. See “Commerce Clause,” Cornell Law School, accessed February 20, 2020, [https://www.law.cornell.edu/wex/commerce\\_clause](https://www.law.cornell.edu/wex/commerce_clause).

way of formalizing the conquest of Indigenous territory. For example, the 1795 Treaty of Greenville, which redrew the lines between Indigenous and U.S. territory and limited Indian Country to northwestern Ohio, formalized a U.S. victory based on a sustained period of irregular warfare.<sup>317</sup> Andrew Jackson and his infamous Trail of Tears provide another example. Jackson built his political career off of an exceptionally brutal military one, largely spent annihilating Indigenous peoples, especially the Muskogee Nation and the Seminoles.<sup>318</sup> Jackson's brutalities included the indiscriminate killing of civilians, even those seeking refuge and shelter, the fashioning of reigns for horses using "leather" created from the skin of defeated Muskogees, and the collection of other souvenirs from the bodies of the dead. The Muskogee Nation was forced by this brutal campaign to sign the Treaty of Fort Jackson in 1814, a treaty of Muskogee surrender for which Andrew Jackson was the only U.S. negotiator and which stated that the Muskogee people had lost in an honorable war and as a matter of national justice. Jackson insisted on the Muskogee Nation's complete destruction, a move which the Muskogee negotiators had no leverage against or power to negotiate, and the treaty obligated them to move west to the remnants of a small portion of their original homeland.<sup>319</sup>

This military career led directly to Jackson's presidency and its defining project: the "elimination of all the Indigenous communities east of the Mississippi through forced removal."<sup>320</sup> As soon as he was elected Jackson began using his office to displace Indigenous farmers and destroy their towns in the South. The State of Georgia considered

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<sup>317</sup> Dunbar-Ortiz, 83.

<sup>318</sup> Ibid, 96-97.

<sup>319</sup> Ibid, 99-100.

<sup>320</sup> Ibid, 98.

his election to be a green light to begin claiming as public land the coveted territory of Cherokee Nation. While the Cherokees took Georgia to court over this, and the Supreme Court ultimately ruled in their favor, Jackson ignored the Court's decision, insisting that it was unenforceable as Jackson had control of an army and the Court did not. During this time, gold was discovered in Georgia,<sup>321</sup> bringing tens of thousands of gold seekers into the state who proceeded to squat on Indigenous land, destroy their fields and game parks, loot their towns, and kill their people. Finally, under the authority of the Indian Removal Act of 1830, the Treaty of New Echota was negotiated and signed by a group of Cherokees hand selected by the U.S. government.<sup>322</sup> This treaty ceded all Cherokee territory to the U.S. in exchange for land in "Indian Territory"<sup>323</sup> in the west.<sup>324</sup> Including this treaty, the Jacksonian period saw eighty-six treaties forcing land succession, including removal to Indian Territory, made between Indigenous peoples and the United States. During this time seventy thousand people, nearly all the Indigenous nations east of the Mississippi, were forcibly relocated to Indian Territory by means of bloody irregular

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<sup>321</sup> Note again here the connection between the seizure of land and the quest for profit.

<sup>322</sup> Alongside violent irregular warfare, the U.S. also imprisoned Cherokee leaders and closed their printing press in order to coerce the people into signing the treaty. These practices (imprisoning or assassinating leaders, cutting off lines of communication, destabilizing traditional forms of government, etc.) are typical tactics utilized by the United States throughout its history to undermine indigenous sovereignty, create dependency, and ultimately further U.S. interests. For examples, see Dunbar-Ortiz, 107-110, 117-161.

<sup>323</sup> Here Indian Territory, or Indian Country, refers to the lands (especially Oklahoma) Indigenous peoples were removed to by the United States government. More broadly, Indian Country is a term used to refer to reservations, informal reservations, dependent indigenous communities, and allotments or land titles possessed by indigenous people. See "What is Indian Country," Tribal Jurisdiction, accessed February 20, 2020, <https://tribaljurisdiction.tripod.com/id7.html>.

<sup>324</sup> Dunbar Ortiz, 109-110. The story of the Cherokee signers of this treaty is a complicated and contested one. For another perspective on these "handpicked" Cherokees, see Cherokee writer Rebecca Nagle's analysis of Major Ridge, John Ridge, and their roles in the signing of the treaty on her podcast *This Land*, episode 4, "The Treaty," June 24, 2019.

warfare and coerced treaties. Thousands died. Other communities chose to flee to Canada and Mexico rather than face forced removal to Indian Territory.<sup>325</sup>

There is a risk here, in naming the particular brutality, bloodlust, and sociopathic quest for land obvious in this account of Andrew Jackson's life and presidency, that it is implied that the fault lies mostly with him and his administration, or that he was a reprehensible outlier in an otherwise less violent past. It should therefore be emphasized that not only did Jackson not carry out any of his military campaigns or political goals alone, but that his actions also grew out of and were sanctioned by the culture around him. Born to settlers squatting on indigenous land, "his life followed the trajectory of continental imperialism" he inherited from his sociopolitical location.<sup>326</sup> The following section explores in depth the mythology and ideology of this period and how it shapes the United States to this day. For now, it is important to note that Jackson was born into this cultural milieu and should not be thought of as separate from it. Furthermore, many tie Jackson directly to Thomas Jefferson's thoughts and goals for the nation, calling Jefferson the "thinker" and Jackson the "doer" in the project of "forging populist democracy for full participation in the fruits of colonialism based on opportunity available to Anglo settlers."<sup>327</sup> The Cherokees Jackson forcibly removed had been under pressure to relocate since the time of the Jefferson administration.<sup>328</sup> Jackson simply finally got the job done. Before he was elected president, Jackson's methods of warfare against indigenous people earned him a commission as major general from President

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<sup>325</sup> Dunbar-Ortiz, 110-113.

<sup>326</sup> Ibid, 114.

<sup>327</sup> Ibid, 107.

<sup>328</sup> Ibid, 111.

Madison.<sup>329</sup> Jackson was also wildly popular among rural, land-poor, white U.S. citizens,<sup>330</sup> and he was the most popular president the United States had yet to see.<sup>331</sup> It is clear that Jackson exemplified a widespread anti-Indigenous ideology, as well as the types of brutal tactics utilized to rid desirable land of Indigenous people in order to make way for U.S. expansion.<sup>332</sup>

Systems of law and government have also been similarly utilized throughout the history of the U.S. in order to seize Indigenous land, create Indigenous dependency on the U.S., and ultimately eliminate as many vestiges of Indigeneity from the United States as possible.<sup>333</sup> While there is not space in this chapter to detail the entire history of the United States' genocidal actions against Indigenous people, a brief exploration of a few examples will help to illuminate how the United States came to control its current territory. Doing so will bring to the fore how the rule of law has taken particular shape in the U.S., and how this complicates communitarian commitments to it. As indicated briefly in chapter one, the Holocaust offers a prime example of the ways in which the legal systems of a nation may be used to perpetuate horrors against people, including segments of a nation's own citizens. Yet, there is no need to cross the ocean to find examples of this sort of strategic misuse of law and order. U.S. history offers a surplus of

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<sup>329</sup> Dunbar-Ortiz, 100.

<sup>330</sup> Ibid, 108-109.

<sup>331</sup> Ibid, 97.

<sup>332</sup> For an in-depth consideration of Andrew Jackson and his context, see Paul Michael Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian* (New York: Knopf), 1975.

<sup>333</sup> As we shall see going forward, this elimination of Indigeneity, physically violent and otherwise, meets the United Nations definition of genocide, which includes not only the "killing of members of the group," but also deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" and "forcibly transferring children of the group to another group." See "Genocide," Definitions, United Nations, accessed February 20, 2020, <https://www.un.org/en/genocideprevention/genocide.shtml>.

examples of how legal systems can be manipulated in order to protect or promote the interests of some people at the direct expense of others.

Besides using treaty-making to formalize violent conquests, the United States also began concerted efforts to establish Indigenous dependency on U.S. benevolence and the U.S. economy very early on. For example, in the early 1800s the Choctaw and Chickasaw peoples of the U.S. Southeast were cut off from trade with the Spanish in Florida, trapping them in the U.S. trade world. In this world they quickly accumulated debt they had no means of paying and thus became beholden to creditors, often agents of the U.S. government, to whom they were forced to cede land in order to pay off debt. The Choctaws ultimately relinquished most of their lands, while the Chickasaws were forced to cede all of their territory north of the Tennessee River. As a result many Chickasaws and Choctaws were plunged into landless poverty, forcing them into participation in the plantation economy and the continual accrual of further debt and dependency. This result was by no means accidental or unavoidable. Thomas Jefferson, Dunbar-Ortiz reports, not only foresaw this outcome of debt leading to the ceding of Indigenous land, but fully encouraged it in the name of U.S. interests.<sup>334</sup> Later, as the U.S. continued to expand westward into the territory of the Plains Nations, economic dependency was intentionally fostered by again cutting the people off from an important resource, this time the buffalo, which had traditionally provided an economic base for these nations. The U.S. army was directed to destroy this resource, killing tens of millions of buffalo in a few short decades

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<sup>334</sup> Dunbar-Ortiz, 97.

and leaving only a few hundred, not nearly enough to sustain the independent economies of the Plains Nations.<sup>335</sup>

Other U.S. actions came under the guise of “help.” In the late 1800s wealthy and influential advocates who understood themselves to be “friends of the Indians” developed an assimilation-based policy that was later formulated into an act of Congress by Senator Henry Dawes. The 1887 General Allotment Act (or the Dawes Act) divided up collectively held Native land: reservations where Indigenous survivors of U.S. conquest and expansion had been relocated. Allotment divided this land amongst the people so that it was no longer commonly held, but rather individually owned private property.<sup>336</sup>

Senator Dawes argued that allotment was in the best interests of Native peoples, insisting that the reservation system was socialist and defective because it lacked the ability to motivate people to make their homes better than others’. These communities, he insisted, lacked selfishness, and selfishness is the foundation of civilization. Each Native person needed to own their own land in order for them to progress as people. In reality, allotment succeeded only in significantly reducing the Indigenous land base, cutting it in half. It also established further Indigenous poverty and dependency on the U.S. In 1889 territory left over from this allotment process, called the “Unassigned Lands” by the U.S.

government, became open to U.S. settlers looking for land.<sup>337</sup>

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<sup>335</sup> Dunbar-Ortiz, 142-143. This is not, technically speaking, a legal maneuver, but it is an official policy of the U.S. military meant to secure land and further U.S. dominance. This is about one group having control of the systems of power, legal and otherwise, necessary to secure their own interests at the expense of others. Communitarian commitments to the rule of law and strong governments do not sufficiently account for the prevalence of this sort of oppressive practices in systems of government and law.

<sup>336</sup> It is beyond the scope of this chapter to consider the theological ramifications of sacred land being made into private property, but this is an area worthy of further exploration and study. It is important to keep in mind that what Indigenous communities have lost is not just land to be used, but sacred land to which these communities had deep, specific connections.

<sup>337</sup> Ibid, 157-158.

Other land in Indian Territory, however, was not available to be opened up in this way. The five Indigenous nations removed from the South, including the Muskogee Nation and the Cherokee Nation, had, because of the terms of the treaties they signed, territories that were legally sovereign nations rather than reservations, and thus could not be broken up by allotment. The discovery of oil in this territory heightened U.S. interest in gaining access to it, and so in 1898 Congress passed the Curtis Act. Breaking the terms of the removal treaties signed between the U.S. and these nations, the Curtis Act “unilaterally deposed the sovereignty of those nations and mandated allotment of their lands.”<sup>338</sup> By breaking up these Nation’s lands and assigning 160- acre allotments to each person, the government again significantly reduced Indigenous land holds as the sum of their allotments totaled less than the land granted to them in their treaties. The remaining land, as with the Dawes Act, was “declared surplus and opened to homesteading.”<sup>339</sup> The Dawes and Curtis Acts combined dispossessed Native people of three quarters of their land base and left many individuals without any land at all. Indian Territory was dissolved when Oklahoma became an official state in 1907. Allotment ended in 1934 with the passing of the Indigenous Reorganization Act, but the land taken was never returned and the people never reimbursed or compensated for their losses.<sup>340</sup>

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<sup>338</sup> Dunbar-Ortiz, 158.

<sup>339</sup> Ibid, 158.

<sup>340</sup> Ibid, 158-159. This is not the only time the U.S. passed laws that broke treaties made with Indigenous nations in this way. For example, the 1862 Homestead Act and Morrill Act were also U.S. land grabs that similarly broke the terms of treaties (Ibid, 140). Interestingly, in the summer of 2019 the U.S. Supreme Court heard a case, *Carpenter v. Murphy*, in which jurisdiction in an Oklahoma murder case was disputed. The Court’s decision in this case will have a huge impact on Indigenous sovereignty and the land in Oklahoma, as the court is basically deciding if much of Eastern Oklahoma is actually still Indian country. Mr. Murphy committed a murder on land that was once Indigenous land. The question for the Court is whether Oklahoma’s statehood, declared in 1907, abrogated Indigenous sovereignty in that land. See Adam Liptak, “Is Half of Oklahoma and Indian Reservation? The Supreme Court Sifts the Merits,” *New York Times*, November 27, 2018; Rebecca Nagle, *This Land*, June 3 – July 22, 2019, <https://crooked.com/podcast-series/this-land/>.

Other examples include efforts to stamp out Indigenous cultures through forced assimilation, especially in Indigenous boarding schools where students were punished for speaking their native languages or dressing in ways befitting their traditional cultures.<sup>341</sup> The United States also unilaterally forced U.S. citizenship onto Indigenous peoples, confusing their loyalties, undermining their sovereignty and systems of government, and making them legally beholden to the obligations of U.S. citizenship.<sup>342</sup> It becomes evident, then, that the United States gained its present territory through the combined means of violent irregular warfare, coerced treaties, the manipulation of systems of law and government, and the violation of the terms of the treaties signed between the government and Indigenous peoples. The United States exists as it does today because of invasion and settler colonialism.

This exploration of U.S. settler colonialism and the seizure of Indigenous land may seem out of place in a consideration of immigration ethics. It is, however, directly relevant on several fronts. This will become evident as the chapter proceeds, but warrants highlighting here. First, the ideologies that drove this genocidal conquest of the continent are deeply embedded in U.S. identity, and this has had a profound impact on the way immigration policy and border enforcement has developed. It is important to highlight the ways this ideology impacted and continues to impact not only those who come to the United States from abroad but also those whose presence on this continent predates

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<sup>341</sup> Dunber-Ortiz, 151.

<sup>342</sup> M. Annette Jaimes, "Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America," in *The State of Native America: Genocide, Colonization, and Resistance*, ed. M. Annette Jaimes, (Boston: South End Press, 1992), 127-128. The effects of coercive citizenship here prove to be ultimately quite similar to those of exclusion from citizenship. The power dynamics are the same. Coercive belonging and exclusion from belonging are both tools that function to keep the control of resources in certain hands and out of others. Whether people are being coerced into relinquishing resources because they are citizens who must contribute to the "common good" or being denied access to resources based on a lack of citizenship, the outcome is the same. Some benefit while others pay the price.

European invasion.<sup>343</sup> Second, the practices highlighted here, such as irregular warfare and tactics meant to destabilize governments, become hallmarks of U.S. foreign policy and directly impact migration flows to the United States. The period of U.S. history explored in this section is a defining moment for this country, its military, and the relationship between the military and U.S. economic interests. Dunbar-Ortiz writes that the birth of the United States was caused and defined by “the colonialist settler-state’s willingness to eliminate whole civilizations of people in order to possess their land.”<sup>344</sup> This will continue to be an important theme going forward. This dissertation argues that the United States has acted and continues to act in such a way as to make its citizens deeply culpable in the suffering and instability of many people, and that this culpability establishes relationships of responsibility including but not limited to the sharing of U.S. resources by way of more open immigration policies. Therefore, establishing these patterns in U.S. history is an important element of the central argument.

Finally, this exploration of the history of this continent ought to significantly reframe the national conversation about immigration into the United States. Understanding how the United States utilized brutal military force and coercion to establish its current borders raises many questions about what right the government now has to enforce these borders. If U.S. claims to this land are morally tenuous, as this section has argued, what moral authority does the U.S. government have over who can and cannot be here? This dissertation does not ultimately argue that the United States

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<sup>343</sup> This ideology also impacted and continues to impact those who were brought here by force. Later in this chapter we will also address the connections between immigration, U.S. mythology, and the treatment of enslaved Africans, their descendants, and other Black people in the United States.

<sup>344</sup> Dunbar-Ortiz, 96.

ought to cede its authority over its borders entirely.<sup>345</sup> Rather, the point is to unsettle the certainty with which scholars and citizens often consider the right of a state to control its borders. This is especially prevalent in communitarian approaches, but generally this right is ultimately upheld in cosmopolitan arguments as well. Understanding the history of conquest on this continent destabilizes this argument, and it is a reality with which any argument for strong U.S. border control must reckon. It is also important to note the ways in which systems of law and government were manipulated and weaponized against Indigenous peoples in order to secure U.S. interests (particularly the interests of the wealthy). This highlights why communitarian commitments to upholding the rule of law require further scrutiny.

The way history is told matters a great deal.<sup>346</sup> Dunbar-Ortiz insists that the formation of a more accurate historical narrative,

requires rethinking the consensual national narrative. That [current national] narrative is wrong or deficient, not in its facts, dates, or details but rather in its essence. Inherent in the myth we've been taught is an embrace of settler colonialism and genocide. The myth persists, not for lack of free speech or poverty of information but rather for an absence of motivations to ask questions that challenge the core of the scripted narrative of the origin story.<sup>347</sup>

She goes on to argue that “awareness of the settler-colonialist context of U.S. history writing is essential if one is to avoid the laziness of the default position and the trap of a mythological unconscious belief in Manifest Destiny.”<sup>348</sup> Unmasking and shifting away

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<sup>345</sup> The manner in which Indigenous rights to this land ought to be honored is an ongoing discussion. A full consideration of this topic is beyond the scope of this dissertation as it would require a much more in-depth examination of U.S. settler colonialism, the history of treaties (and the breaking of treaties), Indigenous sovereignty, and the desires and interests of modern Indigenous peoples, than this project can provide. This is a conversation which intersects with immigration, and so is raised, but not fully explored, here.

<sup>346</sup> This will be considered more fully in chapter three.

<sup>347</sup> Dunbar-Ortiz, 2.

<sup>348</sup> *Ibid*, 6.

from this “default position” is precisely at what this chapter aims, and the brief history of U.S. settler colonialism presented in this section is one piece of that puzzle. This retrieval of a fuller U.S. history helps to establish a more accurate narrative and bring to light the responsibilities this history imparts upon U.S. citizens and the government. With this in mind, it is therefore to the “mythological unconscious belief in manifest destiny” to which we now turn.

### **2.3 MANIFEST DESTINY, THE MYTH OF THE FRONTIER, AND THE LEGACY OF COLONIAL HISTORY**

Early European colonial invasion of the Americas wrested control of the land from Indigenous peoples. The result was that the previously cultivated landscape became densely forested, giving it an appearance of being wildly untamed and under-developed when later colonial settlers arrived. These settlers were often also unable to recognize the Indigenous methods of land cultivation and management that they did witness, leading them to conclude that the people native to the continent were unskilled at using the land to its full potential.<sup>349</sup> As Dunbar-Ortiz writes,

In the founding myth of the United States, the colonists acquired a vast expanse of land from a scattering of benighted peoples who were hardly using it—an unforgivable offense to the Puritan work ethic. The historical record is clear, however, that European colonists shoved aside large networks of small and large nations whose governments, commerce, arts, sciences, agriculture, technologies, theologies, philosophies, and institutions were intricately developed, nations that

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<sup>349</sup> Dunbar-Ortiz, 45.

maintained sophisticated relations with one another and with the environments that supported them.<sup>350</sup>

The United States' founding and violent westward expansion, as outlined in the previous section, was legitimized through the creation and maintenance of this type of foundational mythology. This mythology has roots in European colonialist narratives and the Protestant work ethic,<sup>351</sup> but takes on a distinctive form in the land that became the United States. It relies on this notion that the land was in some fundamental way virgin: uncultivated, underused, and very lightly populated by uncivilized groups of Native people.<sup>352</sup> The previous section highlighted the ways in which the Doctrine of Discovery was used to legitimize European claim to the continent. The idea that land could be claimed because its inhabitants were non-Christian or resistant to Christianity connects directly to this notion that the land was being improperly utilized by uncivilized Native nations. Particular notions of civilization, religion, and the land are deeply intertwined in U.S. founding mythology.

The United States is unique in that it is one of the only nations founded on the biblical notion of God's covenant people (or a Christian appropriation thereof).<sup>353</sup> The early settlers of the American colonies understood themselves to be a New Israel gifted a new Promised Land by God. Despite this religious self-understanding, the United States is not a theocracy, but rather understands itself to be a nation of faithful citizens who

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<sup>350</sup> Dunbar-Ortiz, 46. Moreover, far from taming an uncultivated virgin landscape, European settlers benefited from what existed through their appropriation of the ready-made roads, cultivated farmlands, and knowledge of the land provided by captured Natives (Ibid). Adam Gomez, "Deus Vult: John L. O'Sullivan, Manifest Destiny, and American Democratic Messianism," *American Political Thought* 1, no. 2 (2012): 236–262.

<sup>351</sup> See Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (London; New York: Routledge) 2001.

<sup>352</sup> Dunbar-Ortiz, 45-47.

<sup>353</sup> Ibid, 46.

freely join together to form a godly society, pledging commitment to each other and their god, who will in turn ensure prosperity in the new land. While this does not always manifest in explicitly religious ways throughout all of U.S. history, there is often a prevailing sense of providence, destiny, or exceptionalism directly tied to this idea. Dunbar-Ortiz roots this notion in Calvinist theology and the idea of a God-ordained “elect.”<sup>354</sup> While it is not possible to be certain whether someone is a member of this elect, there are outward signs such as good fortune and material wealth. Bad fortune or poverty are therefore signs of not being of the elect. This plays well into a colonialist mindset, particularly when paired with an inherited sense of the Doctrine of Discovery, as the successful conquest of (especially darker skinned<sup>355</sup>) Native people can be viewed as a natural outcome of one group being elect and the other being marked for damnation. The founders of the colonies had a deep sense of being placed in a providential moment, an opportunity for God-ordained success, and the founders of the United States fell right in line with this ideology.<sup>356</sup>

This sense of providence and of success ordained and granted by God led the settlers and the early United States to believe that it was not only their right but their duty to take over the continent. The result is a strong and prevailing belief that Euro-American settlers had a God-given right to the land and a mission to conquer and civilize it. This mentality is perhaps best exemplified by John L. O’Sullivan, who coined the phrase Manifest Destiny to refer to his belief that God’s revealed plan for the United States was for it to spread across the continent. Rooted in a Euro-American tradition of thinking on

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<sup>354</sup> Dunbar-Ortiz, 48.

<sup>355</sup> Dark skin was also seen as a sign of damnation (Ibid, 49).

<sup>356</sup> Ibid, 47-49.

providence, O’Sullivan considered the United States to be the hand of God on Earth. His work emphasized the moral superiority of the United States and the sin that existed beyond its borders. Importantly, for him the United States’ sinless-ness was based on its perfect system of government.<sup>357</sup> O’Sullivan believed that while the United States was not perfect (he in fact devoted significant time to advocating various social reforms, such as the abolition of the death penalty), it was not sinful. Sin, for him, was what violated the holy democratic principle. This decoupling of religious and moral purity meant that he could view the United States as imperfect in practical matters, but still maintain that its system of democratic government was “spiritually unstained,” and a “radical break with world history.” In this worldview, enemies of the United States become enemies of God.<sup>358</sup> Importantly, O’Sullivan believed that democracy, like religious faith, was something that must be held, not simply believed in. While he believed in a basic equality between all people, for O’Sullivan certain people were capable of actively embracing democracy and self-legislating their own freedom while others were not. That was to say that true equality in practice depended on one’s ability to be truly free. Enslaved people (and former enslaved people), Indigenous people, and Mexicans were among those O’Sullivan believed to be incapable of such freedom and self-legislation, and therefore were rightly governed by those who had more democratic capacity, even if they did not consent to be so governed.<sup>359</sup> Basically, he believed that “to hold the democratic principle bestows equality with those who can grasp it, while granting superiority, moral and

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<sup>357</sup> Gomez, 239-240.

<sup>358</sup> Gomez, 240, 250-252. This notion of the United States having radically broken from history (and especially from the sins of history) contributes to American exceptionalism, and its legacy diminishes U.S. ability to conceive of itself as culpable for the sins of history. This problem will be taken up in chapter three.

<sup>359</sup> Ibid, 240-241, 247-248.

otherwise, over those who cannot or will not.”<sup>360</sup> It was therefore the holy duty of the United States to spread freedom and democracy wherever it could, by means of coercion if necessary.<sup>361</sup>

O’Sullivan’s tying the will of the United States so firmly to the will of God in this way finds its roots in the puritan belief that their settlements in the “New World” would transform the world.<sup>362</sup> This sense of mission and providence, while not always so explicit as O’Sullivan makes it, is pervasive throughout U.S. history. The United States has been shaped by people who

believed (or pretended to believe) that they were a new chosen people in a new promised land. They believed (or pretended to believe) that their destiny was to spawn the freest, happiest, richest commonwealth in the world. They believed (or pretended to believe) that their history was a continuing revelation of God’s purpose.<sup>363</sup>

The legacy of this cannot be understated. Political scientist Adam Gomez writes, “the belief that the United States has an exceptional moral standing in world history and an obligation to spread democracy and the experience of international politics through the lens of a conflict between good and evil remain prominent in contemporary American politics,” across party lines.<sup>364</sup> Manifest Destiny has in this way remained pervasively

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<sup>360</sup> Gomez, 250.

<sup>361</sup> Note here the connections between O’Sullivan’s thinking and the Doctrine of Discovery. Both justify conquest and coercion by insisting that some people are suited for governing and controlling land and others are less suited for such things. That only certain types of people are suited to U.S. democratic ideals will continue to be an important factor in immigration discourse and policy. This is explored more later in this chapter.

<sup>362</sup> Ibid, 238.

<sup>363</sup> Walter A. McDougall, *The Tragedy of U.S. Foreign Policy: How America's Civil Religion Betrayed the National Interest* (New Haven: Yale University Press, 2016), 72-73.

<sup>364</sup> Gomez, 255.

influential in the Euro-American psyche,<sup>365</sup> and it has profoundly shaped U.S. self-understanding.

### 2.3.1 Playing Indian: Dealing with the Contradictions of Democratic Colonialism

Manifest Destiny paints the colonization of the Americas and the westward expansion of U.S. borders as both inevitable and justified. According to this narrative, the U.S. had a pre-ordained shape and size that it has since reached in fulfillment of its destiny.<sup>366</sup> The preceding section outlined some of the ways in which the United States went about expanding its borders, and while it was a force against which no amount of Indigenous resistance was able to gain much sustainable traction,<sup>367</sup> in reality, the way the United States reached its current borders was in no way inevitable or pre-ordained. Rather, U.S. imperialism was achieved largely by small groups of counter insurgents made up of squatter frontiersmen, backed up by the U.S. army and the government (by way of law and treaty), running roughshod over the continent in search of land and profit.<sup>368</sup> The conquest of the continent was brought about by intentional, imperialist actions, first by European colonists, and later by the fledgling U.S. government and its citizens. Manifest Destiny “normalizes the successive invasions and occupations of

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<sup>365</sup> Gomez, 256.

<sup>366</sup> Dunbar-Ortiz, 118.

<sup>367</sup> Dunbar-Ortiz highlights the many ways Indigenous peoples resisted colonization, and the ways in which their resistance, while it generally did not succeed in fending off U.S. seizure of their land, makes possible the continued existence of modern Indigenous peoples and their own resistance movements (Dunbar-Ortiz, 129). See also, Steven Charleston, “Articulating a Native American Theological Theory,” in *Full Circle: Constructing Native Christian Theology*, eds. Steven Charleston and Elaine A. Robinson (Minneapolis, MN: Augsburg Fortress Press, 2015), 12.

<sup>368</sup> Dunbar-Ortiz, 220.

Indigenous nations and Mexico as not being colonialist or imperialist, rather simply ordained progress.”<sup>369</sup>

It is very important to the formation and maintenance of the United States and to U.S. self-understanding that Manifest Destiny cast otherwise overtly imperialist actions in this way. Most often, when people think of U.S. identity or the nation’s founding values, it is the high ideals of the Declaration of Independence or the Constitution that are likely to come to mind. In reality, however, freedom, equality, and justice are standards up to which this nation has rarely lived. The idea that U.S. identity is based in these ideals becomes difficult to argue convincingly in a country that has committed genocide, enslaved millions, and which to this day systematically denies the basic rights and dignity of significant portions of even its citizen population. This tension between the purported ideals and the actual practices of the United States is not new. As Dunbar-Ortiz writes, “democracy, equality, and equal rights do not fit well with dominance of one race by another, much less with genocide, settler colonialism, and empire.”<sup>370</sup> The United States, for all its pontificating about the importance of democracy, equality, and justice, had ambitions for size, influence, and wealth, as well as an exaggerated sense of its own importance, inherited from its European forebears. The tension between these ideals required the development of a mythology that could reconcile rhetoric and reality, liberty and empire. O’Sullivan’s insistence that some people were incapable of true freedom represents one attempt to reckon with this problem. Historian Paul Michael Rogin also identifies this tension, arguing that the origin of the United States is one rife with sinful

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<sup>369</sup> Dunbar-Ortiz, 118.

<sup>370</sup> Ibid, 103.

“acts of force and fraud,”<sup>371</sup> and noting that statesmen of the time were “preoccupied” with the problem of how to reconcile this reality with democratic ideals.<sup>372</sup>

For Dunbar-Ortiz, James Fenimore Cooper was one of the “initial scribes” of the myth that sought to solve this problem, and his novel *The Last of the Mohicans* becomes the official origin story of the nation. In the novel, she writes,

Cooper devised a fictional counterpoint of celebration to the dark underbelly of the new American nation—the birth of something new and wondrous, literally, the US American race, a new people born of the merger between the best of both worlds, the Native and the European, not biological merger but something more ephemeral, involving the dissolving of the Indian. In the novel, Cooper has the last of the “noble” and “pure Natives die off as nature would have it, with the “last Mohican” handing the continent over to Hawkeye, the nativized settler, his adopted son. This convenient fantasy could be seen as quaint at best if it were not for its deadly staying power. Cooper had much to do with creating the US origin myth to which generations of historians have dedicated themselves.<sup>373</sup>

In reality, of course, there was no “last noble Native,” because Indigenous people continue to survive and live in this continent to this day. They never handed over the continent. The U.S. expansion across the continent was far less inevitable and far more violent than Cooper suggests. The notion that Euro-Americans lacked some sort of fundamental historical connection to the land and that their conquest of it was in serious violation of their purported ideals, however, led to precisely this sort of rewriting of history in order to paint a happier picture of how the United States came to be and to claim a more indigenous connection to the land.

Philip Deloria argues that this tension is at the very heart of U.S. identity. Appropriating Indigenous identity, as exemplified in the choice of dress during the

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<sup>371</sup> Rogin, 3.

<sup>372</sup> Ibid, 4-9.

<sup>373</sup> Ibid, 104.

Boston Tea Party or in the activities of groups such as Tammany societies, became a popular way of wrestling with this tension, erasing real Indigenous people and replacing them with fictitious, idealized stereotypes. This allowed Euro-Americans to participate in Indigeneity, however false, and take on a sense of real American-ness, while simultaneously explaining away the atrocities committed against real Indigenous people and using them as a foil against which civilization could be defined.<sup>374</sup> Deloria writes, “savage Indians served Americans as oppositional figures against whom one might find a civilized national Self. Coded as freedom, however, wild Indianness proved equally attractive, setting up a “have-the-cake-and-eat-it-too” dialectic of simultaneous desire and repulsion.”<sup>375</sup> Similarly, Rogin argues that in attempting to reconcile with the violence of their conquest and expansion on the American continent, Euro-Americans began to claim Indigenous people as their brethren and “inner double,” arguing that many of the nation’s most important families had indigenous ancestry of some kind, and putting on a mask of Indigeneity by way of costumes and cultural appropriation.<sup>376</sup> This appropriation of Indigenous identity also included casting indigenous people as lesser in some way, seeing them as helpless benefactors of U.S. benevolence and superiority, or as incapable of utilizing the continent to its full potential.<sup>377</sup>

This mythology was picked up by countless historians and writers, and pervades U.S. consciousness to this day. It includes an almost complete erasure of Indigenous peoples,

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<sup>374</sup> Philip Joseph Deloria, *Playing Indian* (New Haven, CT: Yale University Press, 1998), 10-70. See also Matthew Klinge, “Frontier Ghosts Along the Urban Pacific Slope,” in *Frontier Cities: Encounters at the Crossroads of Empire*, ed. Jay Gitlin, Barbara Berglund, and Adam Arenson (Philadelphia: University of Pennsylvania Press, 2013).

<sup>375</sup> Deloria, 3. See also, Klinge, 121-122.

<sup>376</sup> Rogin, 5.

<sup>377</sup> *Ibid*, 4, 6, 8. Note again the connection to both O’Sullivan and the Doctrine of Discovery.

except to cast them as foils for U.S. civilization, incompetent villains against which the settlers had to struggle in order to win rightful control of the continent, or as mythical ancestors who helped shape the national identity and handed the the continent over to Anglo settlers. From this, American exceptionalism is bred, either through the belief that a unique form of civilized life was carved out in this struggle, or the belief that success in this struggle was divinely granted to a chosen people. Either way, colonization becomes both less and more than it is: less brutal and violent, more destined and profound, full of adventure.<sup>378</sup> Novelist Wallace Stegner captured this well when he wrote of the U.S. frontier: “with a continent to take over and Manifest Destiny to goad us, we could not have avoided being footloose.”<sup>379</sup> Bloody, imperialist conquest becomes the footloose wandering of a people destined to explore. Stories like *The Last of the Mohicans* were “instrumental in nullifying guilt related to genocide,” setting a pattern that influences U.S. self-understanding to this day.<sup>380</sup>

### **2.3.2 The Frontier: Drawing Battle Lines and Creating Enemies**

This discussion of the development of U.S. identity and mythology intersects with and relies on a larger academic discussion of civil religion in the United States. The contemporary discourse on these ideas finds its roots in the work of Robert N. Bellah, who wrote in 1967,

While some have argued that Christianity is the national faith, and others that church and synagogue celebrate only the generalized religion of "the American

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<sup>378</sup> Dunbar-Ortiz, 103-105.

<sup>379</sup> Ibid, 105-107.

<sup>380</sup> Ibid, 107.

Way of Life," few have realized that there actually exists alongside of and rather clearly differentiated from the churches an elaborate and well-institutionalized civil religion in America.<sup>381</sup>

The masses of work this notion sparked have considered a variety of angles and questions, including how to think about this so called American civil religion, what its contours and origins are, whether it is helpful or harmful to the nation, and what the relationship between churches, theology, and civil religion is or ought to be.<sup>382</sup> This chapter is concerned with the development of U.S. mythology that shaped the nation's identity and practice. This mythology and its impact can be considered a form or part of U.S. civil religion.

For U.S. Latino systematic theologian Roberto Goizueta, the United States' founding mythology is all about the frontier. Like Dunbar-Ortiz, he is interested in uncovering the unconscious mythology that drives U.S. self-understanding and action, both historically and today. Goizueta argues that while Western civilization has produced indisputable literary, intellectual, and human rights advances, underlying those positive contributions to the world there are "disturbing signs of another reality," evident in everything from the corpses of the Shoah to the existence of permanent underclasses of people.<sup>383</sup> In order to

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<sup>381</sup> Robert N. Bellah, "Civil Religion in America," *Daedalus* 96, no. 1 (1967): 1–21.

<sup>382</sup> See James Mathisen, "Twenty Years after Bellah: Whatever Happened to American Civil Religion?" *Sociological Analysis* 50, no. 2 (1989): 129–46. <https://doi.org/10.2307/3710983>; Bellah, "Comment: [Twenty Years after Bellah: Whatever Happened to American Civil Religion?]" *Sociological Analysis* 50, no. 2 (1989): 147–147. <https://doi.org/10.2307/3710984>; Phillip E. Hammond, "The Sociology of American Civil Religion: A Bibliographical Essay." *Sociological Analysis* 37, no. 2 (1976): 169–82. <https://doi.org/10.2307/3709692>; Eh Breitenberg, "To Tell the Truth: Will the Real Public Theology Please Stand Up?" *Journal Of The Society Of Christian Ethics* 23, no. 2 (2003): 55–96, <https://doi.org/10.5840/jsce20032325>; Philip Gorski, *American Covenant: a History of Civil Religion from the Puritans to the Present* (Princeton: Princeton University Press) 2019; Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press) 1997.

<sup>383</sup> Roberto S. Goizueta, "Beyond the Frontier Myth," in *Hispanic Christian Thought at the Dawn of the 21<sup>st</sup> Century: Apuntes in Honor of Justo L. González*, eds. Justo L. González, Alvin Padilla, Roberto S. Goizueta, and Eldin Villafañe (Nashville, TN: Abingdon Press, 2005), 150.

understand this other reality, we must understand the frontier myth, which Goizueta calls “the foundational myth of modernity” and “our creation myth.”<sup>384</sup> Fundamentally, the frontier myth is about conquest. The frontier describes what is at the edge of our progress, where civilization meets savagery.<sup>385</sup> The idea that what lies beyond U.S. borders must be made civilized was part of what drove the nation ever more westward, trampling over people and planet in its way.<sup>386</sup>

Notably, this casting of U.S. identity had an impact on the way the U.S. war for Independence was fought. Generally speaking, groups fighting wars for independence from colonizing forces include and work together with Indigenous people. In the Mexican war for independence, a majority of the insurgents were Indigenous peoples. The U.S. war for independence is in stark contrast to this trend; U.S. independence fighters saw Indigenous nations as enemies and targeted them as such.<sup>387</sup> For their part, most Indigenous nations concluded that a colonizing power that was an ocean away was preferable to the settlers fighting for independence on their land. They largely supported the British efforts.<sup>388</sup> Hence, from the earliest moments, U.S. identity was built in contrast to, and in a state of enmity with, Indigenous peoples. The United States has always defined itself as a civilization in contrast to the original peoples of this land.<sup>389</sup>

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<sup>384</sup> Goizueta, 152.

<sup>385</sup> Due to the modern misappropriation of the word “savage,” my use of it here may require justification. Today it is generally used to denote an action which is particularly ruthless or for which a person shows no remorse. Many Indigenous people decry this usage as failing to acknowledge the history of the word, used against Indigenous people to dehumanize them and normalize their violent removal from the land. I use it here in order to highlight that original usage and how this casting of Indigenous people as “savage” played into foundational U.S. mythology and self-understanding.

<sup>386</sup> Ibid, 152.

<sup>387</sup> Dunbar-Ortiz, 120.

<sup>388</sup> Ibid, 74-76, 79, 81.

<sup>389</sup> For an in depth look at the various frontiers and borderlands of the young United States and their role in shaping national identity, see Andrew K. Frank and Glenn A. Crothers, eds, *Borderland Narratives*:

Goizueta is not alone in identifying the importance of the frontier in U.S. history. Rogin considers it foundational to U.S. identity that the nation was “continually beginning again on the frontier, and as it expanded across the continent, it killed, removed, and drove into extinction one tribe after another.”<sup>390</sup> Ted Morgan similarly identifies the frontier as a “battle line” that shaped the earliest decades of the United States, and argues that “the idea of a great expanse of land waiting to be filled is central to the spirit of America.”<sup>391</sup> He considers this availability of space, so different from crowded Europe, as a fundamental inspiration for Euro-American ideals of democracy and equality. It is only in a place where such availability of land exists and anyone (anyone white and male, that is) could access it, he argues, that these ideals could have any real foothold. Of course, this necessitated the removal of the former inhabitants of the land. Indigenous removal, therefore, becomes part and parcel of Euro-American freedom and democracy.<sup>392</sup>

It is important to highlight that for frontier mythology, what lies beyond the borders of society (or “civilization”) is something savage. At the edges of civilization lies that which is dark (civilization, after all, being fundamentally white), something wild and untamed, fundamentally lesser than those on the inside. At best it needs to be brought into the fold and assimilated into civilization. At worst, it is a danger that must be conquered, pushed out, or kept at bay at all costs.<sup>393</sup> U.S. history is full of examples of both. Dunbar-Ortiz uses similar language of “subjugation or expulsion” to define the

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*Negotiation and Accommodation in North America's Contested Spaces, 1500-1850* (Gainesville: University Press of Florida) 2017.

<sup>390</sup> Rogin, 3.

<sup>391</sup> Morgan, 12-13.

<sup>392</sup> *Ibid*, 482-488.

<sup>393</sup> Goizueta, 153.

goals of violence and irregular warfare against Indigenous peoples in U.S. history.<sup>394</sup> It is also worth clarifying that while frontier mythology has long influenced U.S. thinking about and actions at concrete geographical borders, this distinction between civilization and savagery is, ultimately, not about geography. Rather, it is about how the United States has understood and developed its sense of national identity and belonging. These boundaries of belonging have long been drawn along the lines of socially constructed notions of whiteness. Those who can be considered white can belong to U.S. civilization. Those who cannot be considered white cannot. Philosopher José Jorge Mendoza notes that from the Naturalization Act of 1790, which explicitly stipulates that people who are not white cannot become naturalized U.S. citizens through the Civil War Amendments which opened up naturalization to Black people without ridding the law of the whiteness clause, one's ability to be fully included in U.S. society and membership has long been tied to a distinction between white and non-white.<sup>395</sup>

Recall O'Sullivan's argument that the United States was God's hand on Earth, tasked with enacting divine will by spreading democracy and governing those who were deemed incapable of governing themselves well. This, along with his subsequent casting of those opposed to the United States as enemies of God, is directly related to the frontier mythology Goizueta is identifying. According to the frontier myth worldview "to be civilized is to extend the frontier, to expand, to seek new opportunities, to dominate, to

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<sup>394</sup> Dunbar-Ortiz, 71.

<sup>395</sup> José Jorge Mendoza "Illegal: White Supremacy and Immigration Status," in *The Ethics and Politics of Immigration: Core Issues and Emerging Trends* (Lanham: Rowman & Littlefield International, 2016), 208-219. Mendoza goes on to argue that this has created a state of "perpetual foreignness" that hangs over people who are categorized into non-whiteness and thus barred from full inclusion, even if the law no longer explicitly ties membership to whiteness. Moreover, he argues that use of the term "illegal" to refer to undocumented (or potentially undocumented) migrants carries on this raced conception of belonging as proper only to those who are white (207).

conquer.”<sup>396</sup> It is how one acts virtuously, properly. For O’Sullivan, it is how the will of God is lived out. Those who are opposed to this stand not only in the way of progress and civilization, but in contrast to God. This is, in part, how people end up willing to massacre others for the simple crime of already being on a desired area of land. Everything that lies beyond a narrow understanding of proper civilization, everything that is beyond U.S. borders, is fundamentally other, less than human, in need of being made useful through assimilation or enslavement or kept safely beyond the nation’s ever-expanding borders.

Frontier myth, like Manifest Destiny, casts white settlers in the role of just conquerors, taking control of what was rightfully theirs, defending certain God-given goods understood to exist in their civilization and in their very identities, and subduing or eliminating threats to God’s plan on Earth. Sin becomes easier to commit and harder to notice in this environment because the sinful activities of genocide and conquest are cast as the right thing to do. Truly good choices are harder to make because the wrong choices—complicity with or outright participation in evil—are understood as good and right. God-ordained.

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<sup>396</sup> Dunbar-Ortiz, 153. It should be noted that of course such acts of conquering aggression from the other side of the frontier, from the “savage,” should not be read in this view as a legitimate act of civilization, but as a hostile invasion. One cannot help but to see that race plays an important part in how civilization is defined. It is only proper for white people to expand and conquer in this way, only a sign or act of civilization when done by those already defined as civilized.

### 2.3.3 Sin as Social: Analytical Tools for Identifying Culpability

This understanding of Manifest Destiny, frontier myth, and their roles in the formation of the United States relies on an understanding of sin as deeply social. Kristin Heyer describes social sin as that which “encompasses the unjust structures, distorted consciousness, and collective actions and inaction that facilitate injustice and dehumanization.”<sup>397</sup> This view of sin takes up the Pauline and Johannine understanding of sin as a condition rather than as discrete acts of disobedience, and highlights the ways “the social situation of original sin” establishes a milieu in which individual sinfulness becomes more likely.<sup>398</sup> That is to say, it attends to the more non-voluntary nature of some sin, the way people become conditioned to certain attitudes and behaviors, impacting individual agency.<sup>399</sup> Catholic theologian Gregory Baum notes that while sinful social structures cannot be separated from the concrete, sinful actions of individuals,<sup>400</sup> there is also an “unconscious, nonvoluntary, quasi-automatic dimension of social sin.”<sup>401</sup> What Baum and Heyer are articulating is the reality that humans participate in ideologies and behaviors that can properly be called sin without necessarily consciously intending to sin or to cause harm to others.

It can perhaps not be said that social sin *causes* individual sin directly. Rather, a certain atmosphere or environment is created in which individual sin is harder to avoid

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<sup>397</sup> Kristin Heyer, “Social Sin and Immigration: Good Fences Make Bad Neighbors,” *Theological Studies* 71 (2010), 412.

<sup>398</sup> *Ibid.*, 414.

<sup>399</sup> *Ibid.*, 418.

<sup>400</sup> Gregory Baum, “Structures of Sin,” in *The Logic of Solidarity: Commentaries on Pope John Paul II’s Encyclical on Social Concern*, ed. Gregory Baum and Robert Ellsberg (Maryknoll, N.Y.: Orbis, 1989), 115.

<sup>401</sup> *Ibid.*, 115.

and good choices are more difficult to make.<sup>402</sup> This environment forms and is formed by the ideologies and habits which shape people's consciousness: the worldviews, narratives, and frameworks for understanding that so influence a person's approach to the world that they act sinfully, more or less without consciously intending to, and thus shape the way they think and act. When we read our situation or our world in a particular way, certain responses or actions seem obvious. Social sin is self-justifying, it happens because the environment is such that we have been convinced (or have convinced ourselves) that what we are doing is not only not wrong; it is the right choice, proper and good.<sup>403</sup> Sinful structures legitimate themselves by building a culture in which the harms caused by our systems and structures are hidden, masked by good intentions or practicality.<sup>404</sup> Social sin can convince us we are acting correctly, blinding us to our own sin and cutting us off from repentance and growth.

Furthermore, understanding social sin can help us articulate another angle of the relationship between the individual and the social. Not only are individuals made more prone to sin by sinful structures, we can also see that these sinful structures are upheld precisely by these individuals participating in certain ideologies. Sinful structures work to create and uphold sinful ideologies, and sinful ideologies also create and uphold structural sin. In this way, social sin is self-sustaining and perpetuating. Sinful structures do not, however, operate without individuals who buy into the ideologies, who support them in direct and indirect ways.

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<sup>402</sup> Heyer, "Social Sin and Immigration," 419.

<sup>403</sup> Baum, 114.

<sup>404</sup> Heyer, "Social Sin and Immigration," 113-114.

It is important to highlight that social sin does not deny the existence of individual sin and intentionality. Rather, social sin seeks to highlight that individual intention is not the whole story, that there is much more going on to which we will have to attend if we want to offer a sufficient response to the situation of immigration in the United States. It may be illuminating to return briefly to Andrew Jackson. As argued above, Jackson was by no means an outlier but rather a product of and participant in a larger anti-Indigenous culture. His predilection for conquest and land seizure by any means necessary did not arise in a vacuum. Rather, we can think of everything we have been outlining thus far about U.S. history as a situation of rampant social sin, baked into the very foundations of this nation and certainly impacting how Jackson saw and understood the world and his role in it vis-à-vis Indigenous people and the land. To say Jackson's "life followed the trajectory of imperialism"<sup>405</sup> is to say that his life fell in line with the situation of social sin he was born into. He was predisposed by his birth and his upbringing to view Indigenous peoples as inferior, and to view the land as the rightful, God-ordained property of the United States. This outlook is further fostered during his military career when, far from being questioned on his violent military tactics, he was lauded for his successful campaigns against Indigenous nations. Moreover, his participation in this sinful way of viewing the world further perpetuates precisely that worldview, especially as he continues to gain power and influence. Recall that his election to president green-lighted Georgia's seizure of Cherokee land. This is sin fostering sin. From the position of president, he was able to further inscribe this sinful ideology into U.S. law with the Indian Removal Act. This is how social sin works. It both causes and is caused by the

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<sup>405</sup> Dunbar-Ortiz, 114.

actions and views of people like Jackson, as well as every person who, while possibly less violent than he or even in disagreement with his policies, implicitly or explicitly sanctioned his actions and the worldview in which they were rooted. Thus, while Jackson is guilty of egregious sins, his individual actions are not the whole story, and need to be fully understood in the context of the sin that they were caused by, as well as the further sin they caused.

Recall, also, the formation of the U.S. military on the basis of methods of irregular warfare. Dunbar-Ortiz reports that this extreme violence fostered more widespread racism against Indigenous people. While those who fought in these wars were killing women, children, and the elderly, combatants and noncombatants alike, they were lauded as heroes. The killing of Indigenous people became an important element of U.S. identity.<sup>406</sup> This was true for those participating in these actions, those supporting those actions, and those raised to believe that this was the correct way of the world, and it is precisely how the sinful ideology of the frontier myth fosters further sin. It builds an identity based on differentiating those who belong as good and those who do not as bad. People who fight against these bad outsiders are cast as heroic defenders, breeding increased loyalty and patriotism founded on the idea that those who belong to our nation are good, and that those who do not are somehow less than human, threatening and needing to be eradicated.

It is important to highlight this reality of social sin for two related reasons. First, without casting U.S. history in this light, there is a danger of understanding this history as a story of the occasional, individual sinful actions of individual sinful actors. We are

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<sup>406</sup> Dunbar-Ortiz, 59.

instead articulating something sinful at the heart of U.S. identity and practice. Understanding sin as social allows us to see these more pervasive dynamics at work throughout U.S. history. Relatedly, the purpose of this chapter and its exploration of U.S. history is to build the claim that the United States has responsibilities it is not fulfilling, responsibilities linked to its ongoing patterns of sinful behavior. Social sin, in that it shows how sin perpetuates further sin, can help us connect the sins of the past to today and will thus be a helpful tool for establishing responsibility now for the past actions of others. This will be addressed in more fully in chapter three.

#### **2.3.4 Expanding Culpability: Mexico, Latin America, and the United States**

For the United States, driven by the sinful ideology of a Manifest Destiny to conquer the frontier, Mexico became “just another Indian nation to be crushed.”<sup>407</sup> Journalist Juan Gonzalez reports that “proponents of Manifest Destiny saw Latin Americans as inferior in cultural makeup and bereft of democratic institutions.”<sup>408</sup> Mexico was, in fact, in many ways Indigenous territory, colonized by the Spanish rather than the British. The territory underwent a series of its own wars for independence, and like in the United States, the relationship between the Native people of the land and those who arrived by way of colonization continued to be oppressive after independence from the original colonizing force (Spain).<sup>409</sup> From the beginning the United States had its sights set on portions of

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<sup>407</sup> Dunbar-Ortiz, 118.

<sup>408</sup> Juan González, *Harvest of Empire: a History of Latinos in America* (New York, N.Y.: Penguin Books, 2000), 43.

<sup>409</sup> For a fuller exploration of the history of the land now considered Latin America, see Gonzalez; Paul Ortiz, *An African American and Latinx History of the United States* (Boston, Massachusetts: Beacon Press)

this Spanish territory. This had repercussions for how the Nation's borders took shape and for the developing relationships between the United States and the peoples of Latin America (official governments and otherwise). Two examples of U.S. expansion into this Spanish or formerly Spanish territory will help highlight how these relationships began to take shape: Florida and Texas.

Spurred in part by the success of the U.S. colonies in declaring independence from Britain, Latin American peoples began declaring their own independent nations, moving over time toward the countries we recognize today. Some of these revolutions anticipated U.S. support, and were surprised to find that their neighbors to the north were at best ambivalent, passive spectators to their struggles for liberty and self-determination. This is in large part due to U.S. interest in maintaining a good relationship with Spain, against whom these revolutionaries were struggling, in order to gain access to Spain's colonial territories and further expand U.S. borders.<sup>410</sup> In particular, the United States had a strong interest in acquiring Florida. Florida was an especially desirable piece of land for Anglo-settlers because the Spanish settlers who lived there had created strong ties to the Indigenous nations of the Southeast, including the Cherokees, Creek, Choctaws, and Chikasaws, with whom the United States was at war and whose territory it wanted control over. Florida provided a place of refuge for fighters from these nations, and was

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2018; Gabriel B. Paquette and Matthew Brown, *Connections after Colonialism Europe and Latin America in the 1820s* (Tuscaloosa: University of Alabama Press) 2013; Jerome Branche, *Race, Colonialism, and Social Transformation in Latin America and the Caribbean* (Gainesville: University Press of Florida) 2008. There are ongoing tensions and dynamics of colonialism left over from the Spanish invasion of this territory which, as with the United States, often results in situations of subjugation for Indigenous peoples in these countries. There are simultaneous dynamics of U.S. colonialism in and against Latin American nations, and these nation's own continued colonial relationship with certain portions of their populations. Dynamics of race, class, and privilege factor heavily into this complicated situation. This is named here, because it is important, but it is beyond the scope of this project to fully address.

<sup>410</sup> González, 30-34.

furthermore serving as refuge for escaped slaves, a direct contrast to the interests of the plantation economy. Unlike the purchasing of Louisiana from the French, Gonzalez describes the treaty through which the U.S. gained Florida as “more akin to a street corner holdup.”<sup>411</sup> The Adams-Onis treaty, which transferred Florida from Spain to the United States was the result of two decades of constant pressure on the Spanish. Anglo settlers began moving into Florida at such a rate that they were soon beyond the control of the Spanish soldiers. Spain legalized these settlers in return for the settlers’ pledge of allegiance to the Spanish Crown in an effort to reassert their control, but this only succeeded in making settler immigration into Florida easier. Bands of these settlers eventually began forming, capturing towns and territories and declaring their own republics and further undermining Spanish authority. Andrew Jackson led one of these groups of *filibusteros*, capturing Pensacola in 1814.<sup>412</sup> Eventually, the Spanish were left little choice but to sell Florida to the United States for the paltry sum of \$5 million. Then, in 1822, President Monroe changed the official U.S. stance on Latin America, becoming the first world leader to recognize Mexican independence. The next year his famous Monroe Doctrine declared the Americas to be off-limits to further European colonization. Subsequently, U.S. presidents following Monroe used this doctrine to turn much of Latin America “into a virtual U.S. sphere of influence,” and his words have been used in the 20<sup>th</sup> century to “justify repeated military occupations of Latin American nations.”<sup>413</sup>

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<sup>411</sup> Ibid, 35.

<sup>412</sup> This further highlights the significant relationship between the conquest of Indigenous territory and the conquest of Spanish or formerly Spanish land. Furthermore, Jackson used this opportunity to increase his own wealth by buying stock in Chickasaw land, forcing the Chickasaws to renegotiate their treaty and open their land to white settlers, and then selling his investment at a rate much higher than that at which he had purchased it (Gonzalez, 36).

<sup>413</sup> González, 30-39.

Texas provides another helpful example of how U.S. expansion into a formerly Spanish territory shapes the relationship between Latin America and the United States. Between 1836 and 1853 the United States repeatedly annexed portions of Mexican territory. Anglo settlers began pouring into Texas in the 1820s, many of them purchasing cheap land through fraudulent sales by speculators who had no legal title to it. These squatters, like their counterparts in Florida, began seizing territory and declaring independence from Mexico. In an effort to control the settlers, the Mexican government barred further immigration into the territory and abolished slavery, hoping to deter further settlement and cut the settlers already on their land off from the plantation economy. These efforts were ultimately futile. Settlers continued to pour into Texas, and when General Santa Anna removed their tax exemptions and attempted to enforce antislavery laws, these settlers called it “tyranny” and broke away from Mexico. Gonzalez calls the Texas War of Independence a pivotal part of U.S. mythology, casting the defenders of the Alamo as martyred heroes when in reality they were men who openly defended slavery and were not even actually U.S. citizens, but rather Mexican citizens committing treason.<sup>414</sup> Dunbar-Ortiz reports that this period of occupation and annexation of Mexican territory was a time of great joy for many in the United States. This continual expansion of U.S. borders caught the imagination of the nation’s citizens and fit well into the ideologies of the frontier myth and manifest destiny. Expansion was something to be

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<sup>414</sup> González, 39-42. One of these men, Sam Houston, had previously been a member of Andrew Jackson’s White House. Houston plotted rebellion and war while Jackson offered to purchase Texas from Mexico, again highlighting this double tactic of open aggression paired with the use of treaties. Some even speculated that Houston was a secret agent for Jackson, secretly doing his bidding in Texas. Gonzalez calls Houston Jackson’s “disciple.” We can see here again the strong ties between the seizure of Indigenous land and the developing relationship between the United States and Latin America. These elements of U.S. history and identity are two sides of the same coin (Gonzalez, 42).

proud of, proof of the nation's continued excellence and superiority. Heroism became a popular topic of writing as the men fighting to expand U.S. control and influence became immortalized. Walt Whitman believed the war to be bolstering U.S. pride and self-respect, and President James K. Polk saw the war as evidence that democracy was capable of as much vigor in war as any authoritarian government.<sup>415</sup> Dunbar-Ortiz insists that "it was the fast and irregular military action against the Indians...that shaped the nature of American Nationalism."<sup>416</sup> This method of warfare, settler squatting, and land seizure became part and parcel of what it meant to be a U.S. citizen, an identity fundamentally shaped by opposition to those beyond the borders of white civilization.

Lucas Alaman, Mexican Secretary of State during the annexation of Texas, noted that while most nations invaded with armies, the United States sent settler colonists in their place.<sup>417</sup> These settler squatters were no less effective than imperialist armies. Prior to U.S. annexation of Mexican territory, Mexico and the United States were similar in size and population.<sup>418</sup> By the end, the United States had annexed more than half of Mexico's territory.<sup>419</sup> Mexico also lost three quarters of its mineral resources in this loss of land, and in the coming decades Latin Americans were reduced to a source of cheap labor and the Caribbean basin to a "permanent target of Yankee exploitation and intervention."<sup>420</sup> We will explore this more recent history of labor, exploitation, and intervention later in the chapter. For now, we are establishing a pattern of U.S. settler colonialism and

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<sup>415</sup> Dunbar-Ortiz, 130-131.

<sup>416</sup> *Ibid*, 221.

<sup>417</sup> González, 41.

<sup>418</sup> *Ibid*, 39.

<sup>419</sup> Dunbar-Ortiz, 131. This land also included communally held Indigenous land.

<sup>420</sup> González, 28.

annexation of territories already inhabited and governed by sovereign nations, spurred on by Manifest Destiny and the frontier myth. The conquest of these territories, Indigenous and Mexican, were (and are) understood to be the right and sacred duty of the United States. Furthermore, we can identify the development of an unjust relationship between the United States and Latin America, based on theft of land and resources, and the strategic use of foreign policy to promote U.S. interests, no matter the cost to others. The way the United States ignored revolutionary efforts in Latin America in order to maintain their relationship with Spain, only to about-face and support Mexico and ban further European colonization when it suited U.S. interests to do so, is a prime example of the self-serving one-sidedness of U.S. foreign policy. Finally, before people from Latin America began moving across the southern U.S. border in the migration patterns we recognize today, the border moved across people. While nothing about them fundamentally changed, people in formerly Mexican territories suddenly found themselves to be within the United States and beholden to its laws and systems of government. Traditional familial and cultural ties had a new border drawn right through them. People on the Mexican side of the line suddenly found themselves cut off from resources and land they might previously have had access to. The arbitrariness of these lines we draw on maps to denote who controls what territory and has rights to what resources, as well as the unjust tactics that were used to gain access to those lands and resources, continue to unsettle the assumptions upon which much immigration policy and discourse is based. This will continue to be an important theme moving forward.

As with the seizure of Indigenous land and resources outlined above, the annexation of Florida and Texas indicate overt acts of imperialism that do not fit well with the

nation's own purported ideals of liberty and equality. Neither does the United States' ambivalent and passive response to Latin American revolutionary efforts. Manifest Destiny and the myth of the frontier normalized violent conquest and the blatant promotion of U.S. interests at the expense of others, actions that might otherwise have stood out as intolerably contrary to the ideals the country was supposed to be defending.<sup>421</sup> The United States, with its democracy and its constitution, distinguished itself from European empires, which conquered peoples and lands in order to enslave them, by insisting that its own conquest was the work of a free nation spreading liberty and bestowing freedom upon others.<sup>422</sup> In reality, U.S. interests were not that pure. The liberty the U.S. was interested in spreading was the liberty it could control, that is, the expansion of its own borders and influence.

### **2.3.5 A Note on Christian Culpability: Highlighting the Role of the Church in U.S. Sinfulness**

As we examine these founding myths, it is important to make especially clear the role Christianity has played in their development. The active role Christianity played in the practices that grew out of these ideologies will be explored more fully in later chapters. Here, we are concerned more particularly with the explicitly Christian ideas at the heart of Manifest Destiny and the frontier myth. Manifest Destiny, in that it casts Anglo settlers as the New Israel, chosen by God to tame the Americas, rests on a misuse of Hebrew

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<sup>421</sup> Dunbar-Ortiz, 146-147.

<sup>422</sup> Ibid, 105. Note the echoes of O'Sullivan here.

scriptures. The frontier myth similarly often views civilization as something Christian and God-ordained, in battle with the Godless frontier. The role Christian theology and the use of scripture have played in supporting and motivating colonial projects, in particular the conquest of the Americas by way of seizing Indigenous land and undermining Indigenous sovereignty, makes clear why Robert Heimburger’s use of scripture to caution the United States against unjust governance requires more nuance.<sup>423</sup> Christians today have a responsibility for the way our scriptures, teachings, and theologies have been utilized to perpetuate harm. This notion of responsibility will be fleshed out in the next chapter. What is important here is to recognize the harm that has been caused and the need for greater caution in our use of scripture.

### **2.3.6 The Legacy of Conquest**

Tisha Rajendra writes that “every ethics of migration, every immigration policy proposal, and every public discourse about migrants implicitly draw on narratives about migrants: who they are, why they left home, and why they came to their new country.”<sup>424</sup> It is important to understand the narratives that are driving public discourse and policy proposals in this country, so that we may understand where they are coming from and thus better address their shortcomings. To that end, this section examines the way the mythologies we have identified above have developed over time into their modern incarnation.

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<sup>423</sup> See chapter one.

<sup>424</sup> Tisha Rajendra, *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 201), 54.

The United States had to eventually stop conquering the west. The Atlantic Ocean is, at least for the time being, generally resistant to conquering.<sup>425</sup> Since “myths do not easily die when historical conditions change,”<sup>426</sup> however, and since Manifest Destiny and the frontier myth were so primary and basic to how U.S. identity had developed, they did not simply disappear. Rather, the myths adapted. Goizueta argues that the frontier myth’s vision of society, its ideals and goals, and its caricature of what lies beyond all persist in the U.S. psyche. The frontier myth’s fundamental characteristic, its imagining of the frontier as the place where civilization meets savagery, is preserved. That is to say, the idea that there is an important, definable line between that which is good and civilized and that which is dangerous still holds sway in the American imagination. The difference is that the location of this line is no longer the western frontier as such, but rather the border. Particularly, it is the southern border between the United States and Mexico. We can see this especially in the way the United States expanded into Mexican territory, through land acquisition as well as economic expansion and the large-scale exportation of capital.<sup>427</sup> This grafting of frontier mythology and the mandate to expand and civilize onto the southern border is rooted first in already established patterns of expansion. Westward expansion after all already included a massive conquest of Mexican land. Later, economic conquest and domination replaced

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<sup>425</sup> Of course, we might call our use of the ocean and its resources a form of conquest. This discussion, however important, is beyond the scope of this project, but the connection between the conquest of land and the domination of people should not be overlooked. Matthew Klinge writes that “dominating nature and dominating people [are] reciprocal and concomitant parts of frontier evolution” (Klinge, 123). Similarly, Goizueta’s argument that frontier mythology evolved points to the fact that the same mentality is behind the exploitation of people and the extractive mistreatment of the rest of the natural world.

<sup>426</sup> Goizueta, 152.

<sup>427</sup> These practices will be outlined in more detail later in the chapter.

the outright seizure of land.<sup>428</sup> Furthermore, the southern border fits comfortably into a raced understanding of the division between savagery and civilization, because those who are on the outside of “civilization” are generally darker-skinned than those on the inside.<sup>429</sup>

Frontier mythology conceives of belonging in terms of “civilization.” That is to say, one belongs insofar as one is able to assimilate or conform to Anglo-American civilization.<sup>430</sup> The situation of enslaved Africans and the continual removal of Indigenous communities from the earliest days of British settlement in this country speak to the deep suspicion that those whose skin is darker are in some meaningful way incompatible with this civilization. They can be made useful, as was the case with slavery, or they must be removed, as was largely the case with indigenous peoples. The border-based incarnation of the frontier myth adjusts this notion of belonging insofar as it shifts the geographical location of belonging from being “within civilization” to being on the proper side of a national border, but this idea that what is within this border is in some important way good and civilized while that which lies beyond is a threat remains. Moreover, the racism that has always undergirded this worldview persists.<sup>431</sup> Those who

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<sup>428</sup> González, 58.

<sup>429</sup> Goizueta, 153-4. The southern border becomes the primary physical location of this mythological battle between civilization and savagery in the U.S. imagination, but we should also keep in mind the way a more conceptual border exists to keep out those who are unwanted, particularly in recent decades (especially post 9/11) when this has meant people from Muslim majority countries. These migrants may not cross along the southern border as frequently, but their crossing into U.S. territory, however it occurs, comes to represent the same threat to Anglo-American civilization. That U.S. involvement in many of these countries (discussed briefly later in this chapter) has in many ways mirrored U.S. involvement in Latin America and U.S. treatment of Indigenous Americans should be noted. Goizueta’s argument that frontier myth was grafted onto the southern border and has influenced U.S. foreign policy in Latin America should not be seen to exclude it’s being grafted onto other ports of entry and broader U.S. foreign policy as well.

<sup>430</sup> Recall O’Sullivan here.

<sup>431</sup> Kingle, 154. Kingle also notes another evolution of the frontier. As space to expand ran out and the west began to modernize in cities such as Seattle, he notes that Euro-Americans sought to draw a hard line between their rougher frontier past and their new urban life. This included the expelling of “uncivilized”

live beyond our southern border are understood to pose a potential threat in part and precisely because they are by and large darker-skinned than “us.”<sup>432</sup>

On April 11, 2017, at the United States border in Nogales, Arizona, then United States Attorney General Jeff Sessions delivered prepared remarks on national security.

Among his statements that day was the following striking lines:

Here, along our nation’s southwest border, is ground zero in this fight. Here, under the Arizona sun, ranchers work the land to make an honest living, and law-abiding citizens seek to provide for their families. But it is also here, along this border, that transnational gangs like MS-13 and international cartels flood our country with drugs and leave death and violence in their wake. And it is here that criminal aliens and the coyotes and the document-forgers seek to overthrow our system of lawful immigration...It is here, on this sliver of land, where we first take our stand against this filth.<sup>433</sup>

When Sessions called the border the place where we “take our stand,” this was no accident, and it was not new. It was no unique racist idea from an administration that has thrown off all decorum and convention and turned away from the “American way.” We can see that it is in fact precisely in line with the creation myths of this nation and the self-understanding the United States has always had, especially in relation to what lies beyond the border and might want to come in. This mentality is what Goizueta and Dunbar-Ortiz identify in the founding and development of the United States. For Sessions, the border is where our “stand” should be taken because it is where civilization and savagery meet. All that is beyond it is dangerous. All (or most, depending on how it

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people, particularly Indigenous and Latinx people and Asian migrants, as they were seen as “reminders of the outmoded frontier” (Kling, 122-123).

<sup>432</sup> This is not to deny the existence or legitimacy of white Latinx people, but rather to make the point that the way those who live south of the border are conceived of in the American imagination is inextricably tied to race.

<sup>433</sup> Attorney General Jeff Sessions, “Remarks Announcing the Department of Justice’s Renewed Commitment to Criminal Immigration Enforcement” (address, Nogales, AZ, April 11, 2017), <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-announcing-department-justice-s-renewed>.

is defined<sup>434</sup>) that is within is good and worth preserving. The border then represents a very real place of conflict between the good and the untamed, the safe and the dangerous, the godly and the ungodly. It is also no accident that it is the *southern* border where this stand will be taken. Historically, of course, there are many reasons why undocumented border crossing comes primarily through Mexico and not Canada. But it is also important to note, with the frontier myth and Manifest Destiny in view and with all the ways they cast whiteness as “civilized” and anything darker as a savage danger firmly in mind, that we can see that it is of course a dark-skinned threat that has so captured the nation’s psyche. If civilization is cast as white, it is then dark-skinned people against whom we take our stand, who it will require a wall and the deployment of the national guard to keep at bay.<sup>435</sup>

Beyond this general casting of that which is beyond the border as threatening and that which is within it as worthy of protection, we can see several examples of how the specific ideologies and logic of the frontier myth and Manifest Destiny have been grafted onto the way immigration is conceived of in the United States today.

### *Meritocracy*

Manifest destiny and the myth of the frontier are fundamentally about human worth. According to a belief in Manifest Destiny, one group is chosen by God, destined to settle and tame the Americas. In the worldview of frontier mythology, those inside of

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<sup>434</sup> There are, of course, many who are within the borders of society but not granted full belonging in civilization. Think, for example, of the continued legacy of slavery and anti-Black racism in the United States, and how Black people, especially Black men, are considered dangerous, a sort of enemy within, barred in many ways from full access to “civilization.” See, for example, Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press) 2012; Paul Ortiz, *An African American and Latinx History of the United States* (Boston, Massachusetts: Beacon Press) 2018.

<sup>435</sup> For a related exploration of the history and development of this notion of taking a stand and its relationship to race, see Kelly Brown Douglas, *Stand Your Ground: Black Bodies and the Justice of God* (Maryknoll, NY: Orbis Books) 2015.

Anglo civilization are believed to be inherently superior to those outside of it. Both ascribe worth to U.S. membership and identity. That these founding ideologies eventually give way to more generalized forms of American exceptionalism, to beliefs that the United States is special, particularly worth defending, or that it has a duty to spread democracy and freedom (as it conceives of them) around the world is, then, not especially surprising.<sup>436</sup> This relates to modern immigration not simply because the means the United States has used to “spread freedom and democracy” have destabilized entire regions and contributed to the global flow of migrants, but also because of a pervasive notion that immigration policy should in some way be dictated by merit. If the United States is in some fundamental way special or superior, it stands to reason (or so the argument goes) that those welcomed into U.S. society should have some merits that make them worthy.<sup>437</sup> One argument prominent within the national discourse on immigration suggests just that, that we ought to reserve visas for those who “deserve” them, whether because they are deemed more worthy of or amenable to U.S. culture, or because they have particularly desirable skills. President Donald Trump’s comments suggesting that Norwegian migrants would be more preferable to those from Africa or Latin America,<sup>438</sup> represent precisely this mindset that certain people are better or more deserving of immigrating to the United States, or at least more desirable. That these notions of merit

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<sup>436</sup> Recall Gomez, 255.

<sup>437</sup> Think of O’Sullivan’s insistence that not everyone was equally capable of true freedom and self-governance. The idea that “American-ness” is incompatible with certain peoples or ways of life has influenced U.S. immigration discourse and policy since the earliest immigration laws.

<sup>438</sup> Nurith Aizenman, “Trump Wishes We Had More Immigrants From Norway. Turns Out We Once Did,” *National Public Radio*, January 12, 2018, <https://www.npr.org/sections/goatsandsoda/2018/01/12/577673191/trump-wishes-we-had-more-immigrants-from-norway-turns-out-we-once-did>.

still often fall along racialized lines is consistent with Manifest Destiny and the frontier myth.

### *Law and Order*

The role of law-and-order rhetoric must also be addressed. This section has begun highlighting the ways in which communitarian commitments to the preservation of law and order are problematic. In particular, we have seen that systems of law and government can be weaponized against people, as with the use of these systems to undermine Indigenous sovereignty and foster their removal from their lands. That these systems can be and so often are manipulated against some in order to preserve or promote the interests of others calls them into serious question and highlights important weaknesses in communitarian arguments. There is, however, more to be said about the notion of law and order as it relates to the founding myths of the United States and current immigration discourse and policy. We have discussed the role of Calvinist theology of predestination in justifying and motivating conquest. Calvinists also believed that “a person’s ability to abide by the laws of a well-ordered society” could be evidence of membership in the elect, as citizens have an obligation to obey authority.<sup>439</sup> This belief becomes especially insidious as the laws of the “civilized” society (the United States) are utilized to deprive Indigenous peoples of land, power, and culture. Their resistance to these laws, which run contrary to their own interests, becomes evidence of their lack of civilization and need to be conquered. Moreover, U.S. citizens are motivated by this belief system to support these laws, as it is their duty as Christians and part of what it

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<sup>439</sup> Dunbar-Ortiz, 49.

means to be a member of civilized society. James K. Hoffmeier's insistence that to be Christian calls us to respect and obey the law and authority is directly related.

The administration of law and order is also often unequally imposed. We may think, for example, of how a black teen is more likely to be prosecuted for possession of marijuana than a white teen, or how the criminal justice system disproportionately works against people with less financial means.<sup>440</sup> Similarly, while Indigenous resistance to laws against their interests was condemned, white citizens who broke laws and harmed Indigenous peoples were often not punished. In 1864 John Chivington led a group of seven hundred onto a reservation in which Cheyenne and Arapaho captives and displaced people were being held. Chivington and his men proceeded to attack these captives. This unprovoked attack initially killed over 130 people, mostly women and children. Chivington and his volunteers later returned and killed more people, burned their homes, stole their horses, and mutilated their corpses. While this incident was investigated by the Congress Joint Committee on the Conduct of the War, who provided a detailed report of the atrocities, Chivington and his men were not prosecuted or even officially reprimanded. Dunbar-Ortiz writes that this lack of punishment signaled that the extralegal killing of Indigenous peoples was open to all.<sup>441</sup> This sort of unequal enforcement of law and order is another reason for which suspicion of it is warranted.<sup>442</sup>

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<sup>440</sup> See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press) 2012.

<sup>441</sup> Dunbar-Ortiz, 136-138.

<sup>442</sup> For a modern example of how the unequal application of the law signals the permissibility of certain behavior, especially violence against people of color, consider President Donald Trump's pardoning of Arizona Sheriff Joe Arpaio. A statement from the White House on the pardoning alleged that controversial tactics Arpaio used were justified for the protection of the United States against the "scourge" of undocumented immigration. In doing so, Trump and his administration normalized such harsh tactics, placing people like Arpaio outside of the confines of the law in the name of protecting the nation from a criminal threat. This double standard, that Arpaio's law breaking was justified and permissible but undocumented border crossing is irredeemably criminal, further problematizes communitarian rule of law

### *Military Strategy and Tactics of Colonization*

Dunbar-Ortiz argues that “the way of war largely devised and enacted by settlers” in the early decades of the United States “formed the basis for the founding ideology and colonialist military strategy of the independent United States.”<sup>443</sup> She draws strong connections between the tactics and military worldview developed in these formative years and military beliefs and behavior today. One direct line of connection is the use of the phrase “Indian Country” to denote enemy territory. This is not slang or a mere insensitive slur; it is an official, technical term used regularly and found in military training manuals. In this sense, it is similar to “collateral damage” or “ordinance.” The military often also uses Indigenous names such as “Mohawk,” “Apache,” or “Thunderbird” to label both missions and machinery. Today, tactics of irregular warfare first used against Indigenous peoples in Massachusetts and Virginia, such as the targeting of civilians or their systems of livelihood (food, supplies, etc.), are called “special operations” or “low intensity conflict.”<sup>444</sup> Dunbar-Ortiz writes,

The army of the West was a colonial army with all the problems of colonial armies and foreign occupation, principally being hated by the people living under occupation. It is no surprise that the US military uses the term “Indian Country” to refer to what it considers enemy territory. Much as in the Vietnam War, the 1980s covert wars in Central America, and the wars of the early twenty-first century in Muslim countries, counterinsurgent army volunteers in the late nineteenth century West had to rely heavily on intelligence from those native to the land, informers and scouts. Many of these were double agents, reporting back to their own people, having joined the US Army for that purpose. Failing to find guerrilla fighters, the army resorted to scorched-earth campaigns, starvation, attacks and removals of civilian populations—the weapons of counterinsurgency warfare.<sup>445</sup>

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arguments, showing that the law continues to be applied unequally, to the benefit of some and at the expense of others. See Kevin Liptak, Danielle Diaz, and Sophie Tatum, “Trump Pardons Former Sheriff Joe Arpaio,” *CNN*, August 27, 2017.

<sup>443</sup> Dunbar-Ortiz, 57.

<sup>444</sup> *Ibid*, 56-58.

<sup>445</sup> *Ibid*, 148-149.

This connection Dunbar-Ortiz draws between the “Indian Wars” in the West and more modern military conflicts is an important one. Understanding this connection is especially relevant for creating a just and responsible ethic of immigration because it helps highlight the ways in which the United States remains responsible for creating paths of migration. It will be helpful, here, to recall Heimbach-Steins’ discussion of the role of colonial relationships in creating and sustaining migration, as well as Goizueta’s argument that frontier mythology was grafted onto the border and our relationship with countries to its south.

The development of the relationship between Latin America and the United States is complex, and cannot be fully explored here. We can, however, identify key moments that highlight both the connection between the Indian Wars and U.S. foreign policy, and between U.S. foreign action and the creation of migratory patterns.<sup>446</sup> We have already established how the seizure and annexation of Mexican land relates directly to manifest destiny, settler colonialism, and the frontier myth. Heimburger rightfully notes that this annexation of Mexican land and resources “remains in the collective Mexican memory,” and therefore it should come as no surprise that “it is to this triangle of land the United States wrested from Mexico that most Mexican immigrants to the United States have come.”<sup>447</sup> Before Mexicans crossed the border, the border crossed Mexicans, not only leaving formerly Mexican citizens now inhabiting U.S. land in a state of limbo, but also leaving in collective memory some sense of ancestral claim to the land and resources

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<sup>446</sup> Throughout this section, consider how parallels may be drawn to other countries that have produced many migrants to the United States, such as Middle Eastern countries.

<sup>447</sup> Heimburger, 167.

claimed by the United States.<sup>448</sup> We can see, then, that there is a connection between U.S. military policies born out of the Indian Wars and the formation of migratory patterns. The United States treated Mexico as it did Indigenous territory farther north and east, and in doing so it dictated the paths many migrants would take when fleeing economic instability and violence (also due, in part, to U.S. action<sup>449</sup>) decades later.

Another helpful example of the connection between the Indian Wars and the Southern Border can be identified in U.S. action in Central America. The final decades of the twentieth century saw the Central American immigrant population in the United States, previously a virtually nonexistent population, expand exponentially. As Gonzalez writes, this sudden influx of migrants “did not originate with some newfound collective desire for the material benefits of U.S. society; rather, vicious civil wars and the social chaos those wars engendered forced the region’s people to flee.”<sup>450</sup> Furthermore, this violence and instability was the direct result of U.S. action in these countries. Nicaragua, for example, began the twentieth century as a stable and prosperous nation, due in large part to José Santos Zelaya, who served as president from 1893-1909. Zelaya came into conflict with U.S. interests by favoring Nicaraguan businesses and refusing to give special treatment to foreign ones. This did not endear him to the U.S. executives who owned mining, mahogany, and banana concessions in Nicaragua, granted to them before Zelaya’s presidency. Zelaya’s popularity, nationalism, and financial independence irked U.S. powers who wished to gain increasing control over Central America by refinancing Central American debt by transferring the holdings of this debt from European

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<sup>448</sup> Heimburger, 167.

<sup>449</sup> Gonzalez, 96-107.

<sup>450</sup> Ibid, 129.

investment bankers to U.S. companies, by way of military force, if necessary.<sup>451</sup> In 1909, liberal Nicaraguan army officer Juan Estrada and conservative Emiliano Chamorro launched a rebellion against Zelaya. This rebellion was backed by the United States, not only through a media campaign which vilified the president but also through the dispatching of Anglo soldiers who fought on the side of the rebels. According to Gonzales, the rebellion was planned not in Nicaragua but in New Orleans, and it was financed by U.S. companies. When Zelaya sentenced several of these Anglo rebels to death, President Taft seized the excuse to break diplomatic relations and begin a full campaign against Zelaya. This added U.S. pressure soon forced his hand, and Zelaya resigned.<sup>452</sup>

Zelaya was succeeded by U.S. picks for power, Estrada and Alfonso Díaz, who “dutifully carried out all the “reforms” [U.S. secretary of state] Knox wanted,” including the refinancing of Nicaraguan debt to U.S. companies and the installation of U.S. overseers and U.S. troops in Nicaragua.<sup>453</sup> When Nicaraguans voted Liberal Juan Sacasa into the presidency and General Chamorro attempted to reinstall Díaz instead, U.S. marines backed Díaz against the Nicaraguan peasants, led by Augusto César Sandino, who had taken up arms in support of Sacasa. Sacasa was re-elected president in 1932 and U.S. troops were forced to withdraw, but not before they trained “a new National Guard and [installed] its English-speaking commander, Anastasio Somoza García. Two years later, Somoza’s soldiers assassinated Sandino and ousted Sacasa. Somoza’s sons

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<sup>451</sup> This type of foreign action is precisely what Goizueta refers to when he describes the grafting of the frontier myth onto the southern border and our relationship with countries to its south.

<sup>452</sup> González, 73-75.

<sup>453</sup> Ibid, 75.

succeeded him, and the family gained longstanding control over the region.<sup>454</sup> During the Somozas' rule they received U.S. backing, including the training of Nicaraguan military officers by the U.S. Army at the School of the Americas. When the Sandinista National Liberation Front arose in the 1970s and rebelled against continued Somoza rule, the United States continued to back the Somozas. The popular uprising eventually succeeded in overthrowing the Somozas and bringing the Sandinistas into power, and while the Carter White House initially sought to work peacefully with them, it was succeeded by a Reagan administration that “immediately authorized the CIA to arm, train, and finance many of the former Somoza soldiers and henchmen into the infamous Contra army.”<sup>455</sup> The resultant ongoing war between the new government and the CIA-backed Contras (supported by both the Reagan and Bush administrations which worked to isolate the Sandinistas on the international stage) caused many Nicaraguans to flee north in search of safety.<sup>456</sup>

Similarly, in El Salvador, civil war and ongoing violence caused many to flee to the United States in the latter decades of the twentieth century. The origins of this war can be found in the reign of General Maximiliano Hernández Martínez, who seized power through a military coup. Hernández represents one example of “pliant pro-U.S. dictators” who were supported by U.S. diplomats who used them to control the region. This approach to Latin America became popular during the presidency of Franklin D. Roosevelt as the more overt tactics of earlier decades, such as military occupation,

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<sup>454</sup> González, 75-76.

<sup>455</sup> Ibid, 132.

<sup>456</sup> For a fuller consideration of U.S. involvement in Nicaragua, see Michel Gobat, *Empire by Invitation: William Walker and Manifest Destiny in Central America* (Cambridge, Massachusetts: Harvard University Press) 2018.

largely ended.<sup>457</sup> In 1932, Hernández orchestrated the slaughter of 30,000 Pipil, a people of the nation's Izalco region who had rebelled against the nation's landlords and organized a revolt. This massacre largely stamped out such popular uprising and opposition for the next four decades. Hernández had U.S. backing until 1944, when he was ousted by army subordinates unhappy with his methods of ruling. After Hernández, power alternated between members of the Salvadoran oligarchy and military generals. Between 1961 and 1975 the number of people without land in El Salvador quadrupled as the oligarchy seized control of coffee farms. These landless Salvadorans initially sought refuge in Honduras, where work on banana plantations could be found, but Honduras soon became overwhelmed by the number of refugees fleeing across its borders and began mass deportations. Those migrants who were returned to El Salvador were largely unable to find jobs or land to work and began resorting to demonstrations against the nation's rulers.

As with the reign of Hernández, the government responded with violence against the people in the form of military death squads. As this popular uprising grew, the oligarchy's rigging of elections to maintain power became increasingly blatant. When a coup terminated the results of a democratic election in 1979, the country descended into civil war. For their part, both the Bush and Reagan administrations largely ignored public outcry against the horrors being done in El Salvador because both relied on the oligarchy to be an anti-Communist force in the region. Instead of decrying the violence of the ruling class, the United States made El Salvador the largest recipient of U.S. weaponry and military aid in an effort to keep the oligarchy in power. This led increasing numbers

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<sup>457</sup> González, 76, 133.

of Salvadorans to flee the country.<sup>458</sup> By 1984 500,000 Salvadorans had crossed into the United States.<sup>459</sup>

While it is fairly obvious that U.S. action in the region contributed directly to the increased numbers of Central Americans streaming across the southern border into the United States, the Reagan and Bush administrations failed to take responsibility for these refugees fleeing U.S. sponsored violence. While Nicaraguans were largely welcomed because the violence in their country due to the Washington-supported attempted overthrow of the Sandinista government,<sup>460</sup> Salvadoran refugees were largely denied asylum. Gonzalez argues that this is due to the fact that these administrations were bent on battling Communism and thus supported violent governments such as that of the oligarchy in El Salvador.<sup>461</sup> Furthermore, it seemed contrary to U.S. interests to grant asylum to those fleeing governments the U.S. government actively supported. Under the Carter administration, Congress enacted the 1980 Refugee Act which intended to end discrimination of refugees and asylum seekers based on country of origin, but “before the law could take effect, Ronald Reagan assumed the presidency and reasserted the fight against Central America’s “Communists” as a linchpin of his foreign policy.”<sup>462</sup> The result of this change in approach was that in 1981 all undocumented Central American migrants began to be held in detention. This quickly resulted in overpopulation of detention centers, and new, make-shift holdings were built. Eventually, migrants fleeing

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<sup>458</sup> González, 133-135.

<sup>459</sup> Ibid, 138.

<sup>460</sup> The United States granted 25.2 percent of asylum requests to Nicaraguan applicants between 1983 and 1990, a significantly larger percentage than those fleeing regimes the U.S. supported (El Salvador, Guatemala, etc.). In addition, even when Nicaraguans were denied asylum, they were rarely deported. Thirty-one thousand were denied in the ‘80s while only 750 were deported (Ibid, 131).

<sup>461</sup> Ibid, 131.

<sup>462</sup> Ibid, 138-139.

violence in El Salvador and Guatemala (a government also backed by U.S. interests<sup>463</sup>) concluded that the better path was avoiding capture by Border Patrol and living undocumented.<sup>464</sup>

It is also worth noting that some young Salvadoran migrants, living in poverty and segregation in the United States, turned to the “protection and camaraderie” provided by gangs.<sup>465</sup> Under the Illegal Immigration Reform and Immigrant Responsibility Act, signed by President Clinton in 1996, gang membership made migrants particular targets for deportation back to El Salvador, a country they barely knew.<sup>466</sup> These gangs then turned into cross-border enterprises, placing immense burdens on a post-war Salvadoran nation that was not equipped to handle them. When the United States sent gang members “to El Salvador and its neighbors in Central America’s northern triangle, Guatemala and Honduras,” they “arrived in war-torn, unstable countries whose conditions helped to perpetuate a legacy of U.S.-fomented violence,” thus creating a new generation of migration fleeing this violence.<sup>467</sup> Traveling north, these migrants face a U.S. immigration system that remains un-equipped or unwilling to provide refuge from a problem it helped create. Journalist Daniel Denvir puts it succinctly, writing that the United States “has exported violence, time and again, to Central America,” violence for which the nation has not taken responsibility.<sup>468</sup>

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<sup>463</sup> See González, 135-138.

<sup>464</sup> Ibid, 139.

<sup>465</sup> Daniel Denvir, “Deporting people made Central America’s gangs. More deportation won’t help,” *The Washington Post*, July 20, 2017, accessed January 20, 2020, <https://www.washingtonpost.com/news/posteverything/wp/2017/07/20/deporting-people-made-central-americas-gangs-more-deportation-wont-help/>.

<sup>466</sup> According to Denvir, these deportations have also been aided by the INS Violent Gang Task Force (1992) and U.S. Immigration and Custom Enforcement’s Operation Community Shield (2005).

<sup>467</sup> Denvir.

<sup>468</sup> Ibid.

We can see, then, that not only did Anglo-American conquest of Latin America “boomerang” back into the United States in the form of mass migration,<sup>469</sup> but also the United States’ own policies and mismanagement contributed to an increased presence of undocumented migrants living in the country.<sup>470</sup> The connections between U.S. action in Latin America and Anglo seizure of Indigenous land and undermining of Indigenous sovereignty are also evident. Anglo settlers infiltrated the region by way of bogus land claims, squatter violence, and eventually created economic dependency on U.S. businesses.<sup>471</sup> U.S. actors fostered divisions that weakened Latin American nations and installed governments and leaders with whom they were more able to negotiate or who would act as puppets to support their interests. The United States has long used such tactics to lay claim to land and resources and assert U.S. interests, and its methods for doing so were first refined against Indigenous people in the land that would become the United States. We can also see the continued relationship between the U.S. military and U.S. business interests. Just as the U.S. military was called in and utilized to aid Anglo settlers in gaining control of Indigenous land for business ventures and economic development, so too was the U.S. military deployed in Latin America to secure U.S. business interests therein and to ensure that governments in these nations remained amiable to the needs of these U.S. businesses. Dunbar-Ortiz reports that the extension of

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<sup>469</sup> González, 78.

<sup>470</sup> See also, Paul Ortiz, *An African American and Latinx History of the United States*; David Bacon, *The Right to Stay Home: How US Policy Drives Mexican Migration* (Boston: Beacon Press) 2013; Felipe Fernández-Armesto, *Our America: a Hispanic History of the United States* (New York: W.W. Norton & Company) 2014; Alan L. McPherson, *Encyclopedia of U.S. Military Interventions in Latin America* (Santa Barbara, California: ABC-CLIO) 2013; Peter S. Michaels, *Lawless Intervention: United States Foreign Policy in El Salvador and Nicaragua*, 7 B.C. Third World L.J. 223 (1987); Cynthia McKinney, *How the US Creates "sh\*thole" Countries* (Atlanta: Clarity Press, Inc.) 2018; Ronald Cox, *Power And Profits: U.S. Policy in Central America* (Lexington: The University Press of Kentucky) 2015.

<sup>471</sup> González, 47-52.

the U.S. military into new territories is usually “not militarism for its own sake,” but rather “all about securing markets and natural resources, developing imperialist power to protect and extend corporate wealth.”<sup>472</sup>

As with the seizure of Indigenous land farther north, explicitly racist justifications for Anglo rights to Latin American land were levied, including the work of phrenologists who studied skulls and concluded that various races had different, innate capacities for knowledge,<sup>473</sup> and the general casting of the peoples of Latin America as a “mongrel” race whose land and resources could be availed by the superior “Northmen.”<sup>474</sup> Echoes of settler-colonists’ insistence that they were God’s “chosen people” entrusted with the civilizing of the Americas and that the Indigenous peoples of the region were not capable of utilizing its full potential are evident here.<sup>475</sup> This makes clear the connection between anti-Indigenous settler colonial action and U.S. action in Latin America. All of this is rooted in the explicitly racist worldview of the frontier myth and Manifest Destiny. When Goizueta argues that the frontier myth was grafted onto the southern border of the United States, this is what he is identifying. Everything that drove Anglo settlers to “civilize” the continent and root out all vestiges of Indigeneity that stood in their way, everything that told them the land was rightfully theirs and that the people outside of their white, Anglo civilization were not only inherently dangerous but also inherently lesser in intelligence and moral capacity, influences U.S. action in Latin America because this mentality

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<sup>472</sup> Dunbar-Ortiz, 167.

<sup>473</sup> González, 43.

<sup>474</sup> *Ibid*, 49.

<sup>475</sup> For example, recall O’Sullivan’s arguments.

becomes imbedded in U.S. identity, and especially in the self-understanding of the U.S. military sent out to the front lines of this battle on the frontier.

This also directly impacts the U.S. approach to the border itself, for the over-militarization of the southern U.S. border is another example of how the presence of imperialist, settler-colonialist sensibilities at the heart of the development of the U.S. military continue to impact our modern world,<sup>476</sup> particularly as related to immigration. Above, we argued that Jeff Sessions' identification of the southern border as a place of conflict between good and evil is a modern incarnation of the frontier myth. This sense of the border as a battle ground has caused the United States government to treat it as a war zone.<sup>477</sup>

Dunbar-Ortiz describes how highly respected military analyst Robert D. Kaplan presents the successful achievement of “continental dominance in North America by means of counterinsurgency and employing total and unlimited war” as a guide for continued military success in the present day.<sup>478</sup> He considers the modern war on terror as “taming” of the frontier. Kaplan opposes belief in Manifest Destiny because it veils the actual actions that accomplished U.S. conquest, which he wishes to unveil in order to better learn from these tactics so that modern military campaigns can be similarly successful.<sup>479</sup> Kaplan highlights a central argument of this chapter: the frontier mentality which casts the United States as civilization which needs to be spread and protected, and that which is outside the boundaries of this civilization (the enemy) as needing to be

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<sup>476</sup> Dunbar- Ortiz, 56-57.

<sup>477</sup> See, for example, Tony Payan, *The Three U.S.-Mexico Border Wars: Drugs, Immigration, and Homeland Security* (Santa Barbara, California: Praeger, 2016).

<sup>478</sup> Dunbar-Ortiz, 219.

<sup>479</sup> *Ibid*, 219-221.

tamed, continues to have a direct impact on U.S. foreign action. It is foundational to how the military developed and how the relationship between the military and U.S. civilians developed. We still set our military to the task of taming “Indian Country,” in order to make it safe and useful for U.S. needs.

This legacy of the colonization of the Americas by the United States shapes this nation’s self-understanding, its military, and its foreign policy. It has directly influenced the U.S. actions which have shaped the migration flows we see today.<sup>480</sup>

## **2.4 IMMIGRATION POLICY: THEN AND NOW**

### **2.4.1 The Development of Policies of Exclusion and Expulsion**

Like Dunbar-Ortiz and Goizueta, legal scholar Daniel Kanstroom also identifies an ugly alternate reality beneath the surface of U.S. success and idealism. He writes that “buried within the proud history of our nation of immigrants, shrouded but always present, there exists a distinct system” giving the U.S. government the power to detain and deport migrants.<sup>481</sup> A consideration of the United States’ relationship to the immigration and the border would not be complete without an exploration of how

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<sup>480</sup> Consider Kaplan’s notion that the war on terror is simply another “taming” of the frontier. As with U.S. action in Latin America, the “war on terror” has resulted in an increase in migrants into the United States from the nations in which this war is being fought, making clear the connections this chapter has been naming.

<sup>481</sup> Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Harvard University Press: Cambridge, Mass, 2010), 2.

policies of removal and exclusion developed. While the country has often been labeled a nation of immigrants, the reality is again much more complicated. In part, this is because of what this chapter has been outlining: the very existence of the United States is dependent on a history of sustained imperialism and settler colonialism. This is, at its foundations, a nation of invasion more than it is a nation of immigrants. Dunbar-Ortiz reminds us that “from its beginning the United States has welcomed—indeed, often solicited, even bribed—immigrants to repopulate conquered territories “cleansed” of their Indigenous inhabitants.”<sup>482</sup> This country is also a nation built on the backs of enslaved people, people brought here not through immigration but in chains. Furthermore, this nation’s relationship to immigration, and especially to the presence, near or within its borders, of those deemed less desirable or dangerous, has always been tumultuous. This section brings this reality to the fore, outlining the development of U.S. immigration and border policy and highlighting particularly important moments and themes in that development in order to show how current policy came to be and why it is so deeply flawed.

Tension, Kanstroom argues, is at the heart of immigration policy. He begins with U.S practices of exclusion and expulsion, which he roots in the tension between *jus soli*, by which citizenship rights are predicated on the location of one’s birth, and U.S. aspirations towards being and understanding of itself as a nation of

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<sup>482</sup> Dunbar-Ortiz, 51. This idea that the land was “cleansed” of Indigeneity ties directly into the notions of civilization foundational to the frontier myth. There is sense that the land is being cleansed and made fit for civilization as U.S. borders expand westward. What is inside the borders of civilization is clean, pure. What is beyond the frontier is dirty and dangerous. Cleansing also ties directly into the idea that the land was not being used to its full potential prior to Euro-American invasion. Race, religion, and capitalistic enterprise are all at the heart of the frontier myth worldview.

immigrants.<sup>483</sup> The nation of immigrants myth, as Kanstroom calls it, has always come with and worked to obscure concerns that immigrants be decent, that they merit inclusion, and that they are capable of assimilating or, in Goizueta's terms, capable of becoming civilized.<sup>484</sup> The nation's republican vision, based in self-evident and natural rights and principles, has throughout the history of debate on immigration conflicted with concerns about national identity and security.

It is in dealing with this tension that one of the earliest identifiable practices of (U.S.) exclusion occurred in the mid 1700s, when liberal naturalization policies for European immigrants met with some discomfort or debate in the colonies. Concerns were raised that the "the full rights of Englishmen would be granted to certain immigrants" who would not yet know how to make proper use of those rights.<sup>485</sup> In this fear we can identify parallels to the worldview the Frontier Myth created. If civilization is understood as existing primarily or only within particular borders (geographical or conceptual), and if it takes a certain degree of internalized civilization to make "proper use" of the rights afforded to the civilized, there is reason to believe that those coming from without, even those who are white westerners, ought to be subject to suspicion. This inclination towards exclusion went hand in hand with a practice of expulsion. In the colonies "it was widely assumed that the right to exclude," which was presumed, "included a right to admit

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<sup>483</sup> Kanstroom, 23-4.

<sup>484</sup> Ibid, 21.

<sup>485</sup> Ibid, 25. O'Sullivan's belief that not all people were capable of true freedom and holding democracy correctly echos these early concerns.

prospective inhabitants on specific conditions.”<sup>486</sup> Expulsion, then, is built into some of the earliest American self-understandings.<sup>487</sup>

From here, we can trace three main patterns of expulsion within the United States, patterns that relate directly to manifest destiny and the frontier myth, both in their original forms and in their modern incarnations, especially as they relate to migration in the modern world: the exclusion of the poor, the exclusion of the criminal, and the exclusion of people of color.

### *Exclusion of the Poor*

Kanstroom contends that many of the mechanisms of the modern deportation system can be traced back to the treatment of poor people in early U.S. history. More precisely, they can be traced back to practices which forced the poor to relocate.<sup>488</sup> As early as the sixteenth century, policies were in place allowing officials to expel beggars and force them from place to place until they returned to the location of their birth.<sup>489</sup> Furthermore, laws existed which based admission into a community on the condition that a person prove that they would not become a public charge or a burden on the community, and a person’s lack of wealth or land made them much more susceptible to practices of warning out, a “proto-deportation system” through which

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<sup>486</sup> Kanstroom, 29.

<sup>487</sup> Sociologist Saskia Sassen uses the term “expulsion” to refer to the various ways in which socioeconomic and environmental causes of migration are connected. Identifying this pattern as “expulsion” highlights the brutality of this system and draws attention to its causes—expulsion implies an expeller. Sassen’s identification of systems of expulsion as a problematic form of late capitalism is helpful for articulating the historical dynamics with which this chapter is concerned, as well as their connection to profit, and will be helpful for building a responsibility framework in the next chapter. “Expulsion” is therefore used from this point forward in this dissertation to refer to various forms of explicit expulsion, deportation, or exclusion, building on Sassen’s usage. See Saskia Sassen, *Expulsions: Brutality and Complexity in the Global Economy* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press) 2014.

<sup>488</sup> *Ibid*, 33.

<sup>489</sup> *Ibid*, 34.

people were made to leave a community.<sup>490</sup> Like many parts of the modern immigration and deportation system in America, the enforcement of this practice was discretionary, making its application in practice highly unequal and resulting in the poor, especially poor people of color, being more frequently warned out and more harshly dealt with than wealthier whites who might have otherwise been warned out.<sup>491</sup> Family separation was also a common feature of poverty-based removal practices. Furthermore, similar concerns about immigrants being a burden on the community in which they settle can be seen in the 73 percent of Americans Pew reports want undocumented immigrants prevented from accessing social services and public benefits.<sup>492</sup> In January of 2020 the U.S. Supreme Court upheld an effort by the Trump Administrations to add new barriers for low-income green card applicants. The effect of this ruling is that those who are judged more likely to rely on governmental aid and social services will have a harder time gaining permanent residency in the United States.<sup>493</sup> We can see, then, that there is a rather direct “evolutionary line” from such practices to the modern practice of deportation,<sup>494</sup> especially as deportation is used as a response to undocumented immigration.

### *Exclusion of the Criminal*

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<sup>490</sup> Kanstroom, 35.

<sup>491</sup> Ibid, 37.

<sup>492</sup> Rob, Suls, “Less than half of the public views border wall as an important goal for U.S. immigration policy,” Pew Research Center, January 6, 2017, accessed January 15, 2021, <https://www.pewresearch.org/fact-tank/2017/01/06/less-than-half-the-public-views-border-wall-as-an-important-goal-for-u-s-immigration-policy/>.

<sup>493</sup> Joel Rose, “Supreme Court Allows Trump Administration Rule For Immigrants On Public Benefits,” *National Public Radio*, January 27, 2020, <https://www.npr.org/2020/01/27/800158106/supreme-court-allows-trump-administration-rule-for-immigrants-on-public-benefits>.

<sup>494</sup> Kanstroom, 38.

Expulsion based on criminality can perhaps best be understood as rooted in English practices of expelling those convicted of crimes. The English legal system dealt harshly with crime, responding to even minor theft with the death penalty. This harsh punishment could be avoided through royal pardon or the pleading of clergy, in which case the convicted would instead be exiled and sent to the colonies.

Tensions around this form of expulsion existed from the beginning. On the one hand, criminals sent from England met a real labor need in the colonies. On the other hand, fear and distrust surrounded these foreigners. Opposition from the American colonies eventually resulted in expulsions to Australia instead. Conversations also began regarding the potential for the American colonies to forcibly send their own criminals abroad.<sup>495</sup> We can see then that the idea that those who commit crimes are subject to expulsion is built into the foundations of this nation. Moreover, from early on, there has been a link between immigration and crime, the fear of crime, and the need for deportation practices in response to or prevention of crime. Crime continues to be a major factor in how people think about immigration, and especially undocumented immigrants. As undocumented immigrants have technically broken U.S. law, they are thus further shrouded in a perception of criminality.<sup>496</sup> This link to criminality both plays into and is supported by the way frontier mythology casts

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<sup>495</sup> Kanstroom, 39-42.

<sup>496</sup> This link to crime has been further exacerbated by the Trump administration with the implementation of a weekly list of crimes committed by noncitizens. Consider, for example, the language used by Jeff Sessions in his speech at the border. In his world view, those who would cross unauthorized are criminals to be dealt with and little more. Deportation can be justified more easily when someone is labeled a criminal. See, Muzaffar Chishti, Sarah Pierce, and Jessica Bolter, "Muscular Public Relations Strategy to Paint Immigrants and Immigration as Negatives Embedded Deep Within Trump Executive Orders," *Migration Policy Institute*, March 22, 2017, <https://www.migrationpolicy.org/article/muscular-public-relations-strategy-paint-immigrants-and-immigration-negatives-embedded-deep> and Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford: Stanford University Press, 2013), 27.

those outside of “civilization” as a savage threat. Social sin, recall, is self-perpetuating.<sup>497</sup>

### *Exclusion of People of Color*

We must also consider the ways in which expulsion in the U.S. has always been tied to race. As the conquest of this continent and the forced removal of Indigenous peoples outlined above indicate, the frontier myth and manifest destiny are raced understandings of the world. This removal was based on the idea that white settlers had a right to the land because it was their God-given mission to civilize it, and because they had won the land in conquest.<sup>498</sup> Indigenous peoples were displaced and forced out of their lands from the beginning of English invasion. This practice continued vigorously through the Civil War,<sup>499</sup> but eventually, when there was nowhere left to remove Indigenous people *to*, attempts at incorporation and “civilization” were made instead.<sup>500</sup> This impulse to control what cannot be deported (and, conversely, to deport what cannot be controlled or homogenized) remains prevalent in conversations about the perceived incompatibility of migrants, especially Latinx people and those from Middle Eastern countries, as a factor which contributes to U.S. attitudes toward immigration.

Chattel slavery is another arena in which the U.S. first began to establish practices of removal based on race. Kanstroom identifies the slavery-linked restrictions around the entry, movement, and residence of Black people in the United

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<sup>497</sup> For more on the link between perceptions of criminality and migration, and especially the criminalization of migration, see García Hernández César Cuauhtémoc, *Migrating to Prison: America's Obsession with Locking up Immigrants* (New York: The New Press) 2019.

<sup>498</sup> Kanstroom, 63-5.

<sup>499</sup> *Ibid*, 70.

<sup>500</sup> Chavez, 71-2.

States as “fundamentally related to the development of the post-Civil War deportation system.”<sup>501</sup> Fugitive slave laws provide one clear example of this. The legal battles surrounding the writing of these laws set important precedent for the forced movement of people across state and national borders, and set in place policies for hunting for people suspected of being where they were not authorized to be. This creates the ideological groundwork that later legitimized immigration and deportation policy that formed in the 19<sup>th</sup> and 20<sup>th</sup> centuries, and allowed for Congress and the Supreme Court to adopt procedural aspects of these laws in those deportation policies.<sup>502</sup>

Furthermore, the removability of a person based on race and legal status has obvious correlations to modern deportation practices. We may think, for example, of the policies which allow for law enforcement officials to question anyone they suspect of being undocumented, and how those policies overwhelmingly impact people of color.<sup>503</sup> In fugitive slave laws, the presumption that a person has or may have broken the law based solely on the color of their skin<sup>504</sup> finds its legal and ideological precedent and entrenches itself into the U.S. psyche.<sup>505</sup>

Beyond the measures set in place to control the movement of Black people already in America, Black people from other countries seeking to enter the United

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<sup>501</sup> Chavez, 74.

<sup>502</sup> Ibid, 81, 83.

<sup>503</sup> Consider, for example, Arizona’s SB 1070 law which required police to demand the immigration documents of anyone suspected of being undocumented, a practice which advocates for immigrants rights decried for its inherent racial profiling. Latinx people in Arizona were at a much higher risk of having their papers demanded under this law than white people. Nigel Dura, “Arizona’s once-feared immigration law, SB 1070, loses most of its power in settlement,” *Los Angeles Times*, September 15, 2016, <https://www.latimes.com/nation/la-na-arizona-law-20160915-snap-story.html>.

<sup>504</sup> The first clue a person may be a fugitive slave is after all their Blackness.

<sup>505</sup> Kanstroom, 75.

States could be denied entry based solely on race.<sup>506</sup> White people quite clearly feared the free movement of Black people, particularly *free* Black people. These fears are linked to concerns of an internal revolt. White people were afraid that the unrestricted movement of Black people would result in the creation of a unified “enemy within,” a force of people who could rise up and topple their carefully ordered social systems.<sup>507</sup> These fears are further linked to concerns that Black people and white people are in some way fundamentally incompatible, that Black people cannot assimilate and therefore cannot become properly “American.” We can look, for example, at the multiple very serious proposals for the mass deportation of freed Black people, especially after the civil war.<sup>508</sup> Abraham Lincoln’s attempt to purchase land in Central America on which to settle the freed slaves, based in concerns that Black and white people would never be able to live together and a belief that the United States required an homogenized people,<sup>509</sup> is a clear example of this. That which cannot be “civilized” must be made useful and controlled, or it must be expelled. Free Black people thus needed to be very controlled, or they needed to be removed for the country all together. One way in which this was achieved was the pitting Black and Native people against each other. At the end of the Civil War many Black soldiers stayed in the army as a way of ensuring access to food, shelter, and security. Called “buffalo soldiers,” these men were assigned to segregated regiments and deployed west to fight against Indigenous resistance. This

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<sup>506</sup> Kanstroom, 76.

<sup>507</sup> Ibid, 74.

<sup>508</sup> Dunbar-Ortiz, 83-90.

<sup>509</sup> Ibid, 86-7.

served a dual purpose for white U.S. citizens: it kept these Black soldiers out of their communities and labor pools, and it put them to work ridding the land of Indigenous people. Dunbar-Ortiz reports that despite what is portrayed in glamorized westerns that depict noble white cavalries laying claim to the West, in reality it was armies of Black men as well as German and Irish immigrants—unwanted immigrants—who were put to work cleansing the West of its Indigenous peoples and making it fit for Anglo purposes.<sup>510</sup> In this way the demands of the frontier myth were fulfilled: unwanted populations (Black, Irish, German), were made useful to and kept out of the way of Anglo-Americans while those deemed unable to be civilized (Indigenous peoples) were eradicated. This is also a classic tactic of oppressive classes: pitting oppressed groups against each other so as to avoid their coming together to overthrow the shared oppressor.<sup>511</sup>

Another example of how expulsion developed as a raced practice can be seen by tracking how the United States went from withholding rights from those who were alien to considering aliens people whose presence itself could be unlawful.<sup>512</sup> In the early decades of the United States, immigration policy and enforcement was largely handled by state governments. The shift to federal control of immigration came in the mid nineteenth century.<sup>513</sup> Both the building of a transcontinental railroad system, and ending of U.S. chattel slavery meant the United States saw a large increase in labor needs, needs which began to be filled especially by Chinese

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<sup>510</sup> Dunbar-Ortiz, 146-148.

<sup>511</sup> *Ibid*, 147.

<sup>512</sup> See Heimburger, especially 72-81.

<sup>513</sup> Kanstroom, 91-92.

immigrants. At first, this migration was welcomed, but as numbers increased and the national mood shifted, restrictions of Chinese migration began to be put in place on a federal level.<sup>514</sup> This culminated in the Chinese exclusion act of 1882 which “[marked] a turning point in American history” after which lawmakers utilized “restrictive, racist legislation” in response to the race problems facing the nation.<sup>515</sup> The impact of the act cannot be overstated. Its passing “set the standard for how Americans would both frame the immigration debate in the years that followed and come to accept greater and greater restrictions on foreigners seeking refuge and freedom in the United States.”<sup>516</sup> In particular, two Supreme Court cases dealing with the Act’s aftermath helped shape federal authority to exclude and deport, authority which to this day remains largely unrestricted.<sup>517</sup> In the first of these cases, *Chae Chan Ping v. United States*, the Court argues that the United States had the right to exclude Ping, a man previously allowed to reside in the United States, admittance at a port of entry. The Court rooted this right in national sovereignty and, in doing so, established that the regulation of immigration is “extraconstitutional,” meaning that it need not be “justified by reference to a specific source of constitutional authority.”<sup>518</sup> In another case, *Fong Yue Ting v. United States*, the

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<sup>514</sup> Kanstroom, 91-93.

<sup>515</sup> Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill, University of North Carolina Press, 1998), 6, 16.

<sup>516</sup> Gyory, 259. It should also be noted that proponents of the Act, such as Representative Addison McClure, included the idea that Chinese people were pagans as one reason that Chinese migrants were thoroughly un-American (see Gyory, 5). The connection evident here between U.S. identity and religious identity points to the role of Christianity in shaping U.S. identity and mythology. This is important to keep in mind as we consider the culpability, responsibility, and role of the church in the coming chapters.

<sup>517</sup> David A. Martin, Daniel Kanstroom, and Peter H. Schuck, *Immigration Stories* (New York, N.Y. : Foundation Press, 2005), 7.

<sup>518</sup> *Ibid*, 14-15, Kanstroom, 114.

Court insisted that the authority of a nation to expel certain immigrants already within its borders was the same as the right to exclude. That is, it is a matter of national sovereignty, fundamental to the nation's ability to protect itself, its way of life, and the public welfare.<sup>519</sup> This establishes that the right to deport is essentially the same as the right to exclude from entry. It also establishes that deportation is not a punishment for crime, an important qualification as this kept deportation from being in direct conflict with the bill of rights.<sup>520</sup> Kanstroom calls the effect of this decision "staggering,"<sup>521</sup> and he argues that this case "left deportation law in the harsh, anomalous state in which we still find it today."<sup>522</sup> Thus, these cases granted the federal government vast authority over immigration and laid the legal precedent and the conceptual foundation for current immigration law, and did so on explicitly raced lines.<sup>523</sup>

Space here does not permit this chapter to cover the entire history of race-based forced movement and expulsion in the United States. We could speak, for example, of Jim Crow laws or practices such as red lining which have also restricted the movement of Black people.<sup>524</sup> What is important to note is that alongside the development of a U.S. identity that defined itself as a civilizing force in battle with a

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<sup>519</sup> Martin et al, 18; Heimburger, 78-81.

<sup>520</sup> Martin et al, 20; Kanstroom, 118-120.

<sup>521</sup> Kanstroom, 120.

<sup>522</sup> Ibid, 130.

<sup>523</sup> Here again we also see connections between U.S. labor needs and migration. In particular, we can see how labor needs drive migration patterns, and how U.S. immigration policy has consistently failed to reflect U.S. labor needs.

<sup>524</sup> For further analysis of race-based forced movement in the United States see Paul Ortiz, *An African American and Latinx History of the United States* (Boston, Massachusetts: Beacon Press) 2018; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, N.Y.: New Press) 2012.

savage frontier, there is also the development of policies and practices that exclude or remove based on economic status, perceptions of criminality, and racism. As we will see in the coming sections, these patterns will continue to influence immigration policy and U.S. identity as they develop. We turn now to examine key immigration policies from the last century.

#### **2.4.2 Modern Immigration Policies: Roots and Impact**

We have been mapping the development of ideologies and practices that shape modern immigration discourse and policy. This section highlights several important developments in immigration policy in the 20<sup>th</sup> and 21<sup>st</sup> centuries. This exploration serves three purposes. First, we can begin to see how these developments fit into the legacy of the frontier myth, Manifest Destiny, and the patterns of expulsion outlined in the previous section. Second, the policies examined below continue to show how specific migration patterns have developed as a direct result of U.S. action. Finally, examining these policies will allow us to consider whether arguments like Hoffmeier's that insist nothing in scripture abrogates U.S. immigration policy have any merit. Hoffmeier fails to back up his claim with any analysis of actual U.S. practices or their impact. Such an analysis is vital to a Christian ethical consideration of immigration and is therefore provided here. More broadly, this analysis provides context by which we may measure the merits of the communitarian and cosmopolitan approaches outlined in chapter one.

The first immigration policy vital for understanding modern immigration is the Bracero Program. In the 20<sup>th</sup> century, migration from Mexico increased exponentially. This was due to many factors, including the earlier U.S. seizure of Mexican land and resources, U.S. intervention in Mexico that destabilized and fundamentally changed the Mexican economy, as well as the privatization of land and mechanization of agriculture under the presidency of Porfirio Díaz (1876-1911) that left many Mexicans without land or work.<sup>525</sup> Furthermore, as the migration of workers from China and Japan was halted, a need for labor developed as those jobs were largely unable to be filled by willing U.S. citizens. 1917 restrictions limiting migration across the U.S.-Mexico border exempted Mexican workers as they provided needed labor. Undocumented presence in the United States was made illegal in 1924, and when the demand for laborers slowed during the great depression, many Mexican workers were deported. However, with the onset of World War II and the deployment of many young U.S. men to war, the need for cheap Mexican labor was reignited. In 1942 the Roosevelt administration negotiated an agreement with Mexico that would bring braceros, so named for the brazos (arms) with which they would work U.S. fields, to the United States with promises of fair wages and good living and working conditions. Hundreds of thousands of Mexican laborers came to the United States through this program. The United States, for its

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<sup>525</sup> For a fuller consideration of U.S. intervention in Mexico, see, David Bacon, *The Right to Stay Home: How US Policy Drives Mexican Migration* (Boston: Beacon Press) 2013; Tony Payan, *The Three U.S.-Mexico Border Wars: Drugs, Immigration, and Homeland Security* (Westport, C.T.: Praeger) 2006; Jason Ruiz, *Americans in the Treasure House: Travel to Porfirian Mexico and the Cultural Politics of Empire* (Austin, TX: University of Texas Press) 2014; Jaime Suchlicki, *Mexico: from Montezuma to NAFTA, and Beyond* (New Brunswick, NJ: Transaction Publishers) 2000.

part, did not uphold its side of the treaty, doing little to enforce the requirement for fair wages and good living and working conditions.<sup>526</sup>

This program continued into the 1950s, and many more migrants were encouraged to migrate illegally in order to find similar work outside the stipulations of the program, encouraged by the prosperity promised by recruiters and the ever-present U.S. need for more labor. This was initially met with little concern by U.S. policymakers, especially as labor needs spiked during World War II.<sup>527</sup> Eventually, however, the U.S. government sought to limit undocumented migration from Mexico. One way this was done was by excluding migrants from “contiguous countries” such as Mexico from the 1952 McCarran-Walter Act, which provided a means for undocumented migrants of good standing who were long-term U.S. residents to gain legal residence if deportation would lead to undue hardship for them or their families. Exclusion from this Act made it increasingly difficult for undocumented Mexican migrants to legalize their status, and was thus meant as a deterrent from undocumented migration.<sup>528</sup> Daniel J. Tichenor argues that this act represents an effort to maintain “returnable” Mexican migration, an important labor source, while avoiding more permanent migration from Mexico.<sup>529</sup> In 1954 the U.S. government went forward with a large-scale deportation effort called Operation Wetback after the racial slur used to describe those who crossed into the United

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<sup>526</sup> John H. Barnhill, "Bracero Program," in *Multicultural America: A Multimedia Encyclopedia*, ed. Carlos E. Cortés (Thousand Oaks, CA: SAGE Publications, Inc., 2013), 389-390; Daniel J. Tichenor, *Dividing Lines: the Politics of Immigration Control in America* (Princeton, N.J.: Princeton University Press, 2002), 173-174.

<sup>527</sup> Tichenor, 172-173.

<sup>528</sup> Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2006), 313.

<sup>529</sup> Tichenor, 193.

States by crossing the Rio Grande. Over a million undocumented migrants were rounded up and deported through this program.<sup>530</sup> Despite these efforts, migrants continued to cross the border into the United States without documentation, where they were nevertheless welcomed readily by U.S. employers and a U.S. economy dependent upon them for cheap and exploitable labor. The Bracero Program officially ended in 1964, due in large part to the lobbying of religious groups concerned about the inhuman treatment of migrant laborers as well as groups claiming this cheap source of labor was harmful to the interests of U.S. citizen farmworkers.<sup>531</sup> The effects of the program, however, live on, and the U.S. economy continues to be dependent on the labor of migrants, discouraged from crossing the border by official policy but encouraged by the needs of U.S. employers as well as their own needs to provide for themselves and their families.<sup>532</sup> We begin to see here, then, the inconsistencies and contradictions embedded in U.S. policy and practice, as well as the failures of U.S. immigration policy to adequately address U.S. labor needs and the needs of migrants recruited to this country.<sup>533</sup>

A related policy that must be examined is the implementation of immigration quotas. In 1921 the first immigration quotas were put into place in the United States.

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<sup>530</sup> Paul López, "Operation Wetback," in *Multicultural America: A Multimedia Encyclopedia*, ed. Carlos E. Cortés (Thousand Oaks, CA: SAGE Publications, Inc., 2013), 1652-1653.

<sup>531</sup> Barnhill, "Bracero Program."

<sup>532</sup> Heimburger, 168-173.

<sup>533</sup> Tichenor also notes that this moment in U.S. history coincided with a new turn outward. After World War II, he argues, the nation was no longer able to ignore the ways in which global affairs impacted it, especially in terms of national security. Emerging as "an uneasy superpower," the U.S. continued to develop its foreign policy while struggling to adapt its borders and immigration policies to its changing role in the world. Increasing concerns for national security, especially during the Cold War, made this especially difficult (Tichenor, 216-217). The tension that exists between the United States' interventionist approach to being a global superpower and its notable resistance to opening its doors to the migrants created, in part, by those interventionist policies thus continues to develop, and will be important to track moving forward.

This first set of quotas ushered in a new era in U.S. immigration policy, in which limits were placed on the number of immigrants who could enter the United States from various countries around the world. The first move toward quotas came in the form of emergency quotas put in place to limit migration from the Eastern Hemisphere. Rooted in racist pseudoscience which divided peoples into types based on notions of racial superiority, including inherent mental and moral advantages supposed to be found in some races and not in others, these emergency quotas divided potential migrants into race-based categories which assigned varying levels of desirability and ability to assimilate to a U.S. way of life. The quota system came on the heels of earlier immigration restrictions, implemented in 1917, such as the implementation of a literacy test, aimed at encouraging the immigration of those deemed desirable and discourage the immigration of those who were thought to imperil the nation (at the time, those from eastern and southern Europe). The Immigration Act of 1924 and later quotas implemented in 1929, both formed with the help of experts in eugenics and based on a notion that U.S. desired immigration policy that was more discriminant, further embedded this discriminatory way of thinking into U.S. law and policy.<sup>534</sup>

The effect of these early quotas was that the only races allowed to join U.S. society were those who were thought to be superior, those who resembled earlier generations of U.S. citizens. In this way we can see the legacies of the frontier myth and Manifest Destiny. U.S. identity continues to be defined by explicitly racist ideas about protecting U.S. civilization from some threatening other, now defined as

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<sup>534</sup> Tichenor, 130-131, 140-149.

migrants from Asia as well as southern and eastern Europe. Maintaining a particular cultural make-up in the U.S. population by restricting certain migration flows allows this racialized understanding of U.S. identity to continue. There is also an inherent exceptionalism in the eugenics and racist pseudo-science that inspired the earliest versions of the quota system. This is a modernization of the Manifest Destiny mindset. Instead of citing a God-ordained right to the land as God's new chosen people, Anglo-Americans were now turning to science to justify their racist notions of superiority and sense of inherent right to land and resources. The same patterns of thinking that caused Anglo settler colonists to condemn Indigenous peoples for not using the land to its full potential can be seen in insinuations that certain races possess superior moral and intellectual abilities, or in the implementation of immigration requirements such as literacy tests.

There was, however, an exception to the quotas of the 1920s. Migrants from the Western Hemisphere were initially excluded from the quota system and free to migrate without such restrictions. In large part, this was due to lobbying by those in the south and west of the United States who relied on cheap labor from Mexico.<sup>535</sup> Later, as the economy became increasingly dependent on the cheap and expendable source of labor Mexican migrants represented, farm lobbyists and lawmakers from Southern and Western states most immediately dependent on this labor source worked to maintain this exemption from the quota system. This exclusion of Mexico from quotas is also, in a way, rooted in the ideas of the frontier myth, which casts anything outside Anglo civilization as needing to be assimilated, eradicated, or made

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<sup>535</sup> Tichenor, 146.

useful. Mexican migrants were allowed to migrate more freely because they were useful. Arguments against including the Western Hemisphere in the quota system also explicitly maintain that these migrants posed no threat to Anglo civilization because they were rendered powerless, were temporary, and because they were a people more suited to farm labor than to supervisory roles and thus would not take jobs from superior U.S. citizens.<sup>536</sup> The roots of the United States' complicated relationship with migrants from south of the border can be seen here. These migrants are welcomed into the United States because they are useful, but the sense that they are a dangerous other, a threat to Anglo-U.S. civilization, is never fully abated, and in fact continues to grow as these migrants increase in number and longevity.<sup>537</sup>

The exemption of the Western Hemisphere from the quota system came under increasing fire as ideals of equality pricked the consciences of many U.S. citizens and began to weigh on certain lawmakers. A 1953 report commissioned by President Truman, *Whom We Shall Welcome*, condemned the state of the quota system and U.S. immigration policy in general as failing to live up to U.S. ideals.<sup>538</sup> If we truly believe that all people are children of God created equally worthy of dignity, that this essential equality is unalienable, this must impact how we conceive of and apply immigration policy. As a senator, John F. Kennedy had written that the

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<sup>536</sup> Ibid, 170-172.

<sup>537</sup> See Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford: Stanford University Press) 2013, for an exploration of how Latinx migrants became increasingly to be seen as a threat to U.S. identity and interests.

<sup>538</sup> The United States has repeatedly failed to live up to the ideals upon which it claims to base itself. While liberty, equality, and justice are the values the United States claims in its founding documents, settler colonialism, manifest destiny, and the frontier myth are much closer to its actual founding ideals. In this sense, immigration policy in this nation, in so far as it has developed in direct relationship to these ideologies and systems of oppression, is and has been very consistent with the United States' most foundational values.

U.S. immigration system was undemocratic and lacking in reason, and as president he argued that the accident of where someone is born ought not to impact one's chances of admittance into the United States. The Immigration Act of 1965 followed this trajectory and shifted the U.S. approach to immigration. The Act identified "special immigrants" such as family members of U.S. citizens, desired workers, etc., but sought to end discrimination based on country of origin by ending the Western Hemisphere's exemption from the quota system. A 1976 amendment extended the cap of twenty thousand migrants from each state, already applied to states in the Eastern Hemisphere, to the Western Hemisphere, meaning that Mexico and Canada were no longer able to fill the majority of the 120,000 spots granted to the Western Hemisphere as a whole. This required a significant drop in legal migration from these countries. In 1978 another amendment adjusted the quota numbers so that the Western and Eastern Hemispheres would share a total cap on migration, meaning the Western Hemisphere lost its higher quotas and was subjected to the same limits as the Eastern Hemisphere.<sup>539</sup>

As noted briefly in chapter one, Heimburger condemns this later implementation of quotas as failure to be good neighbors to Mexico and honor the historic and ongoing relationship between Mexico and the United States. He argues that in applying such abstract notions of equality, the quota system treats Mexico as if it were any other nation when in fact Mexico and the United States have always had a particular relationship that must be recognized as such.<sup>540</sup> Heimburger's

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<sup>539</sup> Heimburger, 158-163.

<sup>540</sup> Ibid, 190-208.

attention to the ways the particular relationships between people or nations may obligate us in particular ways is an important caution. Cosmopolitan arguments, as we saw in chapter one, tend to rely heavily on notions of the equality and inherent dignity of all people. Insistence on this equal dignity is not misplaced, especially as it is often so easy to show that U.S. immigration policy and practice runs contrary to that inherent human dignity. As the quota systems put in place in the 1960s show, however, it is not enough to simply insist on equal treatment, and in fact this approach can cause or perpetuate harm. Insisting on treating migrants from the Western Hemisphere the same as those from elsewhere sounds fine in theory, but in practice it represents a failure to understand history, migratory flows, U.S. labor needs, etc. That is to say, it is a failure to attend to the particulars of the relationships between the United States and the countries to its south, particularly Mexico. Justice is not simply about equal treatment.

Heimburger is not alone in noting the disparity between the demands of migration, especially from Mexico and the allowances of the quota system. Kristin Heyer also draws attention to this problem and the long visa backlogs it causes. Heyer argues that insufficient visa availability breaks up families, especially as family members of those migrants whose residence was legalized due to Immigration Reform and Control Act of 1986 (IRCA) try to join their family members in the United States.<sup>541</sup> Heyer and Heimburger provide two examples of how by treating countries like Mexico “equally,” the quota system failed to attend to the reality of migration between the United States and Mexico. We might also consider the

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<sup>541</sup> Heyer, *Kinship Across Borders*, 65-66, 147.

Reagan and Bush administrations' failures to bear the responsibility of the migration U.S. action caused from nations like El Salvador and Guatemala. The migratory paths originally created and encouraged by U.S. policy and labor needs continue to foster migration in higher numbers than U.S. laws allow for, resulting in "an explosion of undocumented migration."<sup>542</sup> Since the reality for many migrants is there is no viable, legal immigration "line to join," migrants wishing to reunite with their family members or in need of safety or a way to make a living find themselves with few legal options.<sup>543</sup> This drastic increase in undocumented migration was further encouraged by the fact that the U.S. had a history of tacit allowance of such migratory practices because they were understood to suit U.S. interests. Historically, the border between the United States and Mexico has been considered too large to effectively prevent undocumented border crossing, and a general understanding prevailed in congress that undocumented migration supplied an important labor force upon which U.S. employers relied.<sup>544</sup> The United States developed a habit of turning a blind eye to undocumented migration, forbidding it by law but largely failing to enforce those laws.<sup>545</sup>

The undocumented migration from Mexico that paralleled the Bracero Program created a largely temporary and circular pattern of undocumented migration. Migrants came, worked, and then returned home with increased means of providing for their families. In 1986 the IRCA legalized some of these

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<sup>542</sup> Heimburger, 174.

<sup>543</sup> Heyer, *Kinship Across Borders*, 66.

<sup>544</sup> Heimburger, 156.

<sup>545</sup> *Ibid*, 173.

undocumented migrants, but it also implemented increased border enforcement policies that made more traditional, circular migration difficult. The result was that migrants were more likely to stay in the United States long term rather than returning to their families, as there was an increased danger that they would be unable to cross the border multiple times.<sup>546</sup> A consequence of this was that it became increasingly likely that the families of these once temporary migrant workers would follow them to the United States. However, because the act “failed to provide status to family members of IRCA beneficiaries,” their families were left with few options for reunification.<sup>547</sup> This has resulted in increased undocumented migration, especially of women, as families have sought extra-legal ways to reunify and also as more women have taken on roles as head of household and migrated with and without their families.<sup>548</sup>

As the United States began to focus more on limiting the migration of people across its borders, it also worked to increase the movement of goods and business across those same borders through the North American Free Trade Agreement (NAFTA). NAFTA destabilized the Mexican economy and caused massive migration by forcing Mexican farmers, unable to compete with imported and U.S.-subsidized goods, off of their land to seek livelihoods elsewhere.<sup>549</sup> While NAFTA

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<sup>546</sup> Heimburger, 176.

<sup>547</sup> Heyer, *Kinship Across Borders*, 65.

<sup>548</sup> *Ibid Borders*, 62, 65.

<sup>549</sup> One element of NAFTA was that it forced Mexico to amend its constitution, Article 27 of which had stated that much communal land and natural resources could not be bought by or sold to foreigners. By making this land and these resources commodities to be gobbled up by U.S. businesses, NAFTA fundamentally changed the Mexican economy and way of life. See Jeff Veteto, "Foreign Land Ownership on Mexico's Coasts: The Proposed Amendment to Article 27 of the Mexican Constitution," *Law and Business Review of the Americas* 20, no. 2 (Spring 2014): 325-334.

was facilitating the movement of goods and money across borders and displacing Mexican farmers, it did nothing to simultaneously provide for those displaced people, nor did it coincide with any efforts to make space for this newly displaced population in the U.S. immigration system. On the contrary, NAFTA coincided instead with the beginning of Operation Gatekeeper and its efforts to deter undocumented migration by forcing migrants away from cities and onto rougher, far more dangerous terrain. Meant as a deterrent, Operation Gatekeeper relied on the danger of these routes to discourage people from undocumented migration. In practice, it resulted in more than two thousand deaths in its first decade.<sup>550</sup> A 1993 report by the Government Accounting Office anticipated that this displacement of farmers and the other impacts of NAFTA on the Mexican economy would result in a spike in migration from Mexico to the United States as Mexico would be unable to provide work for everyone who would need it.<sup>551</sup> This is to say that the effects of NAFTA on Mexico and the resultant migration north was not unforeseen.

The extreme cost of life related to this policy alone is enough to draw Hoffmeier's insistence that nothing in scripture abrogates U.S. immigration policy into question. Whatever position may be argued about a nation's rights to defend its borders or the right of a nation to take a human life if that person breaks the law or represents a threat, policies like Operation Gatekeeper, with the explicit purpose of putting human life in danger in order to deter undocumented migration are a clear

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<sup>550</sup> Heyer, *Kinship Across Borders*, 9-11.

<sup>551</sup> U.S. Government Accounting Office, "North American Free Trade Agreement; Assessment of Major Issues," vol. 2, GAO/GGD-93—137 (September 9, 1993), <https://www.gao.gov/products/GGD-93-137>.

assault on human dignity.<sup>552</sup> Further, the failure of the United States to live in just relationship with its neighbors to the south is evidence of a deep disconnect between U.S. society and the values of scripture.<sup>553</sup>

Immigration discourse and policy in the United States is rooted in the sinful mythologies of settler colonialism, embedded deep in the heart of U.S. identity and self-understanding. This has not only fundamentally shaped the nation's approach to immigration, but has had a considerable impact on foreign policy, resulting in unjust action within, beyond, and at U.S. borders and driving migration flows. The modern U.S. immigration system functions to protect the rights and interests of some at the expense of others. How to respond to this sinful reality will be the task of the forthcoming chapters.

## 2.5 CONCLUDING THOUGHTS

This chapter has mapped the development of ideologies and practices that have shaped U.S. Identity, foreign policy, and immigration policy and discourse. It has shown that migratory patterns into the United States were in many ways caused by U.S. colonialism,

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<sup>552</sup> For a more in depth look at NAFTA and the broader socioeconomic relationship between the United States and Mexico see Ralph Haughwout Folsom, *NAFTA, Free Trade and Foreign Investment in the Americas in a Nutshell* (St. Paul, MN: West Academic Publishing) 2014; John Perkins, *The New Confessions of an Economic Hit Man* (San Francisco, CA: Berrett-Koehler) 2016; John Carlos Frey, *Sand and Blood: America's Stealth War on the Mexico Border* (New York: Bold Type Books) 2019; Nancy Pineda-Madrid, *Suffering and Salvation in Ciudad Juárez* (Minneapolis: Fortress Press) 2011; Kathryn Kopinak, *Desert Capitalism: Maquiladoras in North America's Western Industrial Corridor* (Tucson: University of Arizona Press) 1996.

<sup>553</sup> These values will be considered more fully in the coming chapters. For now, think of the themes of justice Daniel Carroll identifies, as outlined in chapter one. Scripture is concerned with just relationships, and the U.S. immigration system represents a failure to be in just relationship with other nations and peoples.

and that U.S. policy fails to reflect U.S. culpability. Furthermore, the chapter has problematized the assumptions upon which much immigration policy and discourse has been grounded. The account of history offered in this chapter shows the limits of both communitarian and cosmopolitan approaches to immigration. Communitarianism takes for granted the borders and nations that exist currently, as they currently exist, without a sufficient consideration of how to reconcile the way these nations got here and the claims other peoples might have to the land and resources that currently exist within the borders of colonizing (or former colonizing) powers, nor that these nations' very existence relies on centuries of colonization and theft which has created rampant inequality and shaped the migratory patterns we see today. Furthermore, they prioritize the upholding of the rule of law and systems of government without adequately accounting for the harms they cause, nor the disproportionate ways these systems are enforced. Cosmopolitan approaches, while rooted in a helpful foundation of inherent human dignity and the rights of all people, have yet to offer sufficient insights for navigating a world in which human dignity has not been respected and relationships have been systematically unjust. Cosmopolitanism alone lacks the tools to aid us in responding justly to harms that have been done, and so while their contributions toward better immigration ethics and policy are admirable and helpful, they ultimately fall short. Furthermore, cosmopolitanism often speaks in terms of progress, taking for granted that it is an ideal goal without considering what definition of progress is operating behind progressive efforts, who is benefited by this progress, and whether our notions of progress are tied up in patterns of thinking that are, at their core, colonialist.<sup>554</sup> In the forthcoming chapters, we will consider these

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<sup>554</sup> In conversations with people living on the border between the United States and Mexico, I have been struck by how pervasive these questions of progress, power, and self-determination are, especially among

questions of progress more fully and work to disentangle our vision of how the world ought to be from the settler-colonial worldview.

What is needed is a framework that takes relationships to be a central focal point for navigating ethical questions. To this end, chapter three takes the patterns identified in this chapter and applies them to a responsibility ethics framework in order to argue that this history obligates the United States to migrants and the countries from which they come. We will argue that U.S. immigration policy ought to reflect its culpability in the creation of a world in which people are forced to migrate by creating tangible reparations. We will also discuss how the United States must reckon with its founding mythologies and repent for the harm they have caused. Chapter four will then consider the more theological dynamics implicit in what has been discussed thus far, creating a bridge between this historical work and the practical proposals offered in chapter five.

This chapter has raised important questions of sovereignty: U.S., Latin American, and Indigenous. While it is beyond the scope of this project to consider here, these questions raise important cautions to Michael Walzer's discussion of the right to self-determination.

Dunbar-Ortiz writes that “under the crust of that portion of the Earth called the United States of America—“from California...to the Gulf Stream waters”—are interred the bones, villages, fields, and sacred objects of American Indians.”<sup>555</sup> We might add to this account the immense amounts of harm the nation has done beyond its borders. This

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community organizers within the most marginalized communities there. This dissertation hopes to honor these communities' wisdom, their hope of defining what is good for their communities themselves, and their desire to lead their own liberative projects by being especially conscious of how it conceives of goals and progress. This will be of particular relevance in chapter four's consideration of Christology and ecclesiology, and in chapter five's turn to practical proposals.

<sup>555</sup> Dunbar-Ortiz, 1.

history must be reckoned with, for there can be no sufficient ethics of immigration that does not account for how the United States came to be the nation it is, what impact this historical development has had on the rest of the world, and how this must be factored in to the creation of just immigration policy. The building of a more just world requires articulating and acknowledging past wrongs in order to begin attending to these injustices and their continued impact on the world by repairing the damage of unjust relationships.

### **3.0 RESPONSIBILITY AS AN ETHICAL FRAMEWORK**

#### **3.1 BIAS IN HISTORICAL NARRATIVES**

Chapter two's account of history raises some important themes. First, in its divergence from more dominant accounts of U.S. history, it makes evident that the telling of history is never a neutral, objective activity. History can always only be told as narrative, and narratives always have a point of view. A dominant, Euro-centric perspective has tended to be taught in U.S. schools while the perspectives uplifted in the previous chapter have largely gone unnoticed and untaught. This results in a U.S. populace insufficiently versed in the uglier side of U.S. history. This narrative serves the status quo, keeping U.S. power structures largely intact by making them seem natural and good rather than the result of centuries of unjust action. Relatedly, a second theme that has arisen is that these narratives and their biases matter. Understanding the realities of how the United States gained control of its present borders, or the ways in which U.S. policy has contributed to migration flows, ought to influence how we think about what just immigration policy entails. Chapter two's account has shown that throughout its history, the United States has forged unjust relationships for which it has not taken responsibility. Tisha Rajendra writes that "the connection between relationships and responsibilities always runs through complex social narratives," making "interrogating these narratives and replacing them with better narratives" a necessary task for better

understanding U.S. responsibility to migrants.<sup>556</sup> In other words, it is important to understand the narratives through which we are interpreting relationships and responsibilities so that we can have a more historically accurate understanding of our relationships and the responsibilities they create.

Finally, all of this gives rise to the question the adequacy of the historical narratives out of which communitarian and cosmopolitan thinkers are operating. In different ways, both tend to operate out of a more ahistorical perspective, failing to deal adequately with the world as it is and account for how the world got to this point. Communitarians take status quo for granted and offer little in terms of guidance for reckoning with historical injustices that status quo has caused. Cosmopolitans offer important insights into how a just world ought to look, but do not offer enough guidance for responding ethically in the aftermath of injustice. In order to take the account of U.S. history provided in chapter two seriously, therefore, a new framework is needed. To that end, this chapter looks to insights from Catholic and Protestant thinkers in order to build a more historically responsible migration ethics framework.

### **3.2 BEYOND COMMUNITARIANISM AND COSMOPOLITANISM: THE THIRD WAY**

As noted in the previous chapter, a number of philosophers and theologians have undertaken the important tasks of both bridging the gaps between communitarian and

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<sup>556</sup> Tisha M. Rajendra, *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2017), 129.

cosmopolitan approaches in order to uphold the important commitments each identifies, and of moving beyond the boundaries of that dichotomy in order to identify what both approaches miss. This chapter will profile five of these scholars in order to provide an outline of the directions this work has taken.

In response to critiques that cosmopolitanism is insufficiently grounded or unpatriotic, philosopher Kwame Anthony Appiah proposes what he calls “rooted cosmopolitanism.” For Appiah, cosmopolitanism and patriotism are sentiments, while nationalism which is an ideology. He argues that this means that cosmopolitanism and patriotism are able to be made consistent with a variety of political ideologies (whereas nationalism, an ideology itself, cannot be).<sup>557</sup> Nationalism and cosmopolitanism may be mutually exclusive, but cosmopolitanism does not preclude patriotism or loyalty to one’s community or nation. Moreover, he argues that this means that cosmopolitans, contrary to communitarian critiques, can be patriots. If patriotism is a sentiment, a certain pride in or love for our local or national community, there is nothing inherent in it that goes against cosmopolitan views. Likewise, cosmopolitanism, as a sentiment of loyalty to or care for all of humanity, does not preclude care for those closest to us, nor does it necessarily deny specific responsibilities to those with whom we have more direct relationships.<sup>558</sup>

A liberal cosmopolitanism of the sort I am defending might put point like this: we value the variety of human forms of social and cultural life; we do not want everybody to become part of a homogeneous global culture; and we know that this means that there will be local different (both within and between states) in moral climate as well. As long as those differences meet certain general ethical constraints as long, in particular, as political institutions respect basic human

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<sup>557</sup> Appiah, “Cosmopolitan Patriotism,” in *For Love of Country*, ed. Martha Nussbaum (Boston: Beacon Press, 2002), 619.

<sup>558</sup> *Ibid*, 622.

rights we are happy to let them be.<sup>559</sup>

We can see, then, that Appiah finds a middle ground. His work is rooted in cosmopolitan ideals, but also takes very seriously the importance of the specific responsibilities we may have to those with whom we are most closely related. Appiah's work shows that there is possibility beyond the starkly divided cosmopolitan/communitarian debate and that both approaches lift up goods worth defending. Recognizing that these goods might not be mutually exclusive is an important first step towards approximating a better migration ethic.

William O'Neill similarly resists the communitarian/cosmopolitan binary. Insisting that the communitarian approach often leaves migrants virtually "[expelled] from humanity altogether," while cosmopolitan (which he calls "The Liberal Abstract Citizen") approaches lack the specificity to foster actual obligation among host nations,<sup>560</sup> he turns instead to Catholic Social Teaching (CST) in order to uplift the virtues of both approaches and move beyond their limited scope. CST, he argues, seeks balance between the importance of individual rights and the demands of the common good, making it a strong bridge between the two major approaches to migration. Unlike communitarianism's "members and citizens" and cosmopolitanism's "abstract citizen," O'Neill insists, the Church relies on the idea of neighbors, both near and distant, as a grounding metaphor for thinking about our relationship to the global community. The social teaching of the Catholic church, he argues, calls people to be neighborly to all people, regardless of distance.

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<sup>559</sup> Appiah, 621.

<sup>560</sup> William O'Neill, "Rights of Passage: The Ethics of Forced Displacement," *The Journal of the Society of Christian Ethics* 27, no. 1 (2007), p. 116. He cites Hannah Arendt, "The Perplexities of the Rights of Man," *Headline Series* 318 (Winter, 1998), 88.

At first glance, this may seem like basic cosmopolitanism. What O’Neill seeks, however, is a more concrete balance between the demands of the common good and subsidiarity.<sup>561</sup> Recognizing the stranger as neighbor establishes solidarity with all people. This makes possible “equitable policies of voluntary repatriation, reintegration, rehabilitation, and reconstruction,” as well as hospitable treatment of migrants.<sup>562</sup> In other words, seeing people as near and distant neighbors rather than, for example, citizens and migrants, helps citizens of host nations to view migrants as proper recipients of concrete care. The imagery of near and distant neighbors allows space for differentiating those with whom we have greater proximity (however that proximity is defined) and those with whom we have lesser, without abolishing the concrete responsibility to be neighborly to all people (even if that may look different in different situations). For O’Neill, in this motif of near and distant neighbors, the Catholic tradition offers a model in which a universal respect for all humans can be applied to concrete others.<sup>563</sup> That is, in this model appeals to universal human dignity are given actual specificity and weight in real encounters with concrete, actual human individuals with specific needs and relationships. The migrant at U.S. borders is not a generalized other worthy of some lofty ideal summarized in the phrase ‘human dignity,’ but an actual neighbor with specific needs to whom a response is owed in accordance with their concrete human dignity. This turn to a more specifically Christian key for framing the immigration discourse represents an important move away from the confines of the dominant binary. Below, we will move

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<sup>561</sup> William O’Neill and William Spohn, "Rights of Passage: The Ethics of Immigration and Refugee Policy," *Theological Studies* 59, no. 1 (1998).

<sup>562</sup> William O’Neill, "What We Owe to Refugees and IDPs: An Inquiry into the Rights of the Forcibly Displaced," in *Refugee Rights: Ethics, Advocacy, and Africa*, ed. David Hollenbach (Washington, D.C.: Georgetown University Press, 2008), 37-38.

<sup>563</sup> O’Neill, *Rights of Passage*, 113–136.

this insight further by considering how the Biblical notion of a neighbor directs us not only to provide for each other's concrete needs but to build relationships with one another.

O'Neill finds that while the Catholic tradition takes very seriously the rights of all people to seek lives worthy of their dignity as persons, and the responsibility of states to care for those who are most vulnerable—including refugees and migrants—this teaching is simply aspirational if it does not include concrete ways of prioritizing our responsibilities to near and distant neighbors. One method he offers for determining the obligations of specific states to specific migrants is by looking to the “special relationships with refugees or migrants: familial relationship, complicity of the host country in generating immigration/refugee flows, and historical or cultural affiliations (e.g. patterns of migration).”<sup>564</sup> This call for countries to consider their own complicity in the creation of global migration is a recurring theme in O'Neill's work,<sup>565</sup> representing a shift towards a more responsibility-based approach to migration ethics. He further insists that the catholicity of the Church calls for a continual revision of social structures and ordering of society in order to ensure that the rights of all people, especially those most vulnerable, are being protected and no one is left behind.<sup>566</sup> The proper Christian vision of the human person, he argues, is fundamentally related to the call to welcome the stranger. He insists that the eschatological vision Christians are called to live into in this life is one in which hospitality is extended especially to those who are vulnerable and in

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<sup>564</sup> O'Neill and Spohn.

<sup>565</sup> See, for example, O'Neill, “Rights of Passage,” 122.

<sup>566</sup> O'Neill and Spohn.

need. If this is to be the Christian eschatological understanding of kinship, then, it ought to inform Christian understanding of membership and solidarity now.<sup>567</sup>

David Hollenbach centers the sovereignty of nations as his point of departure in his approach to considering migration and responsibility. He argues that sovereignty, as a general rule, ought to be respected,<sup>568</sup> and he therefore moves forward by considering what circumstances may impinge upon that sovereignty. This leads him not only to consider the conditions that make border-crossing intervention acceptable but also the circumstances in which a nation's obligation to care for migrants might impinge on that nation's sovereignty and obligate it to welcome them.<sup>569</sup> This leads him to two insights which are of particular relevance for the present project. First, he notes that ethically speaking, a cosmopolitan approach, which views the scope of responsibility more widely by focusing on the needs and rights of all humanity, is perhaps most appealing. While he agrees with Appiah that this must not preclude diversity and local responsibilities, he nevertheless finds the cosmopolitan ideal important for challenging the adequacy of our present systems.<sup>570</sup> Hollenbach insists that "the nation-state system is not the only way to organize international society or to define the scope of political and ethical responsibility."<sup>571</sup> This openness to the possibility of other, better ways of organizing the

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<sup>567</sup> O'Neill, "The Place of Displacement: A Theological Locus," *Colloquium* 46, no. 1 (May 2014), 104.

<sup>568</sup> David Hollenbach, S.J., "A Future Beyond Borders: Reimagining the Nation-State and the Church," in *Living With(out) Borders: Catholic Theological Ethics on the Migration of Peoples*, eds. Agnes M. Brazal and María Teresa Dávila (Maryknoll, NY: Orbis, 2016), 227; Hollenbach, S.J., *Humanity in Crisis: Ethical and Religious Response to Refugees* (Washington, DC: Georgetown University Press) 2020.

<sup>569</sup> Hollenbach, S.J., *Refugee Rights: Ethics, Advocacy, and Africa* (Washington, D.C.: Georgetown University Press) 2008.

<sup>570</sup> *Ibid*, 184-185.

<sup>571</sup> *Ibid*, 180.

world is key for any adequate response to migration. It is vital that approaches to migration be able to think outside of the present state of the world.

Second, Hollenbach offers the Kew Gardens Principles as a guide for considering what obligations might be said to outweigh a nation's right to sovereign borders.<sup>572</sup> A universal responsibility to all people does not mean that responsibility to each person looks the same. Rather, various communal bonds and forms of relationship can make us more specifically or immediately responsible to certain people. To all people, humans have responsibilities to, for example, do no harm. More specifically, Hollenbach argues that people may understand themselves to be responsible when a critical need exists, they are in proximity to that need, they have some capacity to address that need, and when there are likely no other sources of aid available. Hollenbach warns that this system cannot be applied in a mechanical fashion, but suggests instead that it is meant to guide the consideration of global responsibility. He further qualifies that proximity ought not be thought of merely in terms of physical distance, but rather primarily in terms of knowledge of a need.<sup>573</sup> Elsewhere, he has suggested that a nation's participation in the creation of refugees, such as military action in the sending country, might create moral obligation, another form of proximity.<sup>574</sup> Similarly, he notes that in complex political situations, the principle of last resort may be difficult to determine definitively.

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<sup>572</sup> The Kew Gardens Principle originated in the assault and murder of Kitty Genovese in Kew Gardens New York City, during which a reported 38 people witnessed her distress and failed to aid her. While it has since come to light that this initial report is not entirely factual, the case gave rise to much consideration about the moral duty to aid those in need. The principle argues that agents have responsibility based on critical need, proximity, capacity, and likelihood of being a last resort. See Hollenbach, S.J., "Borders and Duties to the Displaced: Ethical Perspectives on the Refugee Protection System," in *Journal on Migration and Human Security*, vol. 4, no. 3 (2016), 156.

<sup>573</sup> Hollenbach, S.J., "Borders and Duties to the Displaced, 186-189.

<sup>574</sup> Hollenbach, S.J., "A Future Beyond Borders: Reimagining the Nation-State and the Church," 231.

Therefore, he calls for the creation of global systems of response in order that the global community may reliably and regularly respond quickly to a given need.<sup>575</sup>

This system of global partnership must divide responsibility and cost fairly, depending on various nation's abilities to provide different types of aid, so that the burdens or costs of aid to migrants in need does not disproportionately fall on nations with less capacity while other nations contribute little.<sup>576</sup> Hollenbach names the consideration of how to achieve such fairness as “perhaps the greatest ethical challenge facing the humanitarian movement today.”<sup>577</sup> Further, as was mentioned in chapter one, Hollenbach, like O'Neill, also argues that nations have obligations to particular people based on existing cross-border relationships.<sup>578</sup> In his later work on the topic, Hollenbach has more fully picked up the question of the root causes of migration and the role those root causes might have in delegating responsibility to migrants. He draws attention to the importance of structural change, rather than just temporary emergency aid (although he notes that this will always play an important role) in building a more just world in which fewer people are forced to migrate, which is, for him, the ultimate goal. Hollenbach suggests three areas of focus for this structural work: the reduction of conflict, the promotion of development globally, and the significant reduction of human-caused

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<sup>575</sup> Hollenbach, S.J., *Refugee Rights*, 189.

<sup>576</sup> Consider, for example, the burdens that have fallen on Turkey as refugees have fled across their borders and other nations have failed to step up and help shoulder that responsibility, even if their capacity to provide aid is arguable greater than Turkey's (see Luke McGee, “A migration crisis and disagreement with Turkey is the last thing Europe needs right now,” *CNN*, March 2, 2020, accessed May 1, 2020, <https://www.cnn.com/2020/03/02/europe/turkey-migrant-crisis-european-union-intl/index.html>). This is precisely the form of unequal sharing of responsibility Hollenbach seeks to prevent.

<sup>577</sup> Hollenbach, S.J., *Humanity in Crisis*, 112.

<sup>578</sup> Hollenbach, S.J., *Driven from Home Home: Protecting the Rights of Forced Migrants* (Washington D.C.: Georgetown University Press, 2010), 6.

climate change.<sup>579</sup> This attention to cross-border relationships, root causes, and the need for structural change will be important themes for the development of a responsibility-based approach to immigration.

Kristin Heyer has also made significant moves towards a more relational model for migration ethics. Both cosmopolitan and communitarian approaches, she argues, “fall short of providing meaningful protections” to migrants.<sup>580</sup> Heyer’s approach centers on the themes of social sin and human relationships, highlighting the ways in which contemporary policy and discourse fail to protect families or honor global relationships.<sup>581</sup> Her insight that the current U.S. immigration system operates in direct contrast to Christian values because of the way it separates, puts undue stress on, or otherwise harms families is a helpful example of how a more relationship-focused approach to migration ethics highlights the sinfulness of the contemporary situation.<sup>582</sup> More directly relevant for the present project, however, is her focus on social sin and global relationships, through which she identifies how neoliberal capitalist systems have produced massive global inequality, both within and between nations. This inequality, spurred by the global extension of corporate power (exemplified by the effects of the North American Free Trade Agreement, as outlined in chapter two), turns migration to countries such as the United States into “a strategy for survival” for those globalization

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<sup>579</sup> Hollenbach, *Humanity in Crisis*, 130-154.

<sup>580</sup> Kristin Heyer, “Migrants Feared and Forsaken: A Catholic Ethic of Social Responsibility,” *Interdisciplinary Journal for Religion and Transformation in Contemporary Society* 6, no. 1 (2020), 160.

<sup>581</sup> Heyer, *Kinship across Borders: A Christian Ethic of Immigration* (Washington, D.C.: Georgetown University Press, 2012), 4. See also, Ibid, "Internalized Borders: Immigration Ethics in the Age of Trump." *Theological Studies* 79, no. 1 (2018): 146-64.

<sup>582</sup> Heyer, *Kinship across Borders*, 61-88. This also once again makes clear that James K. Hoffmeier offers insufficient evidence that the present U.S. immigration system does not contrast biblical values.

has left behind or exploited.<sup>583</sup> Naming this a situation of social sin (consistent with the account provided above in chapter two), Heyer links increased global migration to this situation of corporate expansion, an important development for establishing relationships between host nations and migrants in order to determine a responsibility to care. In this way, Heyer's work helps bring the less visible relationships between migrants and host countries to the fore, an important development for responsibility and relationality-based approaches to migration. Like O'Neill, she turns to a more specifically Catholic Christian lens, arguing that "the Catholic tradition's social anthropology, understanding of social sin, and commitment to a global common good are poised to reorient responsibility," opening up a more robust understanding of global relationships and cross-border responsibilities.<sup>584</sup>

In drawing attention to the dynamics of social sin at play in the push and pull of global migration, Heyer makes space for the important consideration of the ideologies that support and perpetuate sinful social structures.<sup>585</sup> As was evident in chapter two, more attention is due to the relationship between the basic ideologies impacting many in the United States—Manifest Destiny and the frontier myth—and the nation's approach to foreign policy and immigration law. In doing so, Heyer shifts the conversation away from debates of states' rights versus human rights, drawing attention instead to an interrogation of host nations' hostilities toward migrants, raising this up as important for ethical consideration. Not only does this open a new and important area of consideration, but also understanding the situation more fully through the lens of social sin in this way can

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<sup>583</sup> Heyer, *Kinship across Borders*, 100-104.

<sup>584</sup> Heyer, "Migrants Feared and Forsaken," 158.

<sup>585</sup> *Ibid*, 165-167.

prompt U.S. citizens to better consider their own role and complicity in the injustices of U.S. foreign and immigration policies. This also provides space for a fuller consideration of what the situation of global migration calls nations and individuals to. Both of these considerations will become especially important in chapter five. In moving emphasis away from simple defense of human rights towards a more robust consideration of what is needed for “unmasking the complex structures and ideologies” that abet injustice, for which all citizens are responsible,<sup>586</sup> Heyer therefore offers an important reframing of immigration as a topic for Christian ethics, providing a theological lens through which to consider the structural issues to which she and Hollenbach have drawn particular attention.

The language of sin that Heyer utilizes is especially helpful here. In Christian theology, having sinned necessitates certain responses for the sinner, specifically realization, repentance, and repair. Moreover, sin has often been understood in terms of relationship: most notably the relationship between humans and God, but also relationships between humans. Sin represents a breaking of these relationships. The realization that we have sinned, then, calls us to repent and repair the relationship that has been broken. While the language of injustice might signify the same dynamics identified with the terms social or structural sin, sin carries a particular connotation that can help drive the focus on repairing relationships for which this dissertation ultimately argues. Labeling U.S. history and policies as social and structural sin in which all U.S. citizens participate, therefore, has the power to draw attention to our own culpability and to call

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<sup>586</sup> Heyer, “Migrants Feared and Forsaken,” 165.

us into the work of repair. The importance of this work of repair will be outlined later in this chapter.

Heyer also connects this situation of global social sin and the root ideologies that abet that sin to a consideration of the rule of law, arguing that “when the present system fails to protect fundamental human rights in these ways, it does not itself honor the rule of law,”<sup>587</sup> helping to articulate why un-nuanced appeals to the rule of law are insufficient. She argues that many in the United States have been lulled by national ideology into equating obedience to the rule of law with just living.<sup>588</sup> In contrast to this, her work locates responsibility within the systems that fail to protect and promote human dignity, not with humans seeking to survive within and in spite of those systems. She shows how “the U.S. criminal justice system and Christian churches alike” have failed to take seriously enough the ways in which our systems and structures “abet” law-breaking and constrain human agency.<sup>589</sup> In response to this, Heyer calls us to a “subversive hospitality” which breaks through the ideologies that shape our understanding of migrants and refuses to reduce justice to obedience to positive human law.<sup>590</sup> She argues that what is needed is an approach to migration “committed to truth-telling regarding the nation’s historical confrontations with immigrant waves and repentance regarding its complicity in generating push and pull factors” in order to “move the debate beyond amnesic scapegoating.”<sup>591</sup> Furthermore, in her later work Heyer draws attention to the ways increased divisiveness and isolationist tendencies on the part of the United States

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<sup>587</sup> Heyer, *Kinship across Borders*, 137.

<sup>588</sup> Kristin Heyer, “Social Sin and Immigration: Good Fences Make Bad Neighbors” in *Theological Studies* vol. 71, no. 2 (2010), 429.

<sup>589</sup> Heyer, *Kinship across Border*, 156-157.

<sup>590</sup> *Ibid*, 145.

<sup>591</sup> *Ibid*, 142.

pose a serious problem to the development of a more just immigration system. What is needed, she argues, is a rebuilding of public trust in which a broader sense of community can be established. This will allow for greater accountability as citizens learn to take their responsibilities to migrants more seriously.<sup>592</sup> Heyer's themes of truth-telling, accountability, and repentance are key for the framework this chapter is building.

Tisha Rajendra goes further, arguing that while Christian appeals to human dignity, the option for the poor, and the call to welcome strangers are of course relevant and important, they remain insufficient because they do not allocate responsibility, and thus fail to adequately address the needs of migrants or help us navigate the proper response to these needs.<sup>593</sup> Instead of these too-general appeals to Christian values, Rajendra argues that “the relationships between citizens and migrants that initiated and sustain migration systems must be at the heart of the Christian ethics of migration.”<sup>594</sup> This relationship based approach is consistent with the biblical account of migration. Rajendra shows that justice in scripture is rooted in specific relationships, especially Israel's relationship to God, and is thus understood as fidelity to the demands of specific relationships. Furthermore, Israel is given specific commands on how to behave towards others, most particularly towards the foreigners among them, based on their history as oppressed foreigners in Egypt. God draws for Israel a specific relationship of responsibility between themselves and migrants in their midst by connecting them in the common experience of being foreigners in a strange land. Israel is to treat the foreigners

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<sup>592</sup> Heyer, “Internalized Borders,” 162-163.

<sup>593</sup> Rajendra, 12.

<sup>594</sup> *Ibid*, 52.

among them well so that they do not become like Egypt to them.<sup>595</sup> Biblically speaking, then, we can see that the consideration of just treatment of immigrants need not be predicated on the good but insufficiently particular ideals of human dignity and welcoming the stranger, but rather can be thought of in terms of the way specific histories and relationships involve certain responsibilities.<sup>596</sup> Working out of this biblical analysis, Rajendra proposes a framework for considering immigration that is based on specific relationships of responsibility.<sup>597</sup>

As an example, Rajendra highlights the history of European guest worker programs to show how relationships of responsibility ought to be understood. These programs cooperated with foreign governments to recruit foreign workers to fill temporary labor needs. The intention of these programs was that the migration be temporary. Additionally, these programs were considered to be good for the host country because as non-citizens these migrants' rights were limited. The belief was that such workers would accept lower standards of labor and lower wages than citizens, could be provided with fewer benefits, and would either leave of their own accord or could be deported when their labor was no longer necessary. Rajendra points out that this program hinged precisely on the difference between citizens and migrants, relying on the ability to

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<sup>595</sup> Rajendra, 94-109.

<sup>596</sup> Importantly, the land that is entrusted to Israel by God is given upon the condition that they are just, that is, that they fulfill the demands of their relationship with God which include just treatment of foreigners. Although this is not the major point I want to draw from Rajendra's analysis, it is interesting to consider this in light of Manifest Destiny. If America really believed with any serious way that this land is God-given or entrusted, might we also say from a Judeo-Christian perspective that the very entrustment of that land is conditional and that we are meant to treat others justly, not remove them when they get in our "way." There is, I think, a real danger in playing into the myth of Manifest Destiny in this way, so I am cautious of it. However, I also think it is important to reach people with language they can relate to, and I wonder if this idea could provide a stepping stone out of the sinful structures I have outlined in this paper.

<sup>597</sup> Rajendra, 72-75.

treat those with no citizenship status differently because of that lack of status.<sup>598</sup>

Ultimately, “these programs were premised on relationships in which citizens commodified the guest workers,”<sup>599</sup> utilizing them as sources of labor but keeping them separate from the social and political community and the rights that community entails.<sup>600</sup> In reality, these programs ended up resulting in much more permanent migration than they were intended to. As much as these programs tried to reduce migrants to their labor, in reality they arrived as full human beings with full human needs. Rajendra writes, “the guest workers were human beings with family ties who made decisions within the context of the larger macro- and mesostructures of guest-worker programs, family reunification policies, and their own social networks.”<sup>601</sup> Over time, this disconnect between the host countries’ desires and the humanity of guest workers led to increased undocumented populations in host countries, and to higher desire for families to migrate as well to join their relatives. In other words, while the programs tried to keep guest workers at arm’s length, firmly defined only by their capacity to provide cheap labor, in reality they became part of Europe.<sup>602</sup> A Christian ethic of migration must, according to Rajendra, take the historical creation of these relationships seriously and allocate responsibility to migrants accordingly. Host countries may not have intended to forge relationships with full human beings who came with full human needs, but their actions did so anyway. The responsibility this creates between host country and migrant must be attended to in order to move toward more just immigration discourse and policy.

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<sup>598</sup> Rajendra, 58-60.

<sup>599</sup> Ibid, 59.

<sup>600</sup> Ibid, 60.

<sup>601</sup> Ibid, 61.

<sup>602</sup> Ibid, 60-63.

### 3.2.1 Moving Forward

These thinkers offer vital contributions to the field of Christian migration ethics, and the present project is deeply indebted to them. There is, however, more work to be done. This section aims to more firmly situate a relational understanding of justice within the Christian tradition and offer responsibility ethics as a framework for approaching questions related to migration. Further, this project looks closely at the notion that justice is concerned with what must be done to mend a broken relationship. While O’Neill’s language of “near and distant neighbors” and “special relationships,” and Hollenbach’s “moral proximity” get us part of the way this language is not strong enough. The United States has obligations because it has specifically and repeatedly *failed to live in just relationship* with other countries. Justice is not just about the right way to treat one another; it is also about what must be done when someone has already been mistreated. O’Neill has called for the consideration of the “complicity of the host country in generating immigration/refugee flows.”<sup>603</sup> Together with the historical account provided in chapter two, this chapter considers such U.S. complicity and argues that understanding justice as responsibility for this complicity garners a more productive set of questions and considerations than do broader questions of the just treatment of strangers or foreigners. It frames the discussion of migration as a discussion of what the United States owes to others because of past and ongoing U.S. action at home and abroad, of what must be

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<sup>603</sup> O’Neill, “Rights of Passage,” 122.

offered by the United States in order to begin to repair the damaged and unjust relationships it has created.

### **3.3 RESPONSIBILITY AS AN ETHICAL FRAMEWORK: H. RICHARD NIEBUHR AND CHARLES CURRAN**

Rajendra's account of justice as responsibility to relationships, and especially as responsibility to broken relationships, is a deeply biblical and Christian notion. A repeated theme in the Hebrew Bible is that God's people have failed to live up to the terms of their covenantal relationship with God and must thus repent and act in some way to repair the relationship. The New Testament continues this theme, and much soteriology throughout the tradition has been based on this basic idea that something is owed when a relationship has been broken, as has Christian thinking on conflict resolution. Indeed, the life and ministry of Jesus was marked by a particular care for human relationality. Mujerista theologian Ada Maria Isasi-Díaz argues that the Kin-dom of God<sup>604</sup> hinged on Jesus fostering patterns of kinship and community within his disciples that actively rejected hierarchy and division in favor of mutuality and justice.<sup>605</sup> Likewise, Womanist theologian M. Shawn Copeland argues that Jesus' work centered on

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<sup>604</sup> Isasi-Díaz uses "kin-dom" to avoid what she sees as the elitist undertones in "kingdom" language and in order to emphasize Jesus' focus on community building and relationships. Similarly, this dissertation makes use of "kin-dom" because the language of kinship is helpful for highlighting the inherently relational dimensions of Jesus' ministry and the Christian life. Ada Maria Isasi-Díaz, "Kin-dom of God: A Mujerista Proposal," in *In Our Own Voices: Latino/a renditions of theology*, ed. Benjamin Valentin (Maryknoll, NY: Orbis, 2010), 179-186.

<sup>605</sup> *Ibid*, 86.

calling ordinary people to the work of building egalitarian socioeconomic relationships.<sup>606</sup>

The analyses of Isasi-Díaz and Copeland, along with the work of the thinkers profiled above, direct Christian reflection on migration towards a fuller consideration of relationships. This will not only allow us to better respond to U.S. history as outlined in chapter two, but will also more firmly situate our responses within Christian commitments to just relationality. Responsibility ethics, therefore, provides a fruitful framework for moving forward from this basic insight to address the current situation of migration and to determine what obligations can and should be placed on receiving countries such as the United States. As it is an ecumenical project, the dissertation turns to H. Richard Niebuhr and Charles Curran for insights into how both the Catholic and Protestant traditions interact with the notion of responsibility. This approach creates a foundation for a responsibility-based approach to migration that is compatible with Catholic and Protestant approaches to theology. As both Niebuhr and Curran situate their approaches within their respective traditions and in conversation with other thinkers from those traditions, they are well suited to this goal.

Niebuhr is particularly helpful to this project because he views his responsibility ethic as applicable outside of Christianity.<sup>607</sup> As this dissertation addresses a topic in the public sphere, the need for a framework that is intelligible outside of Christian circles is important. Curran is a beneficial Catholic interlocutor for Niebuhr, in part, because he

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<sup>606</sup> M. Shawn Copeland, *Enfleshing Freedom: Body, Race and Being* (Minneapolis: Fortress Press, 2010), 61.

<sup>607</sup> H. Richard Niebuhr, *The Responsible Self* (New York: Harper and Row, 1963), 45.

responds directly to Niebuhr.<sup>608</sup> He also brings a responsibility ethics framework more fully into the social sphere, writing on the relationship between the individual responsible person and the “responsible society,”<sup>609</sup> and embracing the “communion ecclesiology” of the Second Vatican Council.<sup>610</sup> Consistent with his interest in creating a framework for ethics applicable beyond Christianity, Niebuhr’s approach is grounded in philosophy. He does not devote much time to considering a robust theological account of responsibility, offering instead a philosophical framework in order to invite diversity. This philosophical framework he presents, however, can be applied to more explicitly theological concerns and themes.<sup>611</sup> Curran’s approach is more robustly theological. His openness to diversity and inclusion are explicitly rooted in his commitment to Catholicism,<sup>612</sup> and thus he concerns himself more explicitly with theology. In this way, Curran helps begin the process of fleshing out the theological underpinnings in Niebuhr’s philosophical framework in a way that does not damage the intentional inclusivity for which Niebuhr strove.

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<sup>608</sup> Charles Curran, “Responsibility in Moral Theology: Centrality, Foundations, and Implications for Ecclesiology.” *The Jurist* 31, no. 1 (1971), 116.

<sup>609</sup> *Ibid.*, 124-128, 136.

<sup>610</sup> Linda Hogan, “Formative and Transformative,” *The Journal of Religious Ethics* 41, no. 2 (2013): 364.

<sup>611</sup> Chapter four in particular takes up this work, developing the theological themes that are present in his work with the help of Indigenous and Latinx theologians.

<sup>612</sup> *Ibid.*, 360, 362-365, 373.

### 3.3.1 H. Richard Niebuhr: A Protestant Understanding of the Human Person as Responsible

Niebuhr proposes four distinct elements of responsibility. These elements are the basis for his understanding of responsibility as an ethical framework. The four elements are response, interpretation, accountability, and social solidarity. Understanding these elements will help us move toward a framework for responding to migration in the United States based on U.S. history as articulated in chapter two.

Niebuhr first insists that all human moral action is a response to an action upon us. By moral action, he means action which is interpreted, rather than reflexive, knee-jerk type actions over which we have little control. For Niebuhr, actions are “self-actions” when they are “accompanied and infused, as it were, with interpretation.”<sup>613</sup> By this, Niebuhr means that we interpret actions based on larger systems of meaning, that is, as parts of a larger narrative by which we make sense of the world. These larger narratives, or patterns of interpretation, determine—though, he cautions, not in a mechanical sort of way—what our response to an action looks like. They influence how we understand the action upon us and the field of conceivable responses to that action we believe ourselves to have. This is true, Niebuhr insists, for groups and for individuals. We respond based on how we interpret actions, and these interpretations are “not simply an affair of our conscious, and rational mind, but also of the deep memories that are buried within us, of feelings and intuitions that are only partly under our immediate control.”<sup>614</sup> The contexts in which we live and develop as agents instill in us certain narratives and systems of

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<sup>613</sup> Niebuhr, *The Responsible Self*, 61.

<sup>614</sup> *Ibid*, 62-63.

meaning that inform how we interpret actions upon us. This runs deeper than our conscious understanding of the world, relying also on communal memory, on a history of interpretation and response we inherit as members of certain communities. As moral agents our responses “are guided largely by the remembered a priori patterns” through which we seek “to interpret each new occasion by assimilating it to an old encounter,” meaning that we tend to respond in the present in the ways we always have, the ways we have learned to respond from our own past and from the history of our community.<sup>615</sup> The importance, then, of liberating the narratives that shape our process of meaning-making from the influence of social sin is evident. Responses based in social sin are likely to perpetuate sin.

Niebuhr’s second element is interpretation. Responsible self action responds “in accordance with our interpretation of the question to which answer is being given.”<sup>616</sup> Before we can determine our proper response in any situation, we must first identify what, precisely, is going on. Niebuhr poses this identification of what is going on in place of questions of ultimate law (which a deontologist might ask) or ultimate end (which teleology might prompt us to ask). For him, the proper question to consider is “to what am I responding?”<sup>617</sup> The United States might, for example, ask itself how it interprets and understands migration as an action upon it. Niebuhr expands on this by situating the moral agent firmly in history, insisting that all people are historical and “time-full.”<sup>618</sup> The future and the past, he argues, are “extensions of the present,” that is, “the still-

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<sup>615</sup> Niebuhr, 96.

<sup>616</sup> Ibid, 63.

<sup>617</sup> Ibid, 63.

<sup>618</sup> Ibid, 90.

present” and the “already-present.”<sup>619</sup> The past is not left behind as we move forward in time. Rather, it is still-present in our habits, in our memories, conscious and unconscious, individual and communal. For example, Niebuhr writes that nations are communities of people both living and dead. The community of the dead include heroes and founders, especially those to whom we still make appeals in defense of ideals or values, or when supporting our position. These founders and heroes are symbols. They represent causes that are deeply entrenched in our national identity. These representatives become almost sacramental in nature, revelatory of something beyond themselves. Children are formed in the image of these representatives when taught to be responsible citizens. These figures serve as touch points and models so that as citizens these children can begin to “interpret the actions of their fellow citizens in the context of the national intention.”<sup>620</sup>

Relatedly, just as the past is not truly left behind, the future is not solely ahead of us. It is also present now in our expectations, hopes, worries, and commitments. Niebuhr argues that humans live forward, into the future. This is part of what it means to be self.<sup>621</sup> How we see the future, as individuals and as communities, influences our moral actions. We act, in part, based on our hopes, our fears, or what we anticipate happening. We might try, for example, to build an immigration system that seeks to be in line with what we hope to be as a “nation of immigrants.” Or, we might choose policies aimed at limiting migration, out of fear for how that migration might change or endanger the nation. Furthermore, the self that responds time-fully in this way responds to actions in

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<sup>619</sup> Niebuhr, 93.

<sup>620</sup> Ibid. 84-86. We can begin to see, then, why it matters how history is taught. If figures like Andrew Jackson or others influenced by Manifest Destiny and the frontier myth are presented as models for responsible U.S. citizenship, we form people in their image.

<sup>621</sup> Ibid, 93.

the present based on interpretations that are, in themselves, time-full. As moral agents we respond based on interpretations inherited from societies “which [have] taught [us] a language with names and explicit or implicit metaphors and with implicit logic” that inform our understanding of the world and the actions we encounter in it.<sup>622</sup> When we form children into responsible citizens based on historical representatives of national values, we influence the way they interpret the world around them. Niebuhr writes, “my conscience represents...the ethos of my society,”<sup>623</sup> meaning that we are formed as moral agents by our society, and therefore respond based on what we have learned, consciously and unconsciously, from that society. This is to say, we are formed as moral agents to interpret the world around us, and respond accordingly, based on the myths and ideologies of our communities, whether we are consciously aware of their influence or not.

The notion that the present also contains the not-yet leads to Niebuhr’s third element of responsibility: accountability. By this, Niebuhr means that when acting responsibly we not only have to consider the action we are responding to, but also anticipate the response to our response.<sup>624</sup> We have already established that the future is present in the now in our hopes, fears, and expectations. Responsible action takes into account not only the future towards which we are aiming by our actions, but also the responses our actions may elicit. Niebuhr conceives of our moral choices as parts of a broader conversation in which we are one participant among many.<sup>625</sup> Our responses to

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<sup>622</sup> Niebuhr, 96.

<sup>623</sup> Ibid, 79.

<sup>624</sup> Ibid, 63-64.

<sup>625</sup> Ibid, 64,

actions upon us are not the final word, they continue that conversation. Therefore, responsible action must be done in anticipation of the coming response(s). This applies to both personal and communal action. Of the latter Niebuhr writes,

Thus, a political action, in this sense, is responsible not only when it is responsible to a prior deed but when it is so made that the agent anticipates the reactions to his action. So considered, no action taken as an atomic unit is responsible. Responsibility lies in the agent who stays with his action, who accepts the consequences in the form of reactions and looks forward in a present deed to the continued interaction.<sup>626</sup>

We can see, then, that acting responsibly requires backwards and forwards thinking. It necessitates not only properly interpreting the action to which we are responding, conscious of all the influences on that interpretation, but also a thorough consideration of the possible and probable responses to our response. Responsible action is accountable to the responses it provokes, and responsible actors take this seriously *before* they act. We might say, then, that the United States was responsible for anticipating the impacts of NAFTA and the responses that impact would prompt. Failure to do so represents a serious lack of moral responsibility.

Within this system, Niebuhr finds a particular role for systems of law. Their primary goal is not, he argues, to offer “immediate guidance” to our responses as agents, but rather they serve “as a way of predicting what the one will do to whom we are reacting or who will react to us.”<sup>627</sup> They are a tool to help us consider the consequences of our actions based on the responses they might provoke.

Finally, Niebuhr insists that responsible action also includes social solidarity. By this he means that “our action is responsible...when it is a response to action upon us in a

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<sup>626</sup> Niebuhr, 64.

<sup>627</sup> Ibid, 62-63.

continuing discourse or interaction among beings forming a continuing society.”<sup>628</sup>

Personal responsibility, he writes, means that one’s response is not and cannot be rooted in a context that is completely disconnected from that from which the action to which one is responding comes. Responsibility demands a degree of continuity, a “relatively consistent scheme of interpretations” in which one is interpreting and reacting.<sup>629</sup> Recall that Niebuhr thinks of moral action as part of a continuous conversation. We do not converse simply with ourselves, but rather with others who are also in conversation with still more others, and so on. Responsible action takes this communal conversation into serious consideration. All responsible actors are social selves, responding to each other and to their environment. When we respond, we respond as people formed by systems that have been systematized for us by society.<sup>630</sup> Here, Niebuhr’s fourth element relates closely to the second. All moral action is a response based on an interpretation of an action upon us. This interpretation, as we have said, is informed by society. Responsible action, therefore, needs not only to be aware of those interpretations and their influence, but is, in an important way, responsible to the society from which those interpretations came.

Responsibility to society may take a number of forms, including being consistent with society and intentionally and thoughtfully dissenting, responding in opposition or contrast to the interpretations and manner of conversation as they presently stand. We are responsible for the direction the communal conversation takes, and we ought to work to shape it into a just conversation. We will explore what this means more fully later in the

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<sup>628</sup> Niebuhr, 65.

<sup>629</sup> Ibid, 65.

<sup>630</sup> Ibid, 80-81.

chapter, when we apply the insights of Niebuhr's approach to migration in the United States. For now, it is important to note that responsible action is social action, and it is responsible to multiple other actors and communities. In fact, ultimately Niebuhr calls us to recognize that we are responsible to the whole of creation. He writes, "the responsible self is driven as it were by the movement of the social process to respond and be accountable in nothing less than a universal community."<sup>631</sup>

In summary, Niebuhr defines the idea of responsibility as a moral agent responding to actions based on the agent's interpretation of that action and what the agent anticipates as a likely further response. This whole process takes place within a continuous community of responsibilities and relationships, all of which must be brought to bear in this process of interpretation, anticipation, and action.<sup>632</sup> Responsible moral agents must ask themselves to whom or to what they are properly responsible within their communities of responsibility and interpretation.<sup>633</sup> In other words, we cannot make responsible, moral choices without being aware of and careful with how we interpret the world around us, who we are in relationship with and thus have responsibilities to, and how our actions might prompt certain responses from others. Responsibility ethics considers where moral agents are situated in various relationships, making it especially capable of responding to the situation we are in now, in view of the history that got us here and in view of our responsibility based on our relationship to God and to God's creation.

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<sup>631</sup> Niebuhr, 88.

<sup>632</sup> Ibid, 65.

<sup>633</sup> Ibid, 68.

### 3.3.2 Charles Curran: A Catholic Understanding of the Human Person as Responsible

Charles Curran accepts Niebuhr's basic understanding of responsibility, including his account of responsibility's four elements. He does, however, modify Niebuhr's approach by "calling on persons to initiate action as well as respond to the actions of others."<sup>634</sup> Arguably, this is a disagreement of semantics. Is it possible, we might ask, to initiate action that is entirely new and in no way a response to the actions of others? This dissertation does not seek to answer this question. What is important is that Curran's modification emphasizes the possibility and necessity of individual creativity and nonconformity that is, perhaps, underdeveloped in Niebuhr's account. As we consider the need to identify and break down the harmful interpretations and patterns out of which the United States responds to migration, this need for new and creative action will be especially important.

For Curran, relationships are central themes in scripture and theology. He notes that in scripture, our relationship to God and to each other are not only consistently repeated topics, but that they are also explicitly connected together, as in Matthew 25.<sup>635</sup> Scripture also emphasizes our relationship to the rest of creation. Further, Curran lifts up the Catholic tradition's focus on our relationships to ourselves and the need for self-

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<sup>634</sup> Curran, *The Catholic Moral Tradition Today: A Synthesis* (Washington, D.C.: Georgetown University Press, 1999), 73.

<sup>635</sup> Matthew 25 is also exemplary of the type of relationships scripture is concerned with: relationships with those who are marginalized, oppressed, or in need. The final section of this chapter considers how Jesus' love and community building prioritized the good of the marginalized in order to establish justice and equity. Here, we can understand Curran's reading of the Biblical emphasis on relationships through the lens of the Preferential Option for the Poor. We might also say that Niebuhr's philosophy is consistent with this approach insofar as responding rightly to oppression would entail ending it and establishing more equitable relationships, but this is not explicit in Niebuhr's work.

love.<sup>636</sup> Therefore, he argues, it is natural that we take these various relationships—to God, others, self, and creation—seriously in our ethical considerations, that is, that attention to these relationships can provide a sort of ethical guide. He calls this model “the relationality-responsibility model.”<sup>637</sup> Catholic Social Teaching, Curran finds, has moved toward this model, though not explicitly.<sup>638</sup> He also notes that the development of the sacrament of penance, including its new name, reconciliation, “reflects a shift toward a more relationality-responsibility model.”<sup>639</sup> We can see that for Curran, responsibility ethics is a deeply Christian and deeply Catholic endeavor. It represents an attempt to be more in line with the tradition, not a turn away from it.

For Curran, the relationality-responsibility model takes seriously that “the individual lives in a network of different relationships in which there can be no minutely codified plans of conduct, but in a creative way the individual determines, by properly responding to all these demands upon [them], the way in which [they] should respond and live [their] life.”<sup>640</sup> This leads Curran to three areas of emphasis that are especially relevant for our project. First, Curran’s understanding of responsibility shapes his understanding of human freedom. Human freedom and dignity, he notes, are cornerstones in contemporary ethics. While these are values certainly worth upholding, there is a danger in overemphasizing personal freedom.<sup>641</sup> Freedom is not about indulgence for Curran, nor does it primarily concern individual free choice. Rather, freedom is primarily

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<sup>636</sup> Curran, *The Catholic Moral Tradition Today*, 73-74.

<sup>637</sup> *Ibid*, 77.

<sup>638</sup> *Ibid*, 77-78.

<sup>639</sup> *Ibid*, 79.

<sup>640</sup> Curran, “Responsibility in Moral Theology,” 115.

<sup>641</sup> *Ibid*, 125.

an internal quality Curran identifies as “the spontaneous creativity of the human person to realize [oneself]...as a creature of God.”<sup>642</sup> Curran calls it “the Christian paradox” that freedom means complete abandonment to the will of the Spirit. Therefore, a Christian understanding of human freedom properly formed is that it is deeply connected to the will of God and involves “the responsibility of opening oneself to the demands of the Spirit.”<sup>643</sup> Human freedom coexists with and is bound by responsibilities to God.

Furthermore, in the face of the dangers of individualistic liberalism, Curran calls us to remember that all individual people live in relationship. Freedom is never absolute, because human relationships—with people, with communities, with God—call people to responsibility. That is, individual freedom “exists in a relationship of responsibility with others and with the whole world.”<sup>644</sup> This idea of the free human subject called to constrain their freedom in order to act out of responsibility for relationships, Curran argues, provides a basic model for a Christian responsibility ethic.<sup>645</sup> In this way, the emphasis on the dignity and freedom of individual people found in contemporary Christian ethics is consistent with, not opposed to, a relationality-responsibility approach. In fact, Curran argues that a responsible society is meant to protect and promote individual freedom and dignity, even as responsibility to society and each other may

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<sup>642</sup> Curran, *Christian Morality Today: the Renewal of Moral Theology* (Notre Dame: Fides Publishers, 1966), 31.

<sup>643</sup> Ibid.

<sup>644</sup> Curran, “Responsibility in Moral Theology,” 125.

<sup>645</sup> Ibid.

constrain our freedom.<sup>646</sup> Human freedom, properly formed, is a responsible freedom.<sup>647</sup> This is a helpful caveat to Michael Walzer's right to self-determination. A nation may, in fact, be free to determine the boundaries of membership, but that freedom is also properly constrained by responsibilities to those with whom the nation is in relationship, such as migrants.

Second, the turn to responsibility prompts Curran to significantly consider the role of human conscience in ethics. Curran writes that "for the Christian who has made a commensurate effort to form his conscience correctly, *the dictate of conscience is an infallible norm of conduct.*"<sup>648</sup> Relying on the Thomistic understanding of human persons as having control over their own actions, Curran insists that a person's "moral activity demands a great responsibility, the responsibility of determining one's actions according to the true and good."<sup>649</sup> Conscience, properly formed, helps people determine what they ought to do in a given situation. This "ought," Curran insists, is rooted in our being. Our moral action is meant to affirm who we are as humans, created by God, at a deep level.<sup>650</sup> This is related to Curran's account of freedom, which is deeply linked to a relationship with and responsibility to God, and to the reality of humans as people in various relationships. Conscience is meant to help people live more authentically as humans in relationship with God and others, helping them to determine behavior that is right and

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<sup>646</sup> Curran, "Responsibility in Moral Theology," 127. For Curran, it is important that the demands of responsibility go both ways: we are responsible to society and community, and society is then responsible for us, as individuals. The mutuality of this protects human dignity and ensures that responsibility does not become one sided or abusive. This will be important at the conclusion of this dissertation, when we consider the question of self-determination and Native sovereignty more fully.

<sup>647</sup> Ibid, 128.

<sup>648</sup> Curran, *Christian Morality Today*, 21 (emphasis mine).

<sup>649</sup> Ibid, 34-35.

<sup>650</sup> Ibid, 17.

responsible to those relationships. Curran writes “the greatest possible freedom and the greatest possible happiness for [people] consist[s] in the fulfillment of [their] own being.”<sup>651</sup> Furthermore, Curran insists that a well-formed conscience is about more than knowledge of laws and ethical formulas. Rather, consistent with his focus on responsibility and relationships, he writes that Christian morality is primarily about love, rooted in the relationship between God and humans.<sup>652</sup> Conscience must also, of course, take information from the positive sciences into account, but the root of right behavior is the love between humans and God. The formation of conscience is meant to prepare people to hear and answer God’s call in concrete circumstances.<sup>653</sup> Curran concludes that conscience leads people “to participate ever more deeply in Christian love and freedom until the Christian reaches [their] final destiny where love, joy, freedom, and conformity with God’s will are one.”<sup>654</sup> We see here that Christian love is deeply tied to just relationships and taking responsibility for each other.

Finally, Curran emphasizes the importance of historical consciousness. In philosophy, historical consciousness includes a strong emphasis on change, on the evolution of the historical situation over time. Similarly, Curran argues, contemporary approaches which seek to make use of responsibility as a motif for ethics, must be conscious of historicity. Rather than deductive approaches that conceive of moral action as adherence to *a priori* norms, relationality-responsibility approaches understand such norms to be culturally and historically conditioned. Adherence to these norms, therefore,

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<sup>651</sup> Curran, *Christian Morality Today*, 18.

<sup>652</sup> We will say more about Christian love below.

<sup>653</sup> Curran, *Christian Morality Today*, 20-21.

<sup>654</sup> *Ibid*, 22.

has too often been given too much priority, often with the result of maintaining status quo by identifying it with the will of God. Curran notes that this system has tended to perpetuate injustice, promoting the interests of some at the expense of others.<sup>655</sup> This does not mean Curran calls for an abandonment of concrete norms.<sup>656</sup> Rather, conscious of the potential pitfalls, a relationality-responsibility approach takes seriously the role context has in shaping the norms by which we order society, and so resists too-firm an enshrinement of those norms within moral thinking. It is more “open to a less structured understanding of reality in that it seems to allow for more dynamism, tension and interplay.”<sup>657</sup>

This can help inform our understanding of human laws and their role. Positive human law is based on changing circumstances. Laws gain authority not from their ability to match universal norms or natural law, but from connection to the common good. They also, importantly, do not gain authority simply from the will of those who legislate them. Legislators are tasked with ordering society to the common good. Laws have authority only insofar as they promote the common good. Thus, Curran identifies *epikeia* as a virtue, related to the virtue of justice, and necessary because human law is imperfect by nature.<sup>658</sup> It is “the response to the demands of a higher law in a particular situation.”<sup>659</sup> This can aid in breaking down the notion that the most relevant factor in undocumented border crossing is the act of law-breaking. With Heyer, we can consider

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<sup>655</sup> Curran, “Responsibility in Moral Theology,” 128-132.

<sup>656</sup> Curran’s own approach is, after all, deeply rooted in and committed to the norms of Catholic Social Teaching.

<sup>657</sup> Curran, “Responsibility in Moral Theology,” 130.

<sup>658</sup> Curran, *Christian Morality Today*, 35-37.

<sup>659</sup> *Ibid*, 38.

that perhaps, because the rule of law is in this circumstance unjust, it is the law, and not the action of the law-breaker, that most needs to be changed.

Curran's account gives theological flesh to Niebuhr's philosophical framework. As such, it allows for a more concrete consideration of the content of Biblical relationality and Christian love. Rooted in Catholic Social Teaching, Curran's work begins to highlight what a specifically Christian responsibility ethic has to offer. With Niebuhr's framework and Curran's theological grounding, we are beginning to develop tools that can help guide Christians as they consider what it might mean to respond to migration in the United States qua Christians, shaped by a particular set of commitments, values, and traditions.

Having thus considered the basic framework of Niebuhr's and Curran's responsibility ethics and how they relate to one another, we now turn to how they each understand sin and salvation in relation to responsibility.

### **3.3.3 Sin and Salvation: The Failure of Responsibility and Learning to Live in Relationship**

Heyer's account of global migration highlighted the importance of a robust understanding of social and structural sin, without which we risk underplaying the harm done by the U.S. immigration system and missing the ways in which we are all culpable and responsible for the work of repair. It is therefore helpful to consider Niebuhr's and Curran's accounts of sin as it relates to the responsibility motif in order to more fully articulate and respond to the situation of sin in the United States. Further, fleshing out these accounts of sin is necessary in order to develop a fuller understanding of

responsibility. Rajendra insisted that responsibility be allocated based, at least in part, on how relationships have been unjust in the past. With this in mind, it is clear that sin breaks relationships and creates responsibility to repair them. Understanding how Niebuhr and Curran articulate sinfulness can add context to their understanding of relationships. By highlighting how each conceived of sin, we can begin to see how they understand relationships to be broken, thus providing a thicker understanding of what right or just relationships look like in contrast. An understanding of sin, then, matters greatly for how responsibility is understood.

For Niebuhr, our responses as moral agents are either fitting or unfitting. Humans act rightly not simply by considering what is objectively right or wrong, but rather by taking into consideration how an action fits or does not fit into the whole, ongoing conversation in which they are participating as actors.<sup>660</sup> Sin, therefore, is best understood as a failure to act fittingly. Niebuhr writes,

The responsible self we see in Christ and which we believe is being elicited in all our race is a universally and eternally responsive I, answering in universal society and in time without end, in all actions upon it, to the action of the One who heals all our diseases, forgives all our iniquities, saves our lives from destruction, and crowns us with everlasting mercy. The action we see in such a life is obedient to law, but goes beyond all laws; it is form-giving but even more form receiving; it is fitting action. It is action which is fitted into the context of universal, eternal, life-giving action by the One. It is infinitely responsible in an infinite universe to the hidden yet manifest principle of its being and its salvation.<sup>661</sup>

Fitting, therefore, is not just about what is happening, about responding properly to the context one is in with a full understanding of the action to which one is responding and adequate accountability to the response one's response is likely to trigger. We might say,

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<sup>660</sup> Niebuhr, *The Responsible Self*, 97.

<sup>661</sup> *Ibid*, 145.

then, that right relationships require learning about each other in order to better respond with accountability. We must also take into consideration a more universal context, a cosmic-scale worldview. For Niebuhr, people are always in conversation not only with each other and their contexts, but also with the “One,” that is, with God. We are always ultimately acting in response to the act of creation by which we exist.<sup>662</sup> In a state of sin, Niebuhr says, we interpret God as an ultimate enemy, and we respond out of that enmity with God in all our other responsive actions.<sup>663</sup> He argues that “deep in our minds is the myth, the interpretive pattern of the metahistory, within which all our histories and biographies are enacted.”<sup>664</sup> In a state of sin, “the great overarching myth” leaves us with a sense of barrenness, and of intense battle with good and evil in which we strive only for survival.<sup>665</sup> Niebuhr finds that because of this sense of ultimate enmity, modern social ethics can largely be defined as an “ethic of self-defense,” in which we are ruled by death and our first priority is self-preservation.<sup>666</sup> It is easy to see how this might lead to exclusionary, fear-based responses to migration.

In this context of sin, freedom is a matter of “the self’s ability in its present to change its past and its future and to achieve or receive *a new understanding of its ultimate historical context*.”<sup>667</sup> Importantly, this is not about forgetting the past, as if we can pluck ourselves out of our social and historical context and somehow start fresh. The past remains with and in us; we cannot abandon it. Rather, we must accept and reinterpret

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<sup>662</sup> Niebuhr, *The Responsible Self*, 111-112.

<sup>663</sup> Ibid, 139-142.

<sup>664</sup> Ibid, 106.

<sup>665</sup> Ibid, 106-107.

<sup>666</sup> Ibid, 99-100.

<sup>667</sup> Ibid, 101 (emphasis mine).

the past, remembering it more fully by reorganizing our understanding of it.<sup>668</sup> This was the primary task of chapter two. For Niebuhr, this reinterpretation of the past means a reframing of our understanding of our ultimate relationship with the “One.” Salvation is ultimately a shift from enmity to love that reorients all of our relationships and responses.<sup>669</sup> It is a rejection of the mythology of death in order to embrace life,<sup>670</sup> allowing us space to respond out of something other than fear.

For Christians, this means responding ultimately to the “One,” to God, by thinking through one’s response and how it might fit into the broader context in which God’s vision for the world must factor.<sup>671</sup> This means considering our telos, our eschatology, as well as recognizing that the work of reconciliation between God and humanity has begun, and then finding ways to live into that telos through our responses in the present.<sup>672</sup> Further, Niebuhr writes that Christianity presents moral actors with two questions: “How can they become free from being dominated by inherited images?” and “How can they respond in the present not only to their fellow men...but to Jesus Christ and to God, with reconstructed interpretations instead of with merely customary symbols and emotions?”<sup>673</sup> Reinterpreting our past and our ultimate context in such a way opens the possibility for new responses to actions upon us in the present.<sup>674</sup> He speaks also of the choice to respond out of distrust or trust. A state of sin is a state of distrust. Salvation

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<sup>668</sup> Niebuhr, *The Responsible Self*, 102-103.

<sup>669</sup> Ibid, 142-143.

<sup>670</sup> Ibid, 107, 143.

<sup>671</sup> Ibid, 123-126.

<sup>672</sup> Ibid, 144.

<sup>673</sup> Ibid, 103. These questions will be of particular importance in chapter four when we consider Niebuhr’s ecclesiology and his understanding of the role of the church.

<sup>674</sup> Ibid, 104.

means responding to God from a place of ultimate trust.<sup>675</sup> This is all to say that for Niebuhr, salvation comes with making right our relationship with God, which opens up the possibility of new and more fitting responses to actions upon us. We become free to respond creatively rather than out of ingrained and habitual responses learned from a sinful society.

Niebuhr is perhaps open to charges of individualism here. Attention to the dynamics of social sin becomes key for avoiding a completely individual understanding of sin and salvation. We respond to God out of fear or trust always as members of communities, habituated to particular responses. Our turn from the ethic of self-defense to the freedom of a trusting relationship with God must also somehow involve these communities. Importantly, Niebuhr also conceives of sin as a communal state of being closed off from the world. He writes “responsive and responsible to each other in our closed societies, we are irresponsible to the larger world that includes us.”<sup>676</sup> As the self turns inward out of a sense of enmity with the “One” and lives an ethic of self-defense, so too do communities turn inward and ignore their connections and responsibilities to those beyond their borders. A truly fitting, and therefore not sinful, way of living in the world is in acknowledgement of and responsibility to the global community. Understanding the social and structural dynamics of sin calls us to consider the social and structural dynamics of salvation. In the following chapters, we will consider how salvation and social transformation relate. Social and structural salvation implies just community building.

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<sup>675</sup> Niebuhr, *The Responsible Self*, 121, 125-126.

<sup>676</sup> *Ibid*, 138.

Curran's understanding of sin is related to Niebuhr's. He insists that sin is basically "selfishness and egoism."<sup>677</sup> Curran roots this understanding in scripture, arguing that from Genesis on scripture repeatedly depicts sin in deeply relational terms. The story of the fall of humanity in Genesis tells the story of evil entering the world through human sin. Curran understands this sin, as depicted in Genesis 1-2, to be a failure on the part of humans to accept their given, dependent relationship on God. In wanting to be like God, Adam and Eve fundamentally break their relationship with God, and this sends ripple effects through history. Their relationships with themselves, with each other, with nature are all negatively impacted by sin. We can see, then, that "Genesis shows us that sin is really a relational term; it affects our multiple relationships with God, neighbor, world, and self."<sup>678</sup> Curran understands sin to be fundamentally about a failure to be in right relationship. This insight is especially helpful for identifying the sins of the United States.

Curran also links sin more directly to responsibility, insisting that "one of the most important sins of [humanity] is precisely the failure to take responsibility for [oneself] and [one's] world,"<sup>679</sup> He argues that every person is responsible for protecting the dignity of other persons, and failure to live up to that responsibility is sinful.<sup>680</sup> This is deeply related to his relationality-focused understanding of sin. If sin is about a failure to be in right relationships, it stands to reason that it also consists of a failure to take responsibility in those relationships—with ourselves, our world, and God. Like Niebuhr,

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<sup>677</sup> Curran, *Christian Morality Today*, 31.

<sup>678</sup> Curran, *The Catholic Moral Tradition Today*, 74-76.

<sup>679</sup> Curran, "Responsibility in Moral Theology," 122.

<sup>680</sup> *Ibid.*, 122, 127.

Curran calls our attention to our broad, global relationships and our responsibility to them. Like all relationships, these global relationships are varied and unique. Being responsible to them will not look the same as being responsible to our relationship with our parents, or with citizens of our town. The goal is not that every relationship look the same, but rather that we be responsible to each relationship, however that responsibility may be defined depending on the specifics of the relationship. A relationality-responsibility approach defines “sin in terms of a fundamental option or core project of [a person’s] existence in which the person affirms [themselves] in [their] multiple relations with God, neighbor, self and the world. The individual in the very core of [their] being accepts responsibility for [their] life and existence.”<sup>681</sup>

As with Niebuhr, Curran’s relationality-responsibility model also influences his understanding of salvation. It, too, is profoundly relational. He writes, “the fundamental Christian understanding of grace and the divine-human relationship calls for a relational model. God’s grace is a gracious gift. We are called to respond.”<sup>682</sup> Our response is good when it affirms and is responsible to our relationships. So, if sin in Genesis was a failure to be in a dependent relationship with God, accepting and surrendering ourselves to that dependence is a moment of salvation. Similarly, if sin caused Adam and Eve to turn on each other, a return to an “intimate relationship of love and life” mends that harm.<sup>683</sup> The salvation God offers, to which we are called to respond, puts our relationships back in

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<sup>681</sup> Curran, “Responsibility in Moral Theology,” 126, 89.

<sup>682</sup> Curran, *The Catholic Moral Tradition Today*, 76.

<sup>683</sup> *Ibid*, 75.

order. This requires openness. Curran insists that people who are closed off and turned inward cannot hear the prompting of the Spirit.<sup>684</sup>

Salvation, as a repairing of our most fundamental orientation to God and the world, has everything to do with our relationships.<sup>685</sup> We are called to cooperate with salvation. In part, this takes place through the acquiring of virtues, many of which are themselves fundamentally relational in nature.<sup>686</sup> Because redemption is a fundamentally already/not yet reality, however, our cooperation with God also requires work to tangibly improve that which is “not yet,” the realities of the present world that stand in contradiction to salvation.<sup>687</sup> For Curran, “sin is both personal and structural,” and therefore “involves liberation at all levels—political, economic, cultural, social, and religious.”<sup>688</sup> We participate in salvation by working to make the world more just and humane. This work is as political and socioeconomic as it is religious.

Finally, it is important to remember that, for Curran, salvation takes place primarily in community. Curran reminds us that God’s covenantal relationship was with Israel as a community, not as individual people. Salvation comes “not directly and immediately from God to the individual but in and through the community of God’s people.”<sup>689</sup> We cannot and were never meant to do any of this work alone. Salvation

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<sup>684</sup> Curran, *The Catholic Moral Tradition Today*, 119. Here again, there is a vulnerability to charges of individualism. The Rahnerian notion of a fundamental option puts salvation in personal terms. But if sin is about broken relationships, salvation must be about repairing those relationships. This perhaps starts with each person’s fundamental option, but must necessarily also include the formation of communities that foster justice and responsibility. Curran moves in the right direction by insisting the salvation puts relationships back in order, but he has not done enough to fill out an account of how relational salvation operates. The thinkers profiled in chapter four offer helpful insights for this question.

<sup>685</sup> *Ibid*, 91.

<sup>686</sup> *Ibid*, 110-133.

<sup>687</sup> *Ibid*, 34.

<sup>688</sup> *Ibid*, 46.

<sup>689</sup> *Ibid*, 76.

comes in, through, and alongside community. We are in right relationship with each other when we are cooperating with God in the work for liberation.<sup>690</sup>

### **3.3.4 Moving Forward Responsibly: Addressing the Contributions and Limits of These Approaches**

Before continuing it is worth returning to the differences theological starting points out of which Niebuhr and Curran are operating. While not always especially theological in nature, Niebuhr's approach is distinctly "theocentric" in character, centered on responding ultimately to God and highlighting each moral agent's responsibility to God and to God's creation.<sup>691</sup> This theocentric approach seeks to "correct for the subjectivist tendency in much liberal theology" while avoiding "the exclusivistic tendency of strongly Christocentric theology."<sup>692</sup> His work "captures the theologically important notion that agency is situated in relation to pre-existing goods--a good creation which is directed by a benevolent God."<sup>693</sup> Moreover, Niebuhr finds that a theocentric approach frames all of God's creation as the proper setting for Christian action, avoiding withdrawal from society and allowing the possibility of finding God in nature and, importantly, in other religious traditions.<sup>694</sup> For the purposes of this project, Niebuhr's work is especially helpful for framing our focus on communities. In particular, Niebuhr

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<sup>690</sup> More so than Niebuhr, Curran begins moving towards a social and structural understanding of salvation here. This groundwork will be important in the following chapters.

<sup>691</sup> Curran, *The Catholic Moral Tradition Today*, 40.

<sup>692</sup> Gayle Gerber Koontz, "Confessional Theology in a Pluralistic Context: A Study of the Theological Ethics of H. Richard Niebuhr and John H. Yoder," *The Mennonite Quarterly Review* 61, no. 4 (1987): 414.

<sup>693</sup> Thomas James, "Responsibility Ethics and Postliberalism: Rereading H. Richard Niebuhr's The Meaning of Revelation," *Political Theology: The Journal of Christian Socialism* 13, no. 1 (2012): 39.

<sup>694</sup> Koontz, 414-417.

calls attention to the ways in which God is revealed within communities, and how these communities shape us as moral agents. This dissertation utilizes this framework to build an ethical framework that focuses on how we can respond fittingly and responsibly within our specific communities and in full view of our relationship to the whole of creation and the One who created it. It is within the context of these multiple relationships, all centered ultimately by the relationship between God and God's creation, in which we respond to migration. Niebuhr further argues that the church, as a community, is grounded in its story about Jesus Christ and how we relate to God through Jesus.<sup>695</sup> We respond as Christian moral agents in relationship to our communities, the world, and God, and these relationships (and our understanding of them) are formed and shaped by our story, or stories, about Jesus.<sup>696</sup>

Curran's approach differs in a way that makes him a helpful conversation partner for Niebuhr's framework. As we highlighted above, he is much more robustly theological in his work. A post-Vatican II natural law theorist, Curran considers his relationality-responsibility approach to capture the fundamental nature of Catholic theology.<sup>697</sup> His point of departure, in contrast to Niebuhr's philosophical framework centered around the One, is the richness and specificity of the Catholic moral tradition.<sup>698</sup> As such, the themes and values of Catholic Social Teaching are key grounding principles that inform Curran's work. While he largely takes Niebuhr's framework as his starting point, Curran fleshes this framework out with specifically (Catholic) Christian understandings of notions like

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<sup>695</sup> James, 41.

<sup>696</sup> This will be addressed in more detail in chapter four.

<sup>697</sup> Linda Hogan, 360.

<sup>698</sup> *Ibid*, 355-373.

human dignity and the preferential option for the poor and oppressed. To do so is, arguably, to follow through on Niebuhr's understanding that our communities' stories shape us. Curran is shaped as a moral agent and theologian by the Catholic tradition's stories of who God is, how God has been revealed in Jesus, and what that means for us as people in relationship to God and to creation. Chapter four will turn to consider how some of this Catholic specificity informs Curran's understanding of the Church. For now, it is simply helpful to acknowledge that although they have differing starting points and methodologies, Niebuhr and Curran complement each other's work in a way that is especially helpful for the present project.

Moving forward, any responsibility-based framework must be conscious of the potential pitfalls of relativism. Because responsibility is a term that "is very often used without any precise explanation of its meaning, and in some areas it tends to become a slogan which robs it of value and precision," Curran warns that "future theologians might have to adopt more specific models which flesh out the more generic approach of the model of responsibility."<sup>699</sup> Elsewhere he writes, "there remain some dangers in the use of the responsibility motif which should be noted. The adoption of such a model does not mean that moral theology no longer considers the good, the right, and the normative; but these must be understood in the context of the model of responsibility."<sup>700</sup> This is an important caution. A responsibility ethics framework cannot exist on its own. Neither Niebuhr nor Curran are advocating for a relativistic approach. Rather, each ground their responsibility approach in basic ideas about what is right.

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<sup>699</sup> Curran, "Responsibility in Moral Theology:," 118.

<sup>700</sup> *Ibid*, 132.

Properly applied, a responsibility framework takes a universal standard of justice and applies it specifically, and in the case of migration explicitly works out what is owed because the United States has failed to live up to a universal or Christian standard of just relationships. This project looks to Curran's work with Catholic Social Teaching and to denominational statements on immigration in order to reveal common standards of justice out of which a responsibility approach should operate. Further, Niebuhr's thoughts on other approaches to ethics, primarily deontological and teleological, are helpful for further grounding our responsibility framework. For Niebuhr, the goal is ultimately not to reject and replace deontological and teleological insights about moral life. While he finds both approaches limited,<sup>701</sup> he ultimately sees the responsibility approach as a way to avoid these pitfalls while "making room for the insights these methods have yielded."<sup>702</sup> In this way, Niebuhr roots his approach in insights of other ethical systems in order to keep it from being entirely contextually based.

Both Niebuhr and Curran also root their approaches in Scripture. Curran, as we have seen, finds extensive biblical evidence for a relational understanding of sin and salvation. This account of biblical values implies and relies on certain standards of just relationship (for example, Adam and Eve sinned and failed to be in right relationship with one another when they turned from their relationship of love and trust and turned on each other to protect their own individual interests). These biblical standards of justice can help direct and ground our responsibility framework. Similarly, Niebuhr sees responsibility to relationships as a recurring biblical theme. He writes,

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<sup>701</sup> Niebuhr, *The Responsible Self*, 47-68.

<sup>702</sup> *Ibid*, 136.

There is doubtless much about law, commandment, and obedience in the Scriptures. But the use of this pattern of interpretation does violence to what we find there. If now we approach the Scriptures with the idea of responsibility we shall find, I think, that the particular character of this ethics can be more fully if not wholly adequately interpreted. At the critical junctures in the history of Israel and of the early Christian community the decisive question men raised was not ‘What is the goal?’ nor yet ‘What is the law?’ but ‘What is happening?’ and then ‘What is the fitting response to what is happening?’<sup>703</sup>

Again we see that Niebuhr is not denying the presence or importance of law or rights-based approaches to ethics in scripture. These themes help shape biblical understandings of right behavior in relationship. What he argues is that woven within these notions of law and goal there is a repeated theme of response, of acting fittingly based on the context and our responsibilities in that context. Laws and ultimate goals are included in that context, but are not, for Niebuhr, the ultimate interpretive tool. Responsibility is.

Through this brief consideration, we can begin to see how a responsibility framework for migration must be grounded in secure theological foundations and a clear account of justice. This project looks to common denominational values and biblical notions of just relationships, identified with the help of a cosmopolitan worldview, in order to ground its responsibility framework.

### **3.4 RESPONSIBLE MIGRATION ETHICS: BUILDING A FRAMEWORK**

If we apply Niebuhr’s and Curran’s basic framework, along with the insights of “third-way” thinkers such as Hollenbach and Heyer, to what we have learned in chapter

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<sup>703</sup> Niebuhr, *The Responsible Self*, 66-67.

two, we can begin to build a framework for responding to migration in the United States. Based on what we have learned here a responsibility-based approach will include the following.

First, such an approach must consider history as fully as possible, conscious of whose point of view is being elevated and the dynamics of power and privilege that elevation entails. Niebuhr's core insight that humans respond interpretively, acting based on how we understand an action upon us, provides a lens for understanding the present state of immigration discourse and policy in the United States. In both policy and discourse, U.S. citizens and lawmakers respond to migration into the United States based on interpretations of that act of migration. We can see, then, why it is important that we understand the history behind migration patterns more fully so that we can more correctly interpret migration into the United States and respond fittingly to it. The account of history provided in chapter two aims to participate in this work, highlighting dynamics of history that too often go unnoticed. An adequate response to migration in the U.S. cannot be informed only with U.S. history as it has been told by the victors. When, however, other perspectives are highlighted, certain realities come to light. We can see how U.S. colonialist expansionism has both created systematic, global inequalities and influenced the paths of migration that led back into the United States. In this way, migration can be more accurately interpreted, thus making it possible to respond more fittingly. By understanding that migration is in many cases a direct response to U.S. action, we can establish specific U.S. obligation to migrants due to U.S. culpability in the situations that lead them to migrate in the first place. When the relationship between the United States and the migrants at and within U.S. borders is more fully understood, it becomes clear

that these relationships carry responsibilities up to which the United States is not living. For Niebuhr, an awareness of history helps moral agents make fitting choices as they consider their actions in relationship to the past, present, and future.<sup>704</sup> The importance of chapter two's reconstruction of U.S. history is therefore apparent.

Furthermore, such an account of history can help us identify the ideologies and mythology informing U.S. responses to migrants. These types of interpretations, Niebuhr finds, are culturally bound and include inherited ideas and learned, habitual responses. Constructing a fuller account of history helps us see the inadequacies of the interpretations we inherit, allowing us to reinterpret and respond better. For example, when history is told from the mainstream U.S. perspective, where the nation has a legitimate, possibly God-given, right and duty to protect the land it inhabits, the borders of that land become sacred. The United States shaped itself over time through a series of responses to actions that were interpreted through the lenses of the Doctrine of Discovery, Manifest Destiny and the frontier myth, as well as the white supremacy in which all three participate. That is, its responses have been shaped by sinful worldviews. Contemporary U.S. discourse and policy is informed by these same sinful worldviews, evident in U.S. interpretation of and response to migration.

We may consider, for example, commonly perceived links between migration and crime, and how this perception increases the likelihood that migration is interpreted as a threat to be defended against, leading to more militarized borders and a focus on deportation rather than paths to legalization or attempts to end visa backlogs and make legal migration more accessible. The Pew Research Center reports that nearly 40% of

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<sup>704</sup> Niebuhr, *The Responsible Self*, 107.

people in the United States consider immigration to increase the risk of terrorism. A smaller but not insignificant 19% consider immigrants more to blame for crime than citizens. Nearly half (47%) support the deportation of those living in the United States without legal documentation or with irregular status.<sup>705</sup> Rajendra argues that one popular way of viewing the relationship between undocumented migrants and citizens is to see citizens as law-makers and undocumented migrants as law-breakers.<sup>706</sup> This interpretation relies on several assumptions. First, it relies on an acceptance of the rule of law as just, at least to a significant degree. For nearly half of people to consider deportation the proper response to undocumented migration, there has to be a degree of acceptance that the law being broken is a good law, or at least a legitimate one, and thus the breaking of that law a punishable offense. Second, this interpretation suggests an acceptance of a global status quo in which membership, defined primarily as citizenship, allocates access to land and resources.

The account of history provided in chapter two contrasts these inherited interpretations, and can therefore reform our response. For example, the lens of Manifest Destiny paints U.S. land, as it now exists, as the nation's rightful territory. Migrants, as non-citizens, are understood to have little or no right to this land and its resources. The sovereignty of the nation's borders is assumed, and migrants must establish that their right to enter supersedes the nation's right to defend its borders. The burden of proof is on the migrants. Chapter two's account of history shows the United States claim to this

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<sup>705</sup> Ana Gonzalez-Barbera and Phillip Conner, "Around the World, More Say Immigrants Are a Strength Than a Burden," *Pew Research Center*, March 14, 2019, accessed April 21, 2020, <https://www.pewresearch.org/global/2019/03/14/around-the-world-more-say-immigrants-are-a-strength-than-a-burden/>.

<sup>706</sup> Rajendra, 130.

land to be much more morally tenuous. The conquest of the land included bloody genocide and broken treaties. Understanding U.S. history in this way unsettles U.S. sovereignty, and the nation's right to dictate who does and does not have a right to the land and its resources becomes less evident. Sovereignty cannot, therefore, be the primary, unquestioned starting point against which all migrants' claims are measured. Furthermore, understanding the historical relationships U.S. action has forged through history breaks open our conceptions of membership. It cannot be said that only U.S. citizens (or legal residents) have rights to the benefits of U.S. membership. The United States, through its own actions, has forged relationships with people and nations beyond its borders. This establishes a form of membership current conceptions of citizenship and legal residence are unable to justly account for. The worldview that has shaped U.S. immigration policy thus begins to splinter, opening us up to a wider consideration of how to respond fittingly to migration. In this way, a fuller account of history that takes into account the perspectives and insights of those who have been systematically oppressed and marginalized helps break through the mythology that informs these communal interpretations.

Second, a responsibility approach will have to be properly flexible and open. This is related to the wider consideration of possible responses that are opened up when we begin to see the failings of the ideologies shaping our interpretations of actions upon us. For Curran, it is important that we understand that all ideas are contextually rooted and can thus be changed.<sup>707</sup>

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<sup>707</sup> Curran, "Responsibility in Moral Theology," 133-138.

Conscious of historicity, a responsibility approach must understand the danger of applying *a priori* norms as if those norms can be cleanly separated from their historical context. Recognizing that treating historically-rooted norms as ultimate has largely served the status quo, perpetuating injustice, Curran reminds us of the importance of being open to change. History is, of course, once again deeply important. Understanding the context current norms arose from allows us to consider whether these norms still fit, or whether they are in need of adjustment to better fit the needs of our current context. Furthermore, looking to the un-prioritized perspectives of history can help us rethink our understanding of “universal” standards, such as justice. Understanding the depth of our relationship with those beyond U.S. borders can help U.S. citizens broaden and sharpen our understanding of what justice ought to entail in the contemporary world. Historicity calls us to flexibility and reflection. Our current understanding of and approach to borders, for example, is not and need not be permanent. It is possible to rethink both the way society is structured and the theology that has supported the current structure.

Both Niebuhr and Curran, therefore, direct our attention to the importance of possibility and change. This will remain an important theme as we consider which and whose conceptions of progress have dominated U.S. history, whom this has left behind, and what new visions of progress we might turn to in order to build a better future.

Third, a responsibility ethics approach to migration will acknowledge and take seriously broad accountabilities. This broad accountability has several levels. It is, to a degree, related to the broader conception of membership and relationality established through our fuller account of history. Both Niebuhr and Curran emphasize the ways in which we are called to accountability to relationships with those both near and far, on

global and cosmic levels. Niebuhr reminds us that it is sinful to turn inwards, into ourselves or our communities, in a way that closes us off from the global human community and our responsibilities to that community. Similarly, Curran speaks of a people's fundamental option, their basic choice to affirm or deny their humanity through the lives they live. For Curran, living in affirmation of our humanity means affirmation of our inherent relationality, lived in part by being in just relationships. A failure to be responsible to global relationships is a failure to live justly as relational people.

Taking responsibility in this way is especially relevant in the U.S. context. Curran insists that individual freedom is constrained by the fact that people live in relationship with other people and communities and thus have responsibilities, so freedom is never absolute.<sup>708</sup> In the United States there exists a strong commitment to the liberal ideal of freedom. This fosters a resistance to anything that constrains these freedoms, making it difficult to pass laws or enact policies that are seen to impinge on individual freedom. In the United States, freedom is seen in individualistic, not communal, terms. It is about me having a largely unrestrained right to do what I choose.<sup>709</sup> In this context, it is especially important to situate any talk of freedom within the context of the responsibilities that properly limit that freedom. Freedom, for Niebuhr and Curran, is communal. It is always in reference to our many relationships—with each other and with God—and the responsibilities we have to those relationships. From here, the work to dismantle an over-

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<sup>708</sup> Curran, "Responsibility in Moral Theology," 125.

<sup>709</sup> We might think, for example, of the struggle to pass any sort of gun laws in the United States. Similarly, the 2020 COVID-19 pandemic has shown that many in the United States have a difficult time giving up their right to do what and go wherever they want, even if that freedom endangers the lives of others. That we already have socially accepted laws that limit individual freedom for the good of the community (for example, laws regulating who is allowed to drive a vehicle under what circumstances) does not tend to factor into popular rhetoric about freedom in the United States. The roots of this rampant individualism are related to some of the dynamics addressed in chapter two, but a full consideration of this individualistic conception of freedom is beyond the scope of this project.

attachment to state sovereignty and Walzer's right to self-determination can begin. This is necessary to decenter national sovereignty and bring responsibility to the fore in our discourse and policy.

As this is an explicitly Christian ethic, this framework should also be aware of Niebuhr's reminder that we are always in conversation not only with each other but with a third, the "One," that is, God. We have responsibilities to God. We are responding to God in every choice we make. Conscious of the dangers of ungrounded relativism, a Christian responsibility ethic will direct us to consider how our responses to migration honor (or do not honor) God. This, of course, requires further contextualization. What does honoring God look like in the concrete? As Christians, a helpful place to start is the life and ministry of Jesus. Below, we will consider how Jesus' example of radical, concrete love can begin to guide our thinking on relationality. Chapters four and five will then consider how our christological commitments can ground our understanding of who we are called to be as Christians and direct us to responses to migrants that honor God.

Further, Niebuhr insists that we are accountable for the possible responses to our action is also important in a context in which actions by the United States have in many ways directly created the contemporary state of the world and of migration. The United States has a responsibility to think through the potential responses to its actions, and it is culpable in those responses. The nation does not get to wash its hands and look the other way when, for example, the effects of NAFTA (foreseen, at least by some, and certainly not fully thought through in terms of global responsibility) bring migrants in dire need to U.S. borders. It does not get to enact travel bans in order to limit refugees from nations in which it participated in wars that destabilized whole regions. A responsibility framework

highlights these sorts of relationships in order to hold nations like the United States responsible to the people and nations its actions directly impact and harm. In this way, Niebuhr's understanding of sin as a failure to act fittingly identifies not only the past sins of the United States for which the nation must take responsibility and atone, but also shows that a continued refusal to respond well to the migrants at our borders and in our midst is sin.

Broadening our understanding of accountability also requires a full understanding of individual and communal culpability. A responsibility framework has to establish not only U.S. responsibility for and accountability to a broader spectrum of relationships than we are accustomed to, but also the responsibility of individual U.S. citizens. Taking U.S. responsibility to those beyond our borders with whom we are in relationship seriously will mean changes that impact U.S. citizens. Further, in order to enact any change, people must believe in and call for that change. This means individual people need to take their own culpability in the sins of the United States seriously. Niebuhr understands that sin can be structural, which allows this responsibility framework to name the dynamics of American imperialism as a structural, systematic sin for which American citizens are all culpable. His articulation of the responsible self who interprets actions and responds based on patterns of interpretation and response learned from society lends itself well to a social, structural understanding of sin, as articulated in chapter two. As participants in and beneficiaries of the U.S. systems that manifest these sins, individual U.S. citizens are in some way responsible for the harms caused. Curran's understanding of sin as a failure to take responsibility for the world is helpful for further identifying U.S. sin and culpability. Moral actors are meant to take responsibility for the world and their roles in

it. Failing to acknowledge culpability in social and structural sin and take responsibility is one way in which we fail to take responsibility for the world.

Finally, a responsibility framework must include praxis. The application of responsibility ethics to migration in the U.S. is incomplete if it does not call us to action. Curran stresses that participation in salvation means working to change the world, economically, socially, and culturally. We will consider what sorts of actions this framework may be calling people and churches to do. The following chapter considers Christology and ecclesiology in order to provide insights into the proper role of Christians and the church direct the practical proposals then offered in the fifth chapter. The next section further seeks to direct this praxis by rooting it in reparative justice

### **3.4.1 Radical Love and Reparative Justice: Repairing Harm Already Done**

There is a final, crucial element of a responsibility ethics approach to migration which cannot be left out. Related to the above discussion of praxis, close attention to relationships and to the injustices of history leaves us in a space of “What now?” The responsibility framework is especially apt for considering this question, for responding to the world as it is, that is, a world in which relationships have been systematically unjust. Chapter one established that cosmopolitanism provides good principles by which humans ought to live in relationship with one another, but does not offer sufficient tools for what to do when those relationships are already broken, already unjust. A responsibility ethic, rooted in the core values of cosmopolitanism and biblical justice, gives us tools for going forward because of its focus on history, context, and fitting response. Because this is a specifically Christian migration ethic, this leads rather naturally to repentance.

Importantly, repentance is not an empty apology. It is an honest and vulnerable reckoning with harm one has done and an effort to make the relationship right. This chapter has established that a consistent theme in scripture and in Christian theology is the notion that something must be done when a relationship has been harmed or broken. A responsibility ethics framework takes this seriously, and must therefore root itself in the insights of reparative justice.

Philosopher Margaret Urban Walker differentiates reparative justice from corrective justice, although she acknowledges that the two are related. Aristotelian corrective justice argues that wronged groups or individuals may hold those who have wronged them accountable via some form of compensation or restitution. While this is a good idea in theory, the limits of this approach, according to Walker, hinge on the fact that it assumes a level of accountability and reciprocity between parties that often does not exist in reality. Even in societies where channels exist through which redress might be sought, the social and structural dynamics of sin explored above result in a situation of inequality in which all people do not all have the same access to those channels. Furthermore, as the rule of law has so often been shaped to support the status quo, many who may have need for some form of compensation or redress for wrongs done to them have little hope of finding that redress in the legal systems that have historically permitted and ensured their oppression.<sup>710</sup>

Communitarians argue that strong, sovereign nation-states are the best protectors of human rights. Historically, this protection has been offered unequally, even within

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<sup>710</sup> Margaret Urban Walker, "Making Reparations Possible: Theorizing Reparative Justice," in *Theorizing Transitional Justice*, eds. Claudio Corradetti, Nir Eisikovits and Jack Volpe Rotondi (London: Ashgate, 2015), 217.

nations where access to protections are supposed to be available to all but in reality are systematically withheld from certain populations. When human rights abuses cross borders, this problem is often exacerbated as no reliable channel for redress exists for the citizens of one nation to seek redress from harms caused by another nation. In fact, in many such cases where repair for harm is sought, the harm has resulted from “a context where accountability and reciprocity themselves are at issue.”<sup>711</sup> In other words, it is precisely *because* the relationships of accountability and reciprocity assumed by corrective justice do not exist that many of these abuses have happened in the first place.<sup>712</sup> For example, Mexican farmers deprived of their livelihoods by the economic impact of NAFTA have, in the view of the U.S. legal system, little standing upon which to lodge a complaint or claim for compensation. This very lack of accountability on the side of the United States that denies them access to such redress is what allowed for the United States to deal unfairly with Mexico in the first place. That the relationship between the United States and Mexico is not a reciprocal one is, in other words, exactly the problem. Such reciprocity needs to be tangibly established in order for justice to be possible.

Above, we indicated that the life and ministry of Jesus centered around a focused care for relationships. In particular, Jesus’ ministry introduced ways of relating that rejected “the elitist and authoritarian characteristics of kingdoms and empires and focuse[d] instead on relationality and mutuality.”<sup>713</sup> Jesus cared deeply for how people related to one another. He built a community around himself that stood in the face of the

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<sup>711</sup> Walker, 218.

<sup>712</sup> Ibid, 217.

<sup>713</sup> Isasi-Díaz, 186.

division and oppression of the Roman empire, a community that was intentionally inclusive and in which members cared for each other and shared their lives together.<sup>714</sup> In other words, in a context in which unjust relationship patterns were the norm, Jesus presented an alternative in which justice was expected and encouraged. It is fair to say, then, that the relationship between the United States and Mexico does not live up to the standards of mutual care and justice Jesus preached and lived.

This is where reparative justice becomes important. Reparative justice, as Walker describes it, is perhaps best understood as a type of restorative justice, a particular emphasis within broader considerations of transitional justice. According to criminologist and pioneer of restorative justice Howard Zehr, restorative justice attempts to center the needs of victims, understanding crime as something that primarily violates human beings. These violations create obligations, the most central of which is to right the wrongs done.<sup>715</sup> Restorative justice has three main pillars: harm and needs, obligations, and engagement. It focuses on the needs of victims and aims to aid offenders in taking responsibility and being accountable for the harm they have caused.<sup>716</sup> The form of restorative justice Zehr describes primarily focuses on smaller scale crimes and how reparative justice approaches can augment the limits of the criminal justice system. Other scholars have applied the principles of restorative or transitional justice to larger reconciliation projects, such as systematic violence in South Africa, the Balkans, and Argentina.<sup>717</sup>

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<sup>714</sup> Copeland, *Enfleshing Freedom*, 55-84.

<sup>715</sup> Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, P.A.: Good Books, 2002), 19.

<sup>716</sup> *Ibid*, 22-25.

<sup>717</sup> See, for example, Robert J. Schreiter, *Reconciliation: Mission and Ministry in a Changing Social Order* (Maryknoll, N.Y.:Orbis Books) 1992; Miroslav Volf, *Exclusion & Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon Press) 1996; Desmond Tutu, *No Future*

Whether applied to small-scale criminal justice or large-scale reconciliation, restorative and transitional justice approaches call attention to the needs of victims and the importance of accountability. They consider what is needed to move forward in the aftermath of injustice and wrongdoing. These are important assets for a responsibility-based migration ethic. This project, however, turns more specifically to reparative, not simply restorative, justice, because the language of reparative justice explicitly highlights the need for some form of tangible compensation for damage done. Building just relationships where unjust ones exist requires some work of repair. Jesus, after all, encouraged his followers to go and reconcile with those who had something against them before offering gifts at the altar (Mt 25: 23-24). In other words, reconciliation and the repair of broken relationships is a prerequisite for worship. Walker notes that globally, work on transitional justice has tended to foreground other priorities, leaving reparations out of the equation, often almost entirely.<sup>718</sup> The language of reparative justice, rather than simply restorative, is therefore intended to draw attention to the vital role tangible reparations play in the process of establishing relationships of accountability and reciprocity where they have previously not existed.<sup>719</sup> Given the concrete structural inequalities that U.S imperialism has created and the United States' failure to live in just, reciprocal relationship with other countries, tangible reparations that establish accountability must be a non-negotiable component of justice for migrants. This project focuses on reparative justice, therefore, not out of a lack of respect for the work of

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*Without Forgiveness* (New York: Doubleday) 2000; Francesca Lessa, *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity* (New York, NY: Palgrave Macmillan) 2013; Martina Fischer and Olivera Simić, editors, *Transitional Justice and Reconciliation: Lessons from the Balkans* (New York: Routledge) 2016.

<sup>718</sup> Walker, 219.

<sup>719</sup> *Ibid*, 215-218.

restorative justice, but in order to emphasize the need to repair the harm that has been done in tangible ways that address inequality. The United States has, through its actions, participated in the creation of severe global inequalities. This is to say nothing of the complete failure on the part of the United States to create or implement immigration policies that adequately address its role in the creation of migratory patterns nor its history of colonial sins. Taking responsibility for this requires both repentance and reparations in order to show real commitment to building a more just and accountable world order.

Walker identifies the basic goal of reparations as the signaling of a real commitment to developing accountability and reciprocity where these have previously not existed. Reparations aim at a rearranging of the material, social, and structural conditions of a society so that those who have not been understood to be worthy of redress may begin to be brought into the circle of rights-bearers in a tangible way.<sup>720</sup> The goal, then, is not a maintenance of status quo but rather the affirmation of “a new baseline for moral and political engagement going forward.”<sup>721</sup> For Walker,

[reparations] are about demonstrating (rather than establishing) relations of accountability and reciprocity that no process or program of reparations can itself guarantee. Reparations are a medium for the contentious yet hopeful negotiation in the present of proper recognition of the past and proper terms of relation for the future. As such they require mutually reinforcing commitments in multiple registers of relationship: money, acknowledgment, public ritual, social change.<sup>722</sup>

Because of this, hope plays an important role. Reparations alone are incapable of creating new relationships or establishing trust where it has not been. They are not able to change

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<sup>720</sup> Walker, 218.

<sup>721</sup> Ibid, 217.

<sup>722</sup> Ibid, 217.

or erase injustices of the past, nor can they truly replace whatever has been lost. They serve, rather, a very tangible but symbolic role. Because relationships have historically been systematically unjust, and because the actual needs and desires of victims have tended not to be taken seriously, reparations (when attuned to the actual needs and desires of victims) can offer victims of injustice reason to believe that new relationships are possible by signaling in tangible ways that others are committed to understanding historical injustices, taking responsibility, and working towards new ways of relating and organizing society.

Often, reparations are spoken of in monetary terms. While material compensation often cannot be substituted, Walker insists that what is most important is that the reparative action serve to empower victims, acknowledge the dignity that has been denied to them, and signify real commitment to ensure the injustice is not repeated. Reparation may therefore include symbolic action, acknowledgement of past wrongs, and structural changes, as well as monetary or other material forms of redress.<sup>723</sup> What is important is that reparations make real, measurable steps towards better ways of relating. For example, changes to the U.S. immigration system that honor the history of aggressive and unjust action in Mexico on the part of the United States could be one form of reparations aimed at creating accountability where there has been none. Such changes would tangibly signal U.S. commitment to reframing its understanding of membership to include the relationships it has forged with Mexico, and to do so in a way that aims at more reciprocity in the relationship.

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<sup>723</sup> Walker, 217-219.

The understanding of social sin and individual culpability outlined by Niebuhr and Curran firmly establishes that those who do not understand themselves to be culpable in, for example, the ongoing sins of the United States, remain responsible regardless. The participation in (and benefit from) ideologies that abet the mistreatment of migrants does not require active malicious intent nor indeed even a conscious awareness of one's participation in such sins. It becomes important, then, to consider the responsibility of those who do not understand themselves as implicated in the sins of the United States. A reparative justice framework, with its emphasis on aiding offenders in becoming accountable, can provide direction on this front. Reparations, in that they aim at establishing relationships of mutuality and accountability, are concerned with all sides of a conflict. The explicit goal of reparations is the signaling of better ways of relating by addressing the fact that relationships have been unjust in the past and harm has been done. Participating in discussions regarding appropriate reparations and the building of accountability can provide an opportunity for those who have not yet recognized themselves as culpable to experience a form of conversion through listening to the stories of victims. For example, we may consider ongoing discussions of reparations for slavery in the United States.<sup>724</sup> Participation in these discussions, when undertaken in good faith, might provide white U.S. citizens with a deeper understanding of the systematic injustices Black people face in the United States and of the often unseen ways in which

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<sup>724</sup> See, for example, John Torpey, *Making Whole What Has Been Smashed: on Reparation Politics* (Cambridge, MA: Harvard University Press) 2006; Roy L. Brooks, *Atonement and Forgiveness: a New Model for Black Reparations* (Berkeley: University of California Press) 2004; Ta-Nahisi Coates, "The Case for Reparations," *The Atlantic*, June, 2014, accessed May 4, 2020, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>; Ana Lucia Araujo, *Reparations for Slavery and the Slave Trade: A Transnational and Comparative History* (New York: Bloomsbury Academic) 2017.

white people benefit from structural privileges that can be traced back to the impacts of slavery on the nation. This can help white people understand why they, as individuals, have a stake in building more just and responsible relationships moving forward. Discussions of reparations, in that they seek to establish what has been wrong in relationships and how to build better relationships going forward, provide space for the types of encounters that can open minds and help people grapple with their own culpability in productive ways.<sup>725</sup> This will be explored more fully in chapter five's consideration of the practical implications of this responsibility-based framework. What is important to establish here is that U.S. citizens may be invited, through discussions of reparative justice on large and small scales, to more fully consider their own culpability in U.S. sins against migrants.

It is clear, then, that a relationality-responsibility framework for responding to migration in the United States will benefit greatly from a consideration of the role reparations must play in creating accountability and reciprocity in international relationships and leveling out gross global inequality. It is also clear that this focus on tangible repair is consistent with Jesus' focus on building community based on just relationships. What is also evident, however, is that such reparative work is a tall order. The United States has failed repeatedly to be in just relationships with other countries. There is, arguably, little hope that the nation, on its current path, will not only stop acting unjustly but also actively pursue real justice.

Here, Christianity has something to add to Walker's important suggestions: radical, transformative love. Drawing on Audre Lorde, Copeland suggests that the love

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<sup>725</sup> It is important that these methods for grappling with culpability are productive, rather than simply shame-based, for both victims of injustice and the beneficiaries of privilege.

Jesus exhibited for humanity is best defined as “eros.” Eros, she says, involves deep emotional connections between people. It “validates our refusal of docility and submission in the face of oppression” and “steadies us as we reach out to other bodies in reverence, passion, and compassion, resisting every temptation to use and assimilate the other” as the world has taught us to.<sup>726</sup> To say that Jesus had an eros for others is to say that he loved others passionately, that he gave freely of himself because of a deep, concrete love, a radical type of love that led ultimately to his death on a Roman cross.<sup>727</sup> It is a love that seeks to include others, to build communities of care and compassion, especially with those most often rejected by society.<sup>728</sup> This love Jesus modeled is precisely the type of love we are called to in service of the Kingdom of God.<sup>729</sup>

Moving towards reparative justice will require this radical form of love. The radical love of Jesus was a tangible, practical love. It healed physical ailments. It fed hungry bellies. Jesus was God’s love for the world so passionately tangible that it incarnated in a fully embodied human life. Radical love cares for the concrete realities of human beings so much it became one. Above, O’Neill called attention to the neighbor as someone with concrete and specific needs. Looking at the parable of the Good Samaritan,

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<sup>726</sup> Copeland, 64, citing Audre Lorde “Uses of the Erotic: The Erotic as Power,” in *Sister Outsider: Essays and Speeches by Audre Lorde* ed. Audre Lorde (Trumansburg, N.Y.: Crossing, 1985), 54.

<sup>727</sup> Copeland, 65.

<sup>728</sup> Ibid, 61. Here we begin also to see the standards upon which we might base inclusivity. Inclusivity modeled after Jesus begins with and centers the inclusion of the marginalized and oppressed. It is the inclusion of those most often rejected by society that is foregrounded in Jesus’ ministry. Of course, Jesus also seeks to include everyone. God’s love, incarnate in Jesus, is directed towards the whole of creation. But the prioritization of those society has marginalized remains the guiding principle of this inclusion. Jesus says that the first will be last and the last will be first (Mt 20:16). He calls his followers to provide care for those who are homeless, incarcerated, hungry, sick (Mt 25:31-46) and to invite those who are poor and disabled to their feasts (Luke 14:12-14). The rich young man is asked to sell all of his possessions and give to the poor (Mt 19:16-22). Based on this example, inclusivity ought to prioritize those who have been marginalized, and the inclusion of those who have not been must never come at the expense of the marginalized. Christian communities ought to model their community building on this.

<sup>729</sup> Ibid, 65.

we further see that, biblically, being a neighbor is something we do, actively. The Samaritan was a neighbor to the man in need because he acted as one. He took responsibility for the man, got him medical attention, and committed long term to providing more if it was needed. This is how Jesus defines being a neighbor (Lk 10:25-37). Within the broader context of his work of radical love and community building, Jesus tells his followers this story about a Samaritan being a good neighbor by establishing a new relationship with someone in need, a relationship that models the concrete, tangible love Jesus lived and preached. This is precisely the type of love that calls us to reparative justice, to tangible actions that establish accountability and justice where there has been injustice. Radical love empowers just relationships and the building of community. It invites us to conversion and renewal, renewal that can reshape relationships that have been broken. As a verb, radical love participates in this work of repair, interrupting injustice and oppressive social structures with a prophetic vision of God's Reign.<sup>730</sup>

Moreover, Copeland argues that Jesus' eros for humanity, his radical love, was deeply contagious. Radical love calls people towards it. Jesus attracted the outcasts, the arrogant, the timid, and the suspicious to him because his eros was so compelling.<sup>731</sup> In other words, it sparked conversion, or at least curiosity about other ways humans might live together. In chapter five we will consider the role churches and Christians can play in pursuing justice for migrants. The power of the radical love Jesus modeled will have an

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<sup>730</sup> Copeland, 83-84.

<sup>731</sup> Ibid, 65.

important role to play in helping Christians begin to build just, responsible communities that show the world what is possible and call others to join in.

### 3.5 CONCLUSION

This chapter has called for a reparative justice focused responsibility ethics framework for addressing migration in the United States. We have outlined the tradition of “third way” thinking upon which this work is built, and looked to H. Richard Niebuhr and Charles Curran to direct the building of such a framework. This framework does not claim to be exhaustive, but seeks to offer something from which fuller responses to migration may be built. While the focus of this dissertation is the U.S. context, the ideas put forth and the framework offered point to larger truths that should be of relevance in other contexts.<sup>732</sup> The final chapter considers the question of praxis, looking to what individuals and churches can and should do in the face of U.S. responsibility to migrants. Before we turn to praxis, however, it is important to establish a basic foundation for how we understand the role of Christians and the church in the world. To that end, we turn in chapter four to an exploration of Christology and Ecclesiology.

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<sup>732</sup> For ethical considerations of migration in the global context see Susanna Snyder, *Asylum-Seeking, Migration and Church* (Farnham, Surrey: Ashgate) 2012; Snyder, *Church in an Age of Global Migration: a Moving Body* (New York, NY: Palgrave Macmillan) 2016; Elizabeth W. Collier and Charles R. Strain, *Religious and Ethical Perspectives on Global Migration* (Lanham, Maryland: Lexington Books) 2014; Agnes M. Brazal and María Teresa Dávila *Living With(out) Borders: Catholic Theological Ethics on the Migration of Peoples* (Maryknoll, NY: Orbis) 2016.

#### **4.0 RESPONSIBILITY AS DISCIPLESHIP: A THEOLOGICAL ACCOUNT**

Before proceeding, it seems prudent to consider where we have been thus far. Chapter one explored the dominant philosophical and theological approaches to migration, highlighting the importance of the values these approaches raise while also naming their limits. Chapter two offered an account of history that goes deeper than the dominant narratives commonly taught or believed in the United States. It made clear the links between the founding myths of the nation, its continued colonialist conquest of the land and of land and resources beyond its borders, and its inadequate response to patterns of migration it has helped to form. Chapter three considered how this history can be understood as a failure to act responsibly. It turned to the work of H. Richard Niebuhr and Charles Curran, as well as Margaret Urban Walker in order to build a responsibility ethics framework rooted in reparative justice through which the church and the United States might learn how to respond better to migration. It also proposed radical love, as modeled by Jesus, as a specifically Christian response to the situation of social and structural sin present in the United States. This theme will continue to be contextualized and fleshed out in the following chapters.

Before moving into a discussion of the practical implications of a responsibility-based approach to migration, chapter four grounds the conversation in a discussion of who and what the Church is called to be. This chapter provides a bridge between the conceptual work of the first three chapters and the practical proposals of the final chapter. It considers how what Christians say about Jesus relates to who and what the Church is meant to be and how its mission in the world is understood. In other words, it fleshes out

the content of the radical love proposed in chapter three. In order to do so, the chapter begins by identifying helpful Christological and ecclesiological insights in Niebuhr and Curran. Beginning with Niebuhr and Curran in this way allows this chapter's theological account to remain firmly grounded in the responsibility framework of chapter three. This chapter retrieves from Niebuhr and Curran an account of responsible discipleship defined as a radical commitment to opposing the sinful forces that crucified Jesus, especially through focus on just relationships and open dialogue. Such a discipleship ought naturally to draw white Christians into dialogue with those against whom these sinful forces of empire still rage. As highlighted by the historical account offered in chapter two, this means especially engaging in dialogue with Indigenous and Latinx people. It is in light of this, therefore, that this chapter turns to consider the perspectives of several Indigenous and Latinx theologians, connecting these back to Niebuhr and Curran and allowing them to shape an understanding of responsible discipleship that will inform chapter five. Such a dialogue is consistent with the aims of an immigration ethic rooted in responsibility, in that it is an integral part of the establishment of accountability and the formation of more just ways of relating.

## 4.1 H. RICHARD NIEBUHR AND CHARLES CURRAN: CHRISTOLOGICAL AND ECCLESIOLOGICAL PERSPECTIVES ROOTED IN RESPONSIBILITY

### 4.1.1 Christology

The previous chapter established that, for Niebuhr, all of our choices are responses to God, and they are responses specifically shaped by the story of God as mediated through Jesus (and through our community's telling of the story of Jesus). Niebuhr's own understanding of Jesus can therefore help us create a basic foundation upon which to build an understanding of how Christology shapes or ought to shape us as moral agents.

Despite his more philosophical bent, Niebuhr still remains very much a Christian theologian who does engage Christian themes and sources, if sometimes to a lesser degree than others.<sup>733</sup> In his work, Jesus is both a model for our lives and a person and event through which Christians should view the world. As a model, Jesus represents the human person par excellence. He writes, "Christ was the perfect man, the moral emergent, the revealer in word and conduct of the ideal, the proclaimer and realizer of the Kingdom of God or of the realm of ends."<sup>734</sup> What this means, for Niebuhr, is that Jesus, in all he does, models the human person as perfectly responsible. He argues that in all of Jesus' responsive actions, he interpreted the actions upon him within the context of the universal action of God, that is, as signs of God's divine action. He acts in concert with

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<sup>733</sup> Gayle Gerber Koontz, "Confessional Theology in a Pluralistic Context: A Study of the Theological Ethics of H. Richard Niebuhr and John H. Yoder," *The Mennonite Quarterly Review* 61, no. 4 (1987): 417.

<sup>734</sup> H. Richard Niebuhr, *The Responsible Self* (New York: Harper and Row, 1963), 174.

God's will and in anticipation of the eschatological future, God's vision for the fulfillment of the world. Jesus' responsive action, then, is completely fitting. Christians attempting to live out a Christian ethos do so by attempting to conform their lives to Christ's. In this way, he is a model. It is important to Niebuhr, however, to establish that Jesus' responsiveness to God's will is not a mechanical obedience or resignation to God's will. Rather, Jesus responds in the context of a loving relationship with God, interpreting everything from acts of nature to the actions of religious and political authorities within a context of God's initial creative action and power.<sup>735</sup> In the context of chapter three, we might say Jesus perfectly models a relationship to the world based on radical love and grounded in his relationship with God.

Niebuhr describes God's action not as evidence of fatalistic determinism, but as being more like the action "of a great wise leader who uses even the meanness of [their] subjects to promote the public welfare."<sup>736</sup> That is, belief in God's will and power, for Niebuhr, does not mean that Judas' betrayal or global wars were predetermined or foreordained. Rather, God is at work in these events, and Jesus, as a model of responsibility, interprets them as within God's power and responds accordingly.<sup>737</sup> For Niebuhr, this is not only how Jesus interpreted and acted in the world, but also how Christians today are meant to view the world and respond accordingly. Jesus models the proper posture for encountering the world as a responsible moral agent. Through Jesus's

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<sup>735</sup> Niebuhr, *The Responsible Self*, 164-172.

<sup>736</sup> *Ibid*, 165.

<sup>737</sup> *Ibid*, 165-173.

example, humanity's proper end "as seer of God, as contemplator of the eternal," comes into view.<sup>738</sup>

Jesus is, however, more than a model for Niebuhr. He is also savior, the rescuer of humanity.<sup>739</sup> He not only shows us our proper end, he is our way to it.<sup>740</sup> That is, Jesus is not simply someone whose model we ought to follow in order to live as responsible selves; he is someone Christians encounter as "the one who lived and died and rose again for this cause of bringing God to [people] and [people] to God and so also of reconciling people to each other in their world."<sup>741</sup> M. Shawn Copeland highlighted the compelling nature of Jesus' radical love. Encountering Jesus transforms us so that we too may love radically. For Niebuhr, Jesus' saving action rescued humanity by healing the human spirit from death.<sup>742</sup> Recall that Niebuhr describes humanity's state of sin as one in which God is encountered as enemy. As people respond out of distrust of God, he argues, they become closed off to the world, operating out of an ethics of self-defense, which is ultimately an ethics of death.<sup>743</sup> Salvation entails a reorientation, a turn to respond to God out of trust, which restores our vision to that of God's.<sup>744</sup>

For Niebuhr, then, Jesus is the one who accomplished in history humanity's ultimate goal, fully taking on an ethos of responding to God in complete trust. More than this, he is also the one with whom an encounter can begin to turn us from our suspicion of God and help move us toward trust. Christians know, according to Niebuhr, that more

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<sup>738</sup> Niebuhr, *The Responsible Self*, 174.

<sup>739</sup> *Ibid*, 174.

<sup>740</sup> *Ibid Self*, 174.

<sup>741</sup> *Ibid*, 43.

<sup>742</sup> *Ibid*, 174.

<sup>743</sup> *Ibid*, 99-100.

<sup>744</sup> *Ibid*, 133.

often than not they fall short of the goal of complete trust, returning instead to interpreting the word and responding to it through the ethics of death. And yet, we have hope in Christ, he argues, because Jesus has accomplished exactly this goal in history. Moreover, Jesus is the one who actualizes us as children of God, able to trust God because of our encounter with Jesus and Jesus' salvific life, death, and resurrection.<sup>745</sup> Human movement towards reconciliation with God is "inaugurated and maintained in [them] by Jesus Christ" who empowers them.<sup>746</sup>

Jesus is more than a moral exemplar. He is the one who, particularly through his passion, made our salvific transformation possible, who invites us to radical change. Niebuhr writes that "through Jesus Christ, through his life, death, resurrection, and reign of power, we have been led and are being led to *metanoia*, to the reinterpretation of all our interpretations of life and death."<sup>747</sup> Niebuhr understands the cross and Jesus' death on it to be "a revelation of the order of reality."<sup>748</sup> The cross can illuminate our situation, making the reality of the world clear. It is important that in articulating this notion, Niebuhr explicitly links Jesus' death to unjust suffering, and to the notion that such suffering might be made fruitful. Niebuhr understands the cross and resurrection as events that teach important truths about the powers of the world that cause unjust and unnecessary suffering, and about God's promises to transform that suffering. Furthermore, our earthly situations can reveal new insights into the cross.<sup>749</sup> Niebuhr explicitly links the suffering of the innocent Jesus on the cross with the suffering of

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<sup>745</sup> Niebuhr, *The Responsible Self*, 175-177.

<sup>746</sup> *Ibid*, 177.

<sup>747</sup> *Ibid*, 143.

<sup>748</sup> Niebuhr, "War as Crucifixion," *The Christian Century* (April 28, 1943): 515.

<sup>749</sup> *Ibid*, 514.

innocent people in his own time, noting that such modern crucifixion should call people to repentance.<sup>750</sup> For example, we might understand migrants as people unjustly crucified by the United States and respond with a radical love for them that calls us to repent of our complicity in those crucifixions and change the material circumstances that lead to those crucifixions.

Like Niebuhr, Curran highlights aspects of Jesus' life that he finds especially exemplary. Jesus, he argues, did not come to force his Kingdom on humanity. Rather, he comes to invite us to respond freely to his call. For Curran, Jesus' death on the cross exemplifies God's radical love for creation and God's commitment to preserving human freedom. Furthermore, his resurrection bears witness to the new life to which God raises humanity.<sup>751</sup> He writes,

Jesus came into the world to free us from sin and evil. Redemption involves the successful struggle of Jesus against the power of sin and evil. The cross and the resurrection show forth the reality of redemption. The cross is at once the victory of sin, evil, and death, and the redeeming love of Jesus. The resurrection represents the triumph of Jesus over all enemies, primarily evil, sin, and death. The triune God offers us salvation and reconciliation through the redemptive love of Jesus. However, resurrection as destiny—as the fullness of the triumph of Jesus—has not yet taken place. The fullness of the reign of God is not yet here.<sup>752</sup>

This passage contains the core of Curran's Christological perspective. Jesus is the savior whose victory over the powers of death and evil opens humans up to the possibility of redemption and reconciliation. This victory takes place in and directly impacts human history, although its fulfillment will take place outside of history. Jesus, as the person in whom the divine and the human become perfectly joined, strengthens the fundamental

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<sup>750</sup> Niebuhr, "War as Crucifixion," 514.

<sup>751</sup> Curran, *Christian Morality Today*, 33.

<sup>752</sup> Curran, *The Catholic Moral Tradition Today*, 34.

goodness inherent in all people.<sup>753</sup> He makes radical love possible. Curran goes on to argue that Christians are saved insofar as they enter “into the mystery of redemption and transformation from death to life.”<sup>754</sup> This salvation, evidenced through Jesus, is God’s primary work.<sup>755</sup> In response to this understanding of Jesus’ person and work, Christians are called to “conform our ways to his”<sup>756</sup> and to participate in the Paschal mystery.<sup>757</sup> In other words, we are called to love as Jesus did, concretely and radically.

Curran notes that suffering will, at times, be part of every Christian life. The cross shows us that God is revealed in the midst of suffering and human death. The cross and the resurrection also make clear the human need for transformation. Curran argues that through Jesus’ death and resurrection, human suffering is imbued with meaning, becoming a part of the how we die to ourselves and rise instead to new life in God.<sup>758</sup> Importantly, this does not mean that all human suffering will be redemptive. Recall that the fulfillment of Jesus’ victory remains beyond history. Further, not everyone will grow because of suffering they experience. Curran is very clear that suffering is a mystery, and the redemption in suffering enacted through the cross is paradoxical and ultimately beyond our full comprehension. However, he argues that Christians are able to “see suffering in light of the cross and resurrection of Jesus,” and that this “indicates the proper Christian approach to suffering,” which is not to seek suffering out in order to be

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<sup>753</sup> Curran, *The Catholic Moral Tradition Today*, 33.

<sup>754</sup> Curran, *Christian Morality Today*, 9.

<sup>755</sup> *Ibid.*

<sup>756</sup> *Ibid.*, 33.

<sup>757</sup> *Ibid.*, 38.

<sup>758</sup> *Ibid.*, 9.

redeemed, but to bear suffering that does come “in light of the suffering and transforming love of Jesus.”<sup>759</sup>

This concern with the call to participate in the life and work of Jesus leads Curran to a discussion of discipleship. While the four Gospels portray discipleship in distinct ways consistent with their broader themes and goals, Curran identifies four unifying features out of which he builds a framework of what it means to be a disciple of Christ. This model of discipleship can help us flesh out what it means to participate in the radical love of Jesus. First, Curran argues, God makes the first step. Discipleship is possible because of a gracious call and gift from God, incarnate in the person of Jesus. Second, discipleship is never simply about an individual relationship with Jesus, but always takes place within and involves a wider community. Moreover, discipleship is meant to transform our various relationships. Through discipleship, Curran argues, we are called to treat others as God has treated us, with love and mercy. In particular, discipleship is meant to transform our relationship to the most vulnerable, those marginalized, oppressed, and outcast by society. This means we will see and relate to the most vulnerable in the way Jesus would. Third, Curran argues that discipleship is characterized

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<sup>759</sup> Curran, *Christian Morality Today*, 43-44. While it is to Curran’s credit that he nuances his articulation of redemptive suffering in this way, this understanding of suffering remains potentially problematic. As various liberationist theologians (feminist, Black, Latin American,) have argued, theologies of redemptive suffering have too often been detrimental for oppressed people, used to convince them that their suffering is proper to the Christian life, that it serves a higher purpose, or that at the very least it would be worth it when they were rewarded in the next life. For example, M. Shawn Copeland has highlighted the ways in which “the Christianity of the plantation” manipulated Christian virtues in order to bind and pacify enslaved people by teaching them that long-suffering patience was godly (M. Shawn Copeland, “Wading through Many Sorrows: Toward a Theology of Suffering in Womanist Perspective,” in *A Troubling in my Soul: Womanist Perspectives on Evil and Suffering*, ed. Emilie M. Townes (Maryknoll, NY: Orbis, 1999), 122). Elizabeth Johnson argues that theologies of redemptive suffering belie the immensity of human suffering, especially in the face of something like the Shoah (Elizabeth Johnson, *Quest for the Living God: Mapping Frontiers in the Theology of God* (New York: Continuum, 2011), 52). The potential for suffering to be redeemed by God is theologically important, as is the reality that the Christian life may come with a cost, but Copeland and Johnson show that the notion that the cross imbues human suffering with meaning remains dangerous, especially to those who are oppressed.

by totality and radicality. That is, discipleship impacts and transforms the entire person, and it comes at a cost. Jesus' radical love for the world, after all, led to his death. As a basic commitment, discipleship is meant to direct every aspect of our lives, forming us in the image of Jesus, and this might come at a cost. Finally, this radical and total commitment forms the foundation of Christian growth. The radical goals of discipleship, including the transformation of relationships with self, neighbor, and world, is the ground on which the work of Christians (and of the church) is built. Two important aspects of this final feature warrant closer consideration. First, Curran is clear that the radical nature of the Christian life is a call into the world, not out of it. While the Christian life is deeply eschatological, this eschatology urges transformative work in the world. Jesus loved the world concretely, entering into human life and repeatedly showing concern for people's material circumstances. Second, it is worth highlighting that Curran's account of discipleship centers around the transformation of relationships. This is consistent with his anthropology and his understanding of the moral life (as explored in chapter three). Centering relationships will continue to be key as we move into the practical proposals of the next chapter, and thus, Curran's understanding of discipleship is especially helpful for this project.

Curran's understanding of the link between Christology and the transformation of relationships can be fleshed out further. Jesus, he argues, is a unifying and equalizing figure. He cites Galatians 3:28, noting that in Jesus, all the human identities that produce power imbalances (enslaved and free, male and female, etc.) become irrelevant.<sup>760</sup> This becomes especially important for Curran's ecclesiology, which will be discussed in the

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<sup>760</sup> Curran, *The Catholic Moral Tradition Today*, 7.

following section. It is also, however, indicative of his overall Christology. His emphasis on catholic inclusiveness, rooted in the Galatians passage, highlights his understanding of who Jesus was and is and how he impacts the lives of Christians to this day. For example, with liberation theologians, Curran sees Jesus as a victim of empire, put to death unjustly by the reigning powers of his time and thus in intimate solidarity with those who are victims of empire and oppression throughout time. This interprets Jesus' salvific work as explicitly political and concrete. By taking the actual human life of Jesus as his christological point of departure (Christology from below) rather than focusing on questions of metaphysics that emphasize Jesus' preexistence (Christology from above), Curran (borrowing from liberation theologies) draws attention to the content of Jesus life as theologically and ethically significant.<sup>761</sup> Attention to how Jesus lived provides a model for what radical love might look like and the types of concrete action it ought to include.

Curran argues that Jesus' humanity precludes the "dualistic opposition" of the material world and the spiritual.<sup>762</sup> This highlights the importance of material well-being as relevant to salvation, and keeps theology firmly grounded. The incarnation prevents purely spiritual, eschatologically future understandings of salvation. Salvation is also liberation, and it works on three levels: political, historical, and liberation from sin. We may also conclude that because Jesus creates a community in which the power imbalances of the world have no weight, in which all are welcome, especially those most oppressed and despised by the world, this is theologically and morally relevant. Further,

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<sup>761</sup> Curran, *The Catholic Moral Tradition Today*, 21-22, 92.

<sup>762</sup> *Ibid*, 33-34, 44.

because of Jesus' specific solidarity with those on the margins, even to the point of death, it becomes clear that Jesus' radical inclusiveness is not equivalent to neutrality, and thus his followers ought not to aim for neutrality either. While the ideal community Jesus envisions is one in which socioeconomic status has no bearing on inclusion, the world in which Jesus incarnates is one in which these imbalances carry an immense weight. In that context, Jesus very clearly takes a side. We can say, therefore, that while inclusion in the Kingdom is open to all, inclusion may mean a reckoning with those identities through which we participate in the oppression of others.<sup>763</sup> Christology from below makes implications such as these evident in a way that a Christology too focused on Jesus as preexistent misses or at least downplays.

Thus the importance of Christology for this project becomes clear. Understanding who Jesus is and how he brings salvation has direct implications for the moral life. Christians gain insight into who they are called to be and how they are called to radically love the world by exploring what they believe about Jesus Christ. What we believe about Jesus can, therefore, help guide our responses to migration. With Niebuhr, we can begin to model our responsible action after Jesus' by aligning our will with God's and interpreting migration within the larger context of God's vision for a more just world (one in which relationships are just and accountable, not colonial and oppressive). Encountering Jesus draws us into radical transformation, away from the ethics of death and suspicion that supports U.S. colonialism and fear-based immigration policy, and

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<sup>763</sup> Consider, for example, the situation of social sin in the United States, as it has been articulated in the preceding chapters. Participation in the Kingdom of God may call those of us who are U.S. citizens, especially those of us who are white, to consider how those identities makes us complicit in harm to migrants, and what our responsibilities for ending and repairing that harm may be. This is not, per say, a requirement for admission into Christ's community, but it is the call of that community, the way of living Jesus exemplifies and invites us to.

towards an ethic of life and trust that interrupts U.S. mythology and opens us up to more just relationships. Curran similarly highlights how Jesus' victory over death opens up the possibility of human reconciliation, which we can participate in through radical, communal discipleship. This discipleship calls us to side with oppressed people in radical solidarity, like Jesus did, and to oppose the systems that harm them. In summary, then, Christians are called to solidarity with migrants, and to join in the work of dismantling the systems that crucify them.

Christians do not, however, engage in this work alone. Jesus gathered communities around himself, in his life and after the resurrection. Discipleship is meant to be done in community. It is therefore necessary to turn to ecclesiology in order to further uncover how the insights of Niebuhr and Curran can direct our understanding of the proper role and work of the church, so that we might begin to envision what the role of churches and Christians may be in responding to migration in the United States.

#### **4.1.2 Ecclesiology**

Niebuhr insists that community is a central factor in shaping a person's point of view. This puts him in contrast with certain modern views of the person as a decision-maker "largely abstracted from history and tradition."<sup>764</sup> In other words, ethics needs to focus on how moral agent's acquire identities based on their communities.<sup>765</sup> While Niebuhr's ecclesiology is perhaps underdeveloped, he does offer helpful insights on the

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<sup>764</sup> Thomas James, "Responsibility Ethics and Postliberalism: Rereading H. Richard Niebuhr's The Meaning of Revelation," *Political Theology: The Journal of Christian Socialism* 13.1 (2012): 53.

<sup>765</sup> Ibid.

topic that can be built upon to form a fuller account of the role Christian communities play or ought to play in shaping people into responsible moral agents.

Niebuhr's Christology leads directly into his view of the proper Christian life, especially as lived in community. Through Jesus, he argues, the church is called to humanitarian work, radical compassion (love), and to a deep reverence for all life.<sup>766</sup> In a general sense, then, we can say that caring for and about the needs of migrants is proper to the church. Second, he argues that the church is called to the work of reconciliation. Because Niebuhr understands the moral life to be so centered around responsibility to relationships, and because his account of sin is a breaking of relationships between people and between people and God, the proper work of the church is therefore to reconcile its own relationships and to promote and aid in the reconciliation of relationships everywhere.<sup>767</sup> Radical love actively pursues just relationships, which requires repairing past harms. We may say, then, that the work of reparative justice, in that it contributes to the overall project of reconciliation and the creation of a just community, is the proper work of the church. This is an especially important point in our consideration of how Christology and ecclesiology shape an understanding of discipleship that can inform a response to migration rooted in a responsibility framework. Chapter three established that reparative justice focuses on the harm caused in relationships that lack accountability, reciprocity, and mutuality. A church that understands sin as a force that breaks relationships ought to be especially concerned with repairing this sort of harm by creating, supporting, or calling for accountability where it

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<sup>766</sup> Niebuhr, *The Responsible Self*, 168.

<sup>767</sup> *Ibid*, 144.

has not existed previously. Reparations are the work of the church. This will mean finding ways to establish accountability to those the church has harmed, such Indigenous people, citizens of countries the United States has colonized, and migrants, who Christian theology has historically helped to cast as a threat. It also means walking with marginalized people, supporting them as they work for liberation from the forces that harm them and deny them the reparative justice they are due.

Third, for Niebuhr, the church is meant to disrupt the harmful narratives of the world. The world is gripped by the ethos of death and survival, by inaccurate narratives and harmful myths. Christianity, he insists, has a better story, one it is meant to share with the world.<sup>768</sup> Chapter three links the ethics of death and survival to Manifest Destiny and the frontier myth. These mythologies view anything that is “other” as a potential threat, and they have led to colonial foreign policy and approaches to immigration rooted in fear. The church has a perspective on the world that can interrupt these narratives, and Niebuhr insists that we are called to share that story with the world. In other words, this interruption of harmful narratives of death is the work of the church. This will become especially apparent below, as Indigenous and Latinx theologians call the church to the work of truth-telling and the interruption of harmful narratives.

Niebuhr argues that the church knows how it, and people in general, ought to live as responsible agents. We can see, in this, that there is something about the insights the church finds through reason and in Jesus that is applicable beyond the church community. It can be inferred, from this, that part of who the church is called to be, part of the work it is called to engage in, draws it outside of itself in order to share its wisdom with the

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<sup>768</sup> Niebuhr, *The Responsible Self*, 107.

broader community. As will become apparent below, Curran provides a more explicit account of the church as called beyond itself. The church is a community that has wisdom worth sharing with the world in general. This need not be a call to proselytization, but is perhaps more helpfully understood as a call to participate in the public sphere in whatever ways may be helpful to the common good.

Finally, Niebuhr insists that the church is a community that is aware of human limitations. The church, he writes, knows that the work it undertakes is ultimately beyond its ability. And yet, the community is compelled to aim at that which it cannot achieve on its own, hope against hope, because it is empowered to work and hope in and through Christ.<sup>769</sup> This is important in that it establishes Jesus as a source not just of our insights into the proper way of living as responsible agents, but also as the very hope upon which that work hinges. The church does not undertake its work through its own power. A posture of humility and surrender to the will and power of God is appropriate in all that the church does. This is antithetical to the colonial mindset. Further, awareness that the work of the church will be a steep uphill battle, that it calls us beyond our own abilities and will only find full completion in Christ,<sup>770</sup> stands as an important protection against widespread temptations to burnout or despair.

For Curran, “the Christian and the Church continue through their actions the redeeming work of Christ.”<sup>771</sup> The inclusive community Jesus created around himself is part of the saving work of Jesus’ life, death, and resurrection, and therefore becomes the proper work of the Church, called to continue Jesus’ work in the world. To this end,

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<sup>769</sup> Niebuhr, *The Responsible Self*, 163-164.

<sup>770</sup> It is not inconsistent with Niebuhr’s thinking to infer that this is an eschatological fulfillment which takes place beyond history.

<sup>771</sup> *Ibid*, 12.

Curran identifies four characteristics of the Catholic church's catholicity through which Jesus' inclusive mission can be lived out. First, churches are to be inclusive in membership. Rooted in the Galatians passage, Curran insists that the catholicity of the church means that there is no standard of holiness which must be met in order to gain access into the community. He warns that this must not mean the church fails to be light and salt to the earth, that is, that it loses its prophetic edge. Rather, the church must find a balance between heeding "the call to holiness and the recognition that sinners belong in the church."<sup>772</sup> Second, a truly catholic understanding of the church calls the church to be concerned with all aspects of the world. Just as Jesus' incarnation into full humanity draws us away from purely spiritual theologies, so too is the church called to live fully in the world.<sup>773</sup>

Third, the church must be inclusive of realities other than its own. That is to say, the church must recognize that its members belong to a variety of communities, social groups, and institutions, all of which make legitimate claims on them. He argues that while faith certainly enters into these other domains with these believers, the church must maintain an understanding that these groups have their own systems of meaning and operating that are not derived from faith. More importantly, this must be understood as a positive, not negative, reality.<sup>774</sup> The church should know its lane and respect the proper domain and autonomy of other institutions. Finally, the church is inclusive of various

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<sup>772</sup> Curran, *The Catholic Moral Tradition Today*, 4-5.

<sup>773</sup> Ibid, 4-7. Curran highlights the 1986 U.S. Bishops letter on the economy, which addresses itself to members of the church *and* the broader public in order to show how this inclusive approach is different from a sectarian approach in which the church is primarily concerned with the moral and religious life of its members. For Curran, catholicity properly draws the church outward, into the world and into the public fray.

<sup>774</sup> Ibid, 7-9. Curran contrasts this with the past, in which the church sought to subsume these institutions into and beneath itself, the contemporary church does not seek such a position of dominance.

levels of society. By this, Curran means that the church's universal calling cannot distract from the importance of the local, especially local embodiments of the church. In some ways, this is about subsidiarity. The church must allow local levels of church, community organizing, and government to do what they can for themselves and their communities, in their own ways, as much as possible. Further, this respect for the local also translates into an awareness of and respect for the traditions of local church communities.<sup>775</sup>

Curran's focus on catholic inclusivity paves a path into the following section, and into chapter five's practical proposals. A church that takes seriously the belief that it is meant to be open to all will not and cannot abide the cultural boundaries reinforced by white supremacy and the frontier myth. Curran highlights the importance of historicity and the role context plays in shaping theology and moral norms, and calls the church to be more open to collaboration with the laity.<sup>776</sup> Together, this focus on context and collaboration is a helpful reminder that God is always revealed and mediated in culturally specific ways. The trappings of Euro-American culture cannot serve as a barometer of Christian piety or commitment. This begins to break through the mythology that casts those outside our physical and conceptual borders as threats and requires migrants to conform to a set of imposed norms in order to be included, in churches and in U.S. society.

Furthermore, the notion that the church must be inclusive in its concerns, that it exists in the world and is properly concerned with all that happens in that world,

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<sup>775</sup> Curran, *The Catholic Moral Tradition Today*, 7-9. This respect for local incarnations of the Church is important also in that it helps nuance the notion that "there is no Jew or Greek" in Jesus. This passage is not a rejection of culture or identity, but rather a prophetic equalization of power imbalances, a vision of a just world in which sex, race, and socioeconomic status need not have a bearing on people's quality of life, nor their participation in community.

<sup>776</sup> Hogan, 365, 367.

explicitly religious or not, establishes the exploration of U.S. history and its relationship to contemporary migration as the proper concern of the church. Curran understands work towards a just world to be a fundamental part of the Church's mission.<sup>777</sup> The church cannot do this work without allowing itself to be drawn outside church walls, into the world. This means the church has to learn about the world, learn about the history of how the world came to look the way it does, how structures of injustice have been created and how they continue to be perpetuated.

Inclusivity also establishes that while justice for migrants is firmly within the proper realm of concern and mission for the church, the church must not engage in this work in a way that recreates patterns of colonial domination. This means that the church must be respectful of the space of others: other organizations, grass roots efforts, activists. The church is called to partner with marginalized people in this work, and must do so with humility, by learning, by letting others lead. This will be an especially important standard for the proposals made in chapter five. In order for the church to participate in justice work, Curran argues, the church must also utilize its power responsibly. Change, he argues, does not happen without the exercise of power. Therefore the church must use what power it has well and in the service of the kingdom.<sup>778</sup> Even so, he cautions that institutional power needs to be checked in order to protect against abuses.<sup>779</sup> In other words, the church must be aware of the power it has, use that power well, and ensure that checks are in place so that the church's power is not wielded in harmful ways. This is especially important considering the history of Christian

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<sup>777</sup> Curran, "Responsibility in Moral Theology: Centrality, Foundations, and Implications for Ecclesiology." *The Jurist* 31, no. 1 (1971), 136.

<sup>778</sup> *Ibid*, 136.

<sup>779</sup> *Ibid*, 138-139.

complicity with and outright participation in the very injustice Christians are called to dismantle. The church must understand its own historical role in systems of injustice so that it might begin to do better.

Curran's call for inclusivity and respect for institutions beyond the church is an important part of this careful use of power. In order to engage in the work of justice, the church will need to know when and where to properly use its power, when and how to support (and not try to control) other groups' work, and where its involvement may not be welcome or appropriate. In a related way, the church's inclusive respect for local communities will be necessary for ensuring that those on the ground are given the space and support to lead their own fight for justice. Furthermore, Curran calls the church to be inclusive of local traditions and practices. This injunction brings to mind the controversy over the 2019 Amazon Synod and the desecration of Pachamama statues, one recent example of a history of Euro-American rejection of inculturated Christian practices. The not inconsiderable outcry that such inculturated practices were somehow lesser than Euro-American forms of inculturation, or that they are idolatrous or inherently pagan, represent a failure on the part of churches to foster respect for local incarnations of church.<sup>780</sup> In Curran's words, for too long "a false universalism too readily identified the church with western culture."<sup>781</sup> Work towards justice for migrants will thus require careful consideration of what trappings of Euro-American culture and colonial impulses have become embedded in church culture in unhelpful ways. Doing so will provide space

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<sup>780</sup> Elise Harris, "Central American bishops defend Francis over Amazon Synod, 'Pachamama,'" *Crux*, December 2, 2019, accessed June 20, 2020, <https://cruxnow.com/church-in-the-americas/2019/12/central-american-bishops-defend-francis-over-amazon-synod-pachamama/>.

<sup>781</sup> Curran, *The Catholic Moral Tradition Today*, 10-11.

for the culturally specific traditions of migrants and aid the church in ridding itself of the theologies and practices that have supported and benefited from U.S. colonialism.<sup>782</sup>

Curran also insists that the responsible church will be flexible, able to work with “the various elements in the society as they struggle to bring about a more just society,” and willing to listen to insights from new voices and relinquish control.<sup>783</sup> The responsible church must not be too set in its established way of doing things. Rather, the church must be willing to try something new, to think on faith and the world in new ways, to listen and change. As we turn to listen to the insights of Indigenous and Latinx theologians in the following section, this flexibility and openness will be especially vital, both because they, too, emphasize the importance of flexibility, and because turning to them with an open posture is in line with Curran’s call for flexible inclusivity.

Finally, the formation of its members as people of faith and moral agents is a primary focus of the church. Curran insists that the entire church must participate in both learning and teaching. While in the past there has been separation between those meant to teach and those meant to learn, a post-Vatican II church, he argues, recognizes that both teaching and learning take many forms, and are required of all members in various ways. This means that the whole church must be aware of the main sources of moral wisdom: scripture, tradition, reason, and experience. Moreover, it means that we must learn to

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<sup>782</sup> This is not, of course, to suggest that the Church ought to embrace relativism. Take as an example Roger Haight’s work, which establishes the Trinity as a narrative doctrine that opens Christians up to pluralism that is not relativistic. Haight insists that religions are non-competitive, and that the God revealed in Jesus Christ is a God that wishes to be present with and to all people. He writes, “if Jesus reveals the very nature of God, there is no intrinsic reason for limiting God’s action in Jesus to the person of Jesus,” and therefore, based on Christian doctrine, we ought to anticipate God’s revelatory action in other religions and be openly in dialogue with them. This means not only making space for culturally specific incarnations of Christianity, but also calls Christians to respect other traditions as potential bearers of truth, diminishing the drive to convert at any cost that so underpinned Euro-American colonization. Roger Haight, “Trinity and Religious Pluralism,” *Journal of Ecumenical Studies* 44, no. 4 (2009): 539-540.

<sup>783</sup> Curran, “Responsibility in Moral Theology,” 137-138.

listen to each other and respect the various forms of knowledge and individual experience each member brings to the whole.<sup>784</sup> This type of listening, this practice of honoring experiences and forms of wisdom that have not always been seen as valid in church communities or the wider society, will be vital for responding to migrants (and all those impacted by U.S. colonialism) and working towards justice with them. In other words, it is a vital component of radical love. In the spirit of Curran’s learning church, we turn now to the insights of Indigenous and Latinx theologians in order to continue contextualizing what Christian theology can teach us about how to love radically.

#### **4.2 NEW AND ANCIENT PERSPECTIVES: EXPANDING BEYOND EUROCENTRIC THEOLOGY**

Decisions regarding how to move forward in acknowledgement of the past and the complex web of relationships within which the United States operates cannot be done without significant leadership and input from those with whom the nation continues to be in particularly unjust relationships. Radical love calls us to reorient these relationships so that they will be built on justice, and part of this requires allowing those who have been treated unjustly to lead.<sup>785</sup> As this project intentionally works against the imperial dynamics identified in chapter two, it draws especially from communities impacted by the U.S. immigration system and U.S. imperialism. This requires, in particular, the lifting

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<sup>784</sup> Curran, *The Catholic Moral Tradition Today*, 197-198.

<sup>785</sup> This type of flipping relationships on their head is characteristic of Jesus’ “the last shall be first” approach to community building.

up of Latinx and Indigenous perspectives on Jesus Christ and the Church in order to decenter Euro-American perspectives and see how the insights of these thinkers challenge dominant U.S. theologies. In doing so, this section intends not to imply that there are definitive, homogenous Indigenous or Latinx perspectives. Rather, the intent is to profile a variety of perspectives while highlighting common themes found reoccurring across the diversity.

It is important that this turn to Indigenous and Latinx theological insights strives not to simply recreate colonial relationships, plundering these theologies and extracting what can be made useful for white Christianity. This chapter aims to engage and learn from Indigenous and Latinx thinkers in a manner that is respectful and collaborative, not appropriative or violent. It does so by seeking to provide comprehensive accounts of each thinker's work, and by allowing these thinkers space to speak for themselves as much as possible, relying heavily on direct quotations. Furthermore, wherever possible, this chapter will consult these thinkers' own articulation of the broader significance of their theological insights in order to ascertain how they intend for their work to be read and applied. This project aims to be in conversation with these thinkers, considering how white churches and theologians can learn and adjust based on their work, not what we can take as our own.

#### **4.2.1 Christology**

Wazhazhe Theologian George "Tink" Tinker writes that "amer-european cultural proclamation[s] of the gospel did as much as the U.S. Army to change the political

landscape of each Indian nation.”<sup>786</sup> A result of this is that much existing language for understanding Jesus is largely inappropriate in Native American contexts, both because of the harm it has caused and because of the ways this language was imposed. The question of who Jesus is has therefore become a question with which all American Indian theologies must grapple. Fresh, culturally appropriate language must be found to replace colonial imagery.<sup>787</sup>

Tinker’s Christological account is helpful for understanding the role of churches and Christians in responding to migration and working to dismantle U.S. colonialist systems for several reasons. First, his insights will underscore the importance of listening to the communities most impacted by U.S. colonialism. As a member of the Wazhazhe Nation, he can provide unique wisdom and insights from his culture. The harm caused by imposed Christianity makes it more important than ever that Indigenous people be determiners of their own theologies and relationships to church and to Christianity. The fight for justice for migrants, and for all those most harmed by U.S. imperialism and Euro-American missionary Christianity, must be led by migrants, and by those who are Black, Indigenous, and People of Color (BIPOC). They must be given space to self-determine their own liberation. Tinker’s work highlights why this is vital. As a member of a community that has been systematically oppressed by the United States, Tinker can provide specific insights into the nation’s sins. He has a particular, intimate

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<sup>786</sup> George E. “Tink” Tinker, *American Indian Liberation: A Theology of Sovereignty* (Maryknoll, N.Y.: Orbis Books, 2008), 89. Tinker finds, however, that the reality of violent colonialism means that the appropriateness of even this project is, ultimately, always in question. Tinker does not shy away from this tension. Rather, he engages in his Christological account with this fundamental question at the forefront of his mind.

<sup>787</sup> *Ibid*, 84.

understanding of the harm Christianity and U.S. colonialism has caused, and can thus help white Christianity reckon with its failures to be in just relationships.

For Tinker, there are Christian beliefs with which many Native communities have a natural affinity. For instance, he argues that basically every Indigenous culture in North America understands the notion of vicarious suffering, such as that of Jesus on the cross, as there are widespread Indigenous ceremonies through which members of the community might take on discipline for the sake of their community. This, Tinker writes,

gives Indian people an inherent understanding of the Christian concept of grace, an understanding that predates the arrival of the missionaries. We could even go so far as to insist that we already knew the gospel! We were taught differently by the missionaries, of course. They had a vested interest in separating Indian people from their ancient ceremonial structures and consistently taught that those ceremonies fell short of the Christian ideal.<sup>788</sup>

Tinker goes on to call this “a self-serving lie,” perpetuated by missionaries in order to further colonial interests and re-shape Indigenous belief systems.<sup>789</sup> To the missionaries, these ceremonies were little more than blasphemous, pagan idolatry. This sentiment was echoed in the outcry against Pachamama during the 2019 Amazon Synod. Against this mischaracterization, Tinker argues that these ceremonies are better understood signs of what might be called grace. The history of missionaries disregarding the validity of these cultural insights and signs, part of a systematic effort to erase Indigeneity from the continent, highlights for Tinker the importance for Indigenous people “to hang on to the good news *wako<sup>n</sup> da* originally gave us rather than blindly consume the good news that

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<sup>788</sup> Tinker, 85-86. Tinker does not specify the definition or understanding of grace he is referencing here. Given that he is connecting it to themes of vicarious suffering, it is perhaps likely he views it as made available by Jesus’ self-sacrifice rather than the Rahnerian notion of grace as God’s gift of self-presence. Regardless of his exact definition, Tinker’s point is that there are resonances between Indigenous belief systems and Christian beliefs that were completely disregarded by missionaries looking to convert Indigenous people to Christianity.

<sup>789</sup> Ibid, 86.

the missionaries would impose on us at the cost of losing our own set of cultural values and losing our inculturated sense of community and individual self-esteem.”<sup>790</sup> Tinker is identifying the same anti-Indigenous systems that chapter two outlined, systems that must be toppled in order to achieve any semblance of justice for migrants and for Indigenous people. Curran calls the church to be flexible and to respect local incarnations of faith. Allowing marginalized people to reclaim their own inculturated religious practices and beliefs rather than forcing Euro-American cultural trappings onto them, is one way to begin the work of dismantling U.S. mythology and building just relationships.

For Tinker, it is vital that Indigenous people have the space and freedom to look to their own cultural wisdom, to assert that their ancestors received spiritual insights that remain relevant and life-giving. In the U.S. context, where Euro-American colonialism has sought to systematically strip Indigenous people of their culture as it stole their land and murdered their people, this becomes especially important to Tinker as an act of resistance. He writes, “given the particularity of our history of oppression and particularity of the role of missionization in the conquest of our territories and our indigenous nations, it is important to begin the process of sorting out what the function of Christianity and Christology is and might be for us as we continue our struggle and resistance against ongoing colonization.”<sup>791</sup> Because of the immense harm caused by the church to Indigenous communities, the relationship between these communities and the church is deeply fractured. Niebuhr insists that the work of reconciliation is proper to the church. The church ought then to be concerned with various forms of reparation that can

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<sup>790</sup> Tinker, 86-87.

<sup>791</sup> Ibid, 87.

be offered in order to establish accountability with Indigenous peoples. One part of repairing that relationship is to allow these communities the space to recover and uplift their own traditional forms of wisdom, and to set the terms of their relationship to Christianity and to Jesus themselves.

For Tinker, this sorting out the function of Christology has three levels. First, he offers a political and cultural analysis. In particular, he looks to the insights of Latin American liberation theologies, noting their role in making clear that theology is always necessarily and inherently political. He writes, “How one identifies the Christ and understands the functions of Christology determines much of one’s political reality and how one deals with it.”<sup>792</sup> Christologies can teach us to be comfortable with systems of oppression, or they can illuminate the injustice of those systems and call us to the work of liberation. Likewise, Tinker turns to African and Asian theologies in order to stress the importance of a cultural analysis of Christology. With these thinkers, he asserts the importance of affirming “who we are...in terms of our traditional cultures and value systems.”<sup>793</sup> This affirmation is a radical act in a nation that has systematically erased Indigenous culture and criminalized Black and Asian people.<sup>794</sup> In particular, Tinker argues, it is important for Indigenous theologies to find ways of understanding Jesus in terms that are culturally compatible, that are rooted in the traditional wisdom and insights gifted to them by *wako*<sup>n</sup> *da*. Indigenous Christologies “must begin with and continually

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<sup>792</sup> Tinker, 88.

<sup>793</sup> Ibid, 89-90.

<sup>794</sup> See chapter two.

be in touch with the analysis of the political” and cultural contexts, especially as related to the realities of past and ongoing colonization.”<sup>795</sup>

Second, in the spirit of this political and cultural analysis, Tinker outlines some of the specific ways in which Euro-American Christologies have been harmful to Native people. For example, he explores the “destructiveness caused by the varieties of the typical fall-and-redemption evangelism proclaimed in Indian mission context.”<sup>796</sup> Native American cultures, he writes, do not have the sense of human depravity that pervades European culture and theology. This sense of sinful depravity, therefore, had to be forced unto Indigenous communities in order for the missionaries to then offer them the gospel in Euro-American terms. Tinker argues that the destructive impact of this forced internalization of a sense of deep depravity, through which Native people were taught to hate themselves and venerate whiteness, are still felt today. As a rejection of this harm, “any proclamation of the gospel among Indian peoples must begin with some sort of affirmation of Indian people as Indian and as human beings,” and emphasize their inherent goodness and creation in God’s image. This is part of the process of decolonization.<sup>797</sup>

Chapter two traced the development of highly racialized notions of belonging that undergirded Euro-American colonialism, demonized those who did not (or could not) conform, and provided the conceptual building blocks for modern U.S. immigration and foreign policy. Furthermore, it established the role of Christian theology in the development of the United States’ founding mythologies. Tinker’s articulation of the

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<sup>795</sup> Tinker, 91.

<sup>796</sup> Ibid, 90.

<sup>797</sup> Ibid, 91.

harms caused by fall-and-redemption represents part of this colonial process of forced conformity to Euro-American ideas and culture. Decolonization includes the process of breaking down these harmful, imposed patterns of thinking. It then necessarily involves the articulation of theologies that are rooted in marginalized peoples' own traditions and which are liberative, rather than harmful.

Third, Tinker argues that it is necessary to understand and respect traditional Indigenous spiritualities and ceremonies on their own merits outside of any affinity with Christian concepts. Because Christianity has been forced onto Indigenous people and because there are now many Indigenous people with legitimate commitments to Christian faith, however, it is also necessary to “demonstrate the plausibility of Indian religious traditions on the basis of an interpretation of the colonizer’s own texts.”<sup>798</sup>

With these considerations in mind, Tinker considers what comparisons may be made between traditional Indigenous stories and the Christian Gospel.<sup>799</sup> The fundamental question, he argues, is whether there is salvation to be found in traditional Indigenous beliefs and practices.<sup>800</sup> Tinker looks to the traditional stories of Corn Mother as an example of an Indigenous story which functions in a Christological fashion. In all variations of this central story, Corn Mother undertakes a “willing self-sacrifice (vicarious suffering)...on behalf of her children.”<sup>801</sup> Tinker writes, “in all these retellings the self-sacrifice of the woman is emphatically consistent and results in the enduring fecundity of the earth and the production of vegetable foods.”<sup>802</sup> That is, the death of

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<sup>798</sup> Tinker, 98-99.

<sup>799</sup> Ibid, 107.

<sup>800</sup> Ibid, 99.

<sup>801</sup> Ibid, 107.

<sup>802</sup> Ibid, 108.

Corn Mother, undertaken in an act of radical love, provides life and flourishing to the people. This story results in several important theological insights. First, all life, even that which Euro-American forms of science might consider not to be life at all, is understood as being a relative. Corn Mother became one with the earth, and so all parts of the earth—people, plants, animals, rocks, water, etc.—are deeply interrelated. Second, as the first experience of death, this story teaches that death is, in fact, simply a changing of realities. Death and transformation become linked. Those who have died, then, are understood to continue to live in the people, especially as the people eat from the earth to which their ancestors have returned. This deeply relational interpretation of reality is in keeping with Niebuhr’s articulation of the moral life, aimed at understanding ever broader circles of responsibility and relationality. Third, Tinker highlights the ethical content of these Corn Mother stories. He writes,

in those variants of the story in which Corn Mother is killed by male off-spring, there is an implicit warning to men about the potential for male violence in society. Men are to pay attention to the results of immature male decision making, especially when it leaves women out of the decision-making process...Moreover, we are to pay attention to the inherent valuing of female gifts and wisdom in our communities. We are to forever remember that healing in the form of both food and spiritual sustenance have come to us traditionally not through men but through woman...This wisdom is a constant tempering of male dominance, aggression, and assertiveness in our communities.<sup>803</sup>

This analysis of the Corn Mother story is reminiscent of the ways in which the Gospel is a constant reminder against the dangers and sin of empire. Just as many variants of the Corn Mother story include male aggression as the vehicle of her death, Curran argues that the Gospels tell the story of Jesus who is killed unjustly by the forces

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<sup>803</sup> Tinker, 109-110.

of empire, to which he is a threat. Again, then, we are being called to notice and oppose systems of death that unjustly oppress people.<sup>804</sup>

Tinker asserts that this story, in all its variations, is “God’s unique self-disclosure” to Indigenous communities. It is his hope that this Christological analysis of the Corn Mother story “will make it possible to understand the notion of Christ with much greater inclusivity and parity of power between colonizer and colonized.”<sup>805</sup> While Indigenous Christologies<sup>806</sup> may differ considerably from those of the missionaries and colonizers (Christologies that are still prominent in many Churches today), Tinker makes it clear that there are natural affinities between Christian understandings of Jesus and Traditional Indigenous spiritual wisdom.

Tinker intends his work to “speak somehow to both colonizer and colonized, to Amer-European and American Indian.”<sup>807</sup> Specifically, he writes, “it would seem that the colonizer churches themselves will necessarily have to rethink their notion of Christian exclusivity and make room for American Indian religious traditions as being potentially

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<sup>804</sup> In both cases, the suffering in question was caused by human action, not willed by God. This is an important distinction to uphold.

<sup>805</sup> Tinker, 111.

<sup>806</sup> Other Indigenous theologians have similarly proposed culturally specific models for understanding Jesus today. For example, Martin Brokenleg draws on his Lakota traditions and centering of family in order to articulate an intimate understanding of Jesus as relative (Martin Brokenleg, “Church—Wocekiye Okolakiciye: A Lakota Experience of the Church,” in *Coming Full Circle: Constructing Native Christian Theology*, eds. Steven Charleston and Elaine A. Robinson (Minneapolis, MN: Augsburg Fortress, 2015), 133-149). Marcus Briggs-Cloud emphasizes Jesus’s healing and transformative qualities by calling him a “Maker of Medicine” (Marcus Briggs-Cloud, “Creation—The New Creation: A Maskoke Postcolonial Perspective,” in *Coming Full Circle: Constructing Native Christian Theology*, eds. Steven Charleston and Elaine A. Robinson (Minneapolis, MN: Augsburg Fortress, 2015), 90). Curtice insists that Jesus is someone meant to be encountered and known, not someone to know about (Kaitline Curtice, “Have We Missed Who Jesus Is Altogether?,” *Sojourners*, June 27, 2017, accessed June 1, 2020, <https://sojo.net/articles/have-we-missed-who-jesus-altogether>). From these and other Indigenous perspectives, we can not only learn the importance of inculturated, authentic understandings of and encounters with Jesus. We can also find our own understandings challenged and expanded.

<sup>807</sup> Tinker, 84.

powerful and salvific as the best vision well-intentioned people have for Christianity.”<sup>808</sup> Tinker’s Christology and his indictment of the colonialist missionary machine’s weaponization of Euro-American theology, it seems, is precisely why Curran’s insistence on inclusivity is so important. In particular, the need for churches to respect local incarnations of church leads in the direction of accepting Tinker’s terms. Asserting that God can and does speak specifically to local communities in ways that are culturally appropriate highlights the need for all Christians to respect these local incarnations of wisdom and enter into dialogue with them, even if they look vastly different from each other. Moreover, the harm caused by overly universal applications of culturally specific theologies cannot be overstated.<sup>809</sup> Euro-American culture cannot be the barometer for determining whether spiritual insights are sufficiently Christian or salvific.

Christians, then, must provide space that allows, for example, Indigenous peoples to find language and symbols that make sense to and for them by drawing on their own traditions of divine self-disclosure. In doing so, we stand in opposition to the homogenizing forces of colonialism that chapter two identified and condemned. Moreover, we might consider how these perspectives can broaden our own understanding of Jesus and salvation. Tinker’s caution about the harms of fall-and-redemption Christologies, for example, might teach white Christians that sin is multi-dimensional. Tinker’s point here is likely not that Indigenous peoples are somehow without what Christians call sin. His understanding of the story of Corn Mother as a caution against male aggression and arrogance proves that traditional Indigenous cultures are not without

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<sup>808</sup> Tinker, 111.

<sup>809</sup> Ibid, 91.

a conception of sinful behaviors to which humans might be prone. Rather, not unlike Valerie Saiving's critique of Reinhold Niebuhr's account of sin,<sup>810</sup> Tinker is drawing attention to the reality that Euro-American understanding of human sin and salvation may not be universally applicable and may in fact cause harm.

Potawatomi author and poet Kaitlin Curtice encourages Christians who wish to do the work of justice to decenter whiteness in their faith by reading and listening to BIPOC<sup>811</sup> perspectives, both Christian and non-Christian, in order to gain a better understanding of the history of colonization and break the Christianity's ongoing commitments to the powers of empire.<sup>812</sup> This engagement with BIPOC thought can help Christians gain historical perspective, illuminating the harms that have been caused by the U.S. empire and the ongoing needs of those most harmed by colonialism. In other words, it can help Christians respond more justly by providing a better understanding of the history that has led to migration, and to Indigenous resistance in the United States. Any Christian response to migration in this context that does not center the perspectives of those most harmed by the sins of the United States will fall short of true reparative justice.

Second, as the church engages in this work of listening, the next step will be, as Curtice argues, to actively decolonize Christianity. This work is undertaken in the spirit of Curran's inclusive church, which is respectful of the domains of others. Further, a

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<sup>810</sup> Valerie Saiving, "The Human Situation: A Feminine Viewpoint," *Pastoral Psychology* 17, no. 3 (1966): 29-42. Saivings argues that the traditional definition of sin as pride does not speak to the situations of people who have historically not been in situations of power. People whose dignity and flourishing is threatened are harmed by theologies that equate sin with pride and self-centeredness because these theologies can discourage self-care, self-assertion, and self-value.

<sup>811</sup> Black, Indigenous, People of Color.

<sup>812</sup> Kaitline Curtice, "Decolonize Your Faith This Lent: A Reading List," *Sojourners*, March 6, 2019, accessed June 1, 2020, <https://sojo.net/articles/decolonize-your-faith-lent-reading-list>.

responsibility ethic suggests that the church must be accountable for the harms it has caused. That is, as we learn to see the harm caused by Christian colonialism, we will need to begin the work of actively disentangling our faith from harmful patterns of thinking, speaking, and believing. For example, Tinker highlighted the way fall-and-redemption Christology has forced Indigenous peoples to internalize a sense of worthlessness or of being less than whiteness. Understanding this encourages Christians to be less universal in their articulations of salvation, and to make space for God's revelation to come from a variety of cultures and take a number of forms.<sup>813</sup> Decolonization calls us to be sensitive to the specific needs of a community and how theology meets or exacerbates these needs. It may be the case that white U.S. Christians have a great need for a deeper sense of our own sinfulness and need for redemption in the form of conversion from a state of participation in social sin. Fall-and-redemption Christology might be one helpful vehicle for white conversion, one way in which encounter with Jesus can, as Niebuhr argues, draw us to conversion from death to life. This does not, however, mean that this Christology can or ought to be universally imposed. Other, culturally appropriate ways of understanding Jesus' salvific action, like traditional ceremonies and beliefs about Corn

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<sup>813</sup> This is not an argument against the universal nature of Jesus' salvific work, but rather a call to humility. We ought to let go of the notion that any one tradition has a monopoly on understanding how this salvation operates and has been offered or revealed to the world in history. In other words, we must remember that God's love and God's offer of salvation are far more expansive than anything we can comprehend or articulate. Niebuhr is helpful here. Aware of the limits of human knowledge, his theocentrism leads him to insist upon the presence of significant insight about God and the Divine nature. Trusting in the sovereignty of the One God ought to lead to an openness to dialogue, not defensiveness. Moreover, this approach leads him to assert that responsibility to God, who is over all things and who created all things, draws us into responsibility to the whole world. Gayle Gerber Koontz, "Confessional Theology in a Pluralistic Context: A Study of the Theological Ethics of H. Richard Niebuhr and John H. Yoder," *The Mennonite Quarterly Review* 61, no. 4 (1987): 414-417.

Mother, ought to be encouraged. We can decolonize by de-universalizing Euro-American ways of believing.<sup>814</sup>

Tinker insists that Christology has direct consequences for our political engagement. Indeed, the connection between theological commitments and political engagement is, in varying degrees, prominent in all the thinkers profiled throughout this dissertation. In general, the entire project of Christian ethics depends, to some degree, on the notion that Christian beliefs can and should be brought to bear on the way people live in the world.<sup>815</sup> Some, like Tinker and Curran, make this more explicit in their work, and outline their understanding of what this means. For others, such as James K. Hoffmeier, this connection is more implicit. Hoffmeier's commitment to a very reductive reading of scripture, his assumptions about details left out of biblical stories (recall that he assumed Joseph *obviously* would have gone through proper legal channels when fleeing to Egypt with Mary and Jesus), and his insistence that being a good Christian is nearly always synonymous with being a law-abiding citizen, are all rooted in particular beliefs about Jesus and about God. Hoffmeier simply does not make this connection explicitly in the same way Tinker does.<sup>816</sup>

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<sup>814</sup> Other theologies, however, might call Christians to more radical decolonization. Both Tinker and Curtice call out the destructive impact of Euro-American Christology in which Jesus's "lordship" has implicitly and explicitly sanctioned colonial conquest and the subjugation of peoples. The harm it has caused might mean its use has expired. BIPOC theologians can help white Christians identify theology which is or has been too harmful to warrant keeping. If we are to partner with migrants in creating U.S. accountability and reshaping the nation's relationships to those it has systematically harmed, we must be willing to stop engaging with theologies that have caused that harm and to find more fruitful ways of understanding who Jesus is and what he calls us to do.

<sup>815</sup> Here, political is defined broadly, encompassing the functioning of the "polis." In other words, political signifies anything having to do with the ways in which people negotiate living in community.

<sup>816</sup> The lack of explicit consideration of his specific Christological commitments and their political consequences is, in fact, one of Hoffmeier's overall weaknesses. From his work, it can be deduced that he considers his approach to be simply biblical, that is, to be taking what scripture clearly offers and drawing from it logical conclusions about human life. Scholars like Tinker and Curran, who dedicate more time to explicitly considering and articulating their theological commitments (and the roots of these commitments)

Hence, what we believe about Jesus influences how we engage with the world. This means that in order to work for justice (for example, justice for migrants), we must turn to Christologies that promote just living and away from those that have supported injustice. Curtice likens this work to pruning a garden, cutting away decay in order to make room for new life to grow. Pruning keeps plants healthy. Likewise, we must prune back harmful or fruitless theologies in order to keep the church healthy. She writes,

The hard work of pruning off the fruitless parts of American Christianity to make way for something new is our current task. It may be our history of racism, our patriarchal power plays, or our blind eye toward the least of these — the poor, widowed, orphaned. Maybe it's lack of care for the earth and creatures on it, or the constant support of companies that take advantage of the earth's resources and the poor communities that have what the rich want. If we are to pave a new way forward for the church, we must make room for the painful work of deadheading. It is messy and uncomfortable, and it takes time for new fruit to be born. Nevertheless, it is necessary for a beautiful plant to grow, for new fruit to make its way into the world.<sup>817</sup>

We must begin to leave behind Christologies that perpetuate or mask harmful political action. It will be long, sometimes painful work. Our attachments to traditional ways of thinking may be challenged. We will need to practice humility as we listen to the perspectives of the people our theology has harmed, and do so without resorting to defensiveness. But our ability to grow new fruit, to do the work of justice Jesus, calls us to and to transform our relationships with those Christianity has helped to harm, this work is necessary.<sup>818</sup>

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are able, in my assessment, to make better, more nuanced proposals for how these commitments ought to influence political engagement.

<sup>817</sup> Kaitlin Curtice, "It's Time to Prune Back the Unfruitful Parts of American Christianity," *Sojourners*, May 8, 2017, accessed June 1, 2020, <https://sojo.net/articles/it-s-time-prune-back-unfruitful-parts-american-christianity>.

<sup>818</sup> Many liberationist, both those profiled in this chapter and those who are not, have taken up similar tasks of deconstruction and decolonization. See, for example, Mary Daly, *The Church and the Second Sex* (New York: Harper & Row) 1968; James H. Cone, *A Black Theology of Liberation* (Philadelphia: Lippincott) 1970; Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation* (Maryknoll, N.Y.: Orbis Books) 1973; Elizabeth Johnson, *She Who Is: the Mystery of God in Feminist*

As we have drawn heavily from Niebuhr and Curran in this chapter and the last, it is worth considering their complicity in the harms Christianity has perpetuated. In general, this dissertation takes the position that all white Christians are in some ways complicit in the harms of white-centric theology. Curran himself acknowledges the omnipresence of white privilege in theology and its effect on his own work.<sup>819</sup> White supremacy and privilege center white experiences, casting them as normative and superior. As such, white privilege has a deep impact on the way theology is approached and understood as a discipline. It shapes our biases, how we evaluate and grant authority to people and ideas, and what we understand to be common sense. For example, Curran notes how for years he unconsciously cast his colleagues and students of color as objects to be helped and himself as the helping subject, and how his “white theology [operated as] the theological standpoint from which all others were to be judged.”<sup>820</sup> This is often insidious and pervasive, and Curran highlights how easy it is to participate in it without being aware. It is, in fact, a facet of white privilege that the prevalence of white supremacy goes unnoticed. It is a privilege of whiteness that theologians like Curran can, as he admits, spend a lengthy career writing about social ethics while barely referencing racism<sup>821</sup> or noticing its impact on the church and theology.<sup>822</sup> While Niebuhr does not take up this topic explicitly, it is consistent with Curran’s account of the omnipresence of white privilege to find Niebuhr vulnerable to critique on such grounds, as well.

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*Theological Discourse* (New York: Crossroad) 1992; Delores S. Williams, *Sisters in the Wilderness: the Challenge of Womanist God-Talk* (Maryknoll, N.Y.: Orbis Books) 1993; Patrick S. Cheng, *From Sin to Amazing Grace: Discovering the Queer Christ* (New York: Seabury Books) 2012.

<sup>819</sup> Charles Curran, “White Privilege,” *Horizons* vol. 32, no. 2 (2005): 363.

<sup>820</sup> *Ibid*, 364.

<sup>821</sup> *Ibid*, 361.

<sup>822</sup> *Ibid*, 362.

Specifically, theological positions that are related to those Tinker and Curtice might identify as problematic can be identified in the work of both Niebuhr and Curran. Curran's use of the notion of redemptive suffering for example, while nuanced, still participates in patterns of thinking that have been used to mollify oppressed people by teaching them that their suffering was proper to Christians and that they would be rewarded in the next life.<sup>823</sup> Similarly, Niebuhr's articulation of sin as a distrustful response to God which causes a selfish turn inward, while very helpful for naming the sins of the United States, still fails to avoid the problems of fall-and-redemption soteriology Tinker names as harmful to Indigenous people.

It is due to the consuming prevalence of white privilege in theological study, and to the lack of awareness of many who—like Niebuhr and Curran—benefit from it, that it is especially important to turn to perspectives like that of Tinker and Curtice. Curran cites the work and influence of theologians such as Shawn Copeland and Bryan Massingale as central to his process of becoming aware of his own limitations.<sup>824</sup> Similarly, the Indigenous and Latinx thinkers profiled in this chapter can help draw awareness to and indict the failings of white theology, as Curtice and Tinker make the problems with Curran's account of suffering and Niebuhr's theology of sin evident. It is, however, also worth noting that Niebuhr and Curran each also begin to push against some of the Christian tradition's more harmful beliefs and practices. In this way, the Indigenous and Latinx thinkers profiled in this chapter complement and expand on Niebuhr and Curran, helping identify what is worth keeping and how their thoughts may be carried forward.

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<sup>823</sup> See, for example, James H. Cone, *The Cross and the Lynching Tree* (Maryknoll, N.Y.: Orbis Books, 2011), 155.

<sup>824</sup> Curran, "White Privilege," 362-363.

For example, Niebuhr prefaces *The Responsible Self* by explicitly de-universalizing Christian experiences and understandings. His own life, he argues, has been conditioned and influenced by his Christian relationship with and understanding of God, but this is “simply part of [his] fate.”<sup>825</sup> He does not place his culturally rooted, Christian experience of God above, for example, a Muslim or Jewish experience.<sup>826</sup> This fundamental openness and humility represents an awareness of his own biases and allows Niebuhr to position himself in a less oppressive way and helps him avoid the recreation of colonialist dynamics. Curran, in his centering of inclusivity and flexibility, intends to be open to and respectful of great cultural diversity within the church, as well as in the world outside of Christianity. These moves position Niebuhr and Curran in opposition to colonialist Christianity which universalizes and oppresses, even as they fail to completely disentangle themselves from it. Responsibility ethics, as a framework, is helpful precisely because it provides space for adapting, for nuancing, or for rejecting that which is harmful. By framing moral action as response, and the trajectory of ethical action as a process of learning in order to respond more fittingly, responsibility ethics invites precisely the process of reflection, repentance, and change that Tinker and Curtice are suggesting.

Moreover, responsibility ethics proposes a two-way-street of evangelization. Niebuhr characterizes responsible action as participation in an ongoing conversation. This conversation is meant to be responsible, accountable, and mutual. Both Niebuhr and Curran remain helpful, then, even as their approaches are open to critique. We can carry

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<sup>825</sup> Niebuhr, *The Responsible Self*, 43.

<sup>826</sup> *Ibid*, 42-45.

forward their commitment to openness and dialogue, centering of relationships, linking of Christian salvation to tangible human liberation, and understanding of discipleship as a radical, communal commitment to participating in the work of God by opposing the ethics of death and the powers of empire that killed Jesus on the cross.

Along with Indigenous theologians, Christians must also learn from Latinx approaches to Christology. Argentinian theologian Marcella Althaus-Reid emphasizes the communal nature of Jesus' development as Messiah. She writes, "Jesus became a messiah walking with poor women, in a dialogical process of popular conscientization."<sup>827</sup> Jesus was born of a woman, in whose womb he was formed and at whose breast he was fed. Moreover, Althaus-Reid argues, his mother was herself nurtured by a community of women. Biblically, for example, she spent time with Elizabeth while both were pregnant, but Althaus-Reid also imagines the community of women in Mary's life who "received the news of future birth in the village; especially in the collective work of preparing clothes and sharing their humble food with the future mother."<sup>828</sup> From the beginning, then, Jesus' life was shaped by a marginalized community, and especially by the women of this community. Moreover, the adult Jesus' ministry includes an ongoing process of becoming, in continued dialogue with oppressed and outcast people.<sup>829</sup> Consider, for example, Jesus' conversation about his identity with the Samaritan woman at the well (John 4:4-26) or the Syrophenician woman, who

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<sup>827</sup> Marcella Althaus-Reid, *From Feminist Theology to Indecent Theology: Readings on Poverty, Sexual Identity and God* (London: SCM Press, 2004), 25.

<sup>828</sup> Althaus-Reid, 25. This imaginative expansion of the biblical text is important. Unlike James K. Hoffmeier, who imposes systematic power unto the text (assuming Joseph obeyed the law when fleeing to Egypt because upholding the law is important to Hoffmeier's understanding of Christian citizenship), Althaus-Reid offers a more authentic expansion of the text, rooted in an understanding of Jesus' birth into a marginalized community and her own contextual knowledge of marginalized women in Latin America.

<sup>829</sup> *Ibid*, 26.

convinces him to expand his understanding of his own mission (Matt 15:21-28, Mk 7:24-29). Throughout the gospels, marginalized people are Jesus' partners in conversation as he works out his own understanding of his role and mission.

Althaus-Reid argues that this process of messianic becoming continues today as Christ is in dialogue with women (and all marginalized people) for whom he becomes savior in concrete and specific ways. This dialogue centers around Jesus' question "Who do you say that I am?" (Matt 16:13-20)?<sup>830</sup> As oppressed people answer this question of who Jesus is as Messiah, rooting their answer in the concrete realities of their lives and their struggle for liberation, they dismantle harmful and closed understandings of Christology, notions which have supported their oppression and barred them from authentic and culturally rooted participation in theological dialogue.<sup>831</sup> Rejecting such a limited and harmful Christology, they "reclaim the freedom of Latin American women to enter into this process too, recreating a new dialogue with Jesus,"<sup>832</sup> one that speaks to their present realities.

Latin American women also turn the question back on Jesus. Althaus-Reid writes, "The basis of [a] feminist and Latina Christological proposal is given by the question that women are now asking Christ," a question which "seeks to initiate a dialogue and not to find a normative reply."<sup>833</sup> In other words, Latina women are asking Jesus who *he* says *they* are too. In this way, the process is truly a conversation. Althaus-Reid articulates

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<sup>830</sup> This connects back to Tinker, who saw the question of who Jesus was to and for Indigenous people as central.

<sup>831</sup> Althaus-Reid, 57-59. This is tied to Tinker's critiques of Euro-American missionary colonialism and its denial of Indigenous people's experiences of divine self-disclosure, and his insistence on the importance of communities reclaiming their own understandings of Jesus (such as his Corn Mother Christology).

<sup>832</sup> *Ibid*, 26.

<sup>833</sup> *Ibid*, 59.

Jesus' identity as something continually forged in an ongoing process of dialogue with the needs and hopes of marginalized people. This ought to shape our understanding of what it means to be a disciple of Jesus. Christians must ask ourselves what it might look like to have our discipleship molded with and by a Christ who is continually formed, for example, in dialogue with migrants. We must understand our own salvation and our participation in God's salvific work as linked to and fundamentally directed by their liberative hopes.

According to José Rodríguez Latinx Christians do not separate Christology and soteriology. Who Jesus was (and is) is tied up in what he did. This is not dissimilar from Niebuhr's account, which characterizes Jesus as the one in whom we encounter transformative salvation and the one who models a new way of being. In other words, Niebuhr understands Jesus through his work. Rodríguez's approach is similar. He summarizes Jesus' work as the bringing forth of God's salvation for the whole of human existence and for all of creation. This salvation Jesus brings is multidimensional, and "for Latino/a theologians in the United States, the Christian message of salvation is fundamentally related to the praxis of liberation and human fulfillment in the various dimensions of daily life."<sup>834</sup>

Building on the work of Latin American, Black, and Asian liberation theologies, Rodríguez outlines a Latinx soteriology which "emerges and is contextually conditioned as an effort to articulate the witness of faith of Hispanic/Latino/a people in their history of struggle and experience of discrimination in North America."<sup>835</sup> Rodríguez identifies

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<sup>834</sup> José Rodríguez, "Shaping Soteriology a la latina," in *Building Bridges, Doing Justice: Constructing a Latino/a Ecumenical Theology*, ed Orlando Espín (Maryknoll, N.Y.: Orbis Books, 2009), 112-113.

<sup>835</sup> *Ibid*, 123.

several distinctive themes that make Latinx Christological work unique. These themes include paying close attention to the popular religious practices of the people (through which their beliefs about Jesus can be seen), the identification of “ghetto crosses”—ways in which Latinx people are “torn by the scorn and deceit of evil forces” in their own communities, and a strong emphasis on the need to radically transform sinful institutions, including the church, in order to anticipate the eschatological reign of God.<sup>836</sup> This identification of Jesus’ suffering with the suffering of oppressed people in history, not dissimilar from both Niebuhr and Curran’s accounts, links the suffering of migrants to Jesus’ death. Jesus’ radical solidarity with migrants and other oppressed people calls the church to radical solidarity with them as well. Moreover, Rodríguez makes especially clear that the sinful institutions which have crucified people include the church. In order to be in solidarity with oppressed people, then, churches must acknowledge this, repent, and commit to doing better before they can begin to dismantle structural sin elsewhere. This will be explored more fully in the ecclesiological discussion below, and made concrete in the proposals of chapter five.

For Rodríguez the primary way Jesus’ redemptive action is engaged in the world is through inclusion in the story. That is, people are led to salvation through finding in the story of Jesus the story of their own redemption, redemption that involves the confrontation of evil that systematically deprives people of their dignity. For example, Rodríguez argues that Jesus’ identity as a Galilean man allows those who are *mestizo* to see themselves reflected in the story, because Jesus’ Galilean identity “mirrors the

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<sup>836</sup> Rodríguez, 124-131.

experience of social and cultural discrimination of Mexican Americans and Latino/as from other cultural backgrounds in the United States.”<sup>837</sup>

As was highlighted in chapter two, Roberto Goizueta focuses on the border as a mythical frontier in the U.S. imagination. His Christology similarly centers on Jesus’ identity as a Galilean border-dweller. He argues that Jesus’ identity establishes borderlands as the privileged locus of God’s revelation,<sup>838</sup> and insists that Jesus’ distinctiveness is central to the Gospel and to the implications of the Gospel in the modern world. Jesus was a concrete human person from a historical borderland, a place of mixed identities, and so “this social, political, religious, and geographical reality takes on soteriological significance as the place that defines the character of the Christian revelation, for the Good News is incarnated in the person of Jesus Christ, Jesus the *Galilean Jew*.”<sup>839</sup> God’s revelation and salvific action in the person of Jesus took place in the midst of outcasts, on the margins. The theological relationship between Jesus’ historical existence as a marginalized, Galilean border-dweller, draws Christian attention to the world’s most vulnerable people, to modern borderland people and marginalized groups. There is therefore a direct connection between the crucifixion of Jesus the Galilean Jew and the suffering of migrants as modern borderland people. Moreover, the resurrected Christ is encountered, Goizueta argued, among those same marginalized people.<sup>840</sup> Linking Jesus’ life and saving work to the struggles of marginalized people, such as migrants fleeing violence and scarcity for which the U.S. is responsible, makes

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<sup>837</sup> Rodríguez, 115.

<sup>838</sup> Roberto Goizueta, “Corpus Verum: Toward a Borderland Ecclesiology,” in *Building Bridges, Doing Justice: Constructing a Latino/a Ecumenical Theology*, ed Orlando Espin (Maryknoll, N.Y.: Orbis Books, 2009), 154.

<sup>839</sup> Ibid, 153.

<sup>840</sup> Ibid 152-155.

clear how a contextual Christology can influence our understanding of how what we say about Jesus leads into how we understand the role and work of Christians. In this way, what was conceptual in Niebuhr and Curran becomes concrete in the experiences of Latinx people. If God incarnated in the midst of the marginalized, in a borderland, and if the resurrected Jesus is found amongst those on the margins today, then that is where Christians are called. The question becomes, how do we, too, join in radical solidarity with those on the margins, that is, with migrants, with undocumented people, with Indigenous communities still struggling under the imperial “thumb” of the United States?

Cuban-American theologian Miguel Díaz offers an account of soteriology rooted in anthropology. Díaz writes,

Salvation cannot be understood in “merely” religious terms, as a divine promise that concerns the world to come, bearing no relationship to the survival of and transformation of the present one. God’s radical activity in the world, *especially God’s presence in Jesus*, where human reality is not destroyed by rather “assumed,” “raised,” “perfected,” and “transformed,” underscores the theological referent of all created and historical reality, as [Karl] Rahner rightly noted, *from this Christological perspective, anthropology is for all eternity theology*.<sup>841</sup>

For Díaz, God’s incarnation into full humanity implies something about God’s deep care for human life. More specifically, God’s incarnation as a Galilean, as a marginalized person of the borderlands, illuminates God’s specific care for those most marginalized by society. This notion links back to Curran’s insistence that Jesus’ full humanity rejects hierarchical dualism between the spiritual and the material. For Díaz, salvation cannot be understood as exclusively religious or spiritual. Rather, it happens within the context of human communities.<sup>842</sup> In fact, he argues that without historical liberation, salvation

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<sup>841</sup> Miguel Díaz, “Outside the Survival of Community There is no Salvation,” in *Building Bridges, Doing Justice: Constructing a Latino/a Ecumenical Theology*, ed Orlando Espín (Maryknoll, N.Y.: Orbis Books, 2009), 105. Emphasis mine.

<sup>842</sup> Díaz, 97.

cannot exist.<sup>843</sup> This is related to Althaus-Reid’s articulation of Jesus’ ongoing messianic becoming, done in conversation with the needs of marginalized people. Díaz insists that the “the survival of particular communities, and all that this implies with respect to social, cultural, gender, political, economic, and religious factors that contribute to or hinder this survival, provides a starting point for envisioning a U.S. Hispanic Catholic soteriology.”<sup>844</sup> Salvation begins in the liberation of oppressed communities.

This communal element is central for Díaz. Jesus’ incarnation as a Galilean was an incarnation into a marginalized *community*. Latinx soteriology, for Díaz, does not conceive of salvation outside of the work of liberation. This uplifts the struggle of Latinx communities. Díaz writes, “Any struggle in favor of the survival of [Latinx] communities...must be seen as more than just a human struggle—it is also an ethical struggle to preserve historical links to the life of God.”<sup>845</sup> Survival, defined as a fullness of being encompassing both physical and cultural survival and, “which depends to a large extent on self-determination and self-identity,” becomes “the key anthropological piece” in the construction of a Latinx soteriology.<sup>846</sup> Specifically, Diaz argues that this links salvation directly to the survival of Latinx identity in the United States in the same way Latin American liberation theologies link salvation to the liberation of oppressed peoples. In this way, Latinx soteriology, as articulated by Díaz, takes up not only a preferential option for the poor but also a preferential option for culture. Diaz explicitly names the U.S. deportation machine as a threat to survival so conceived, especially as it is a threat

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<sup>843</sup> Díaz, 99.

<sup>844</sup> Ibid, 92.

<sup>845</sup> Ibid, 106.

<sup>846</sup> Ibid, 100.

to the stability of the communities and families that make physical and cultural survival possible and which are often one of the most fundamental means by which human being encounter God's salvation.<sup>847</sup> The U.S. deportation system, then, is a threat to God's salvific work, and something with which all Christians should be concerned. As we turn to practical proposals in chapter five, it is important to keep in mind that the protection of migrant communities is salvific.

In this way, Diaz's articulation of salvation helps to direct how Christians ought to be shaped by our own encounters with Jesus' person and saving action, as others above have also done. This ought to influence our posture, thinking, and praxis related to migration in the United States. Diaz argues that Latinx popular Catholicism, with its culturally specific symbols pointing to God's grace in the form of an "intention to preserve and save particular human communities," serves as a reminder that the preservation of particular communities absolutely requires "the transformation of unjust social, economic, political, cultural, racial, and gender experiences."<sup>848</sup> If salvation includes the preservation and liberation of communities, then participation in Jesus' saving work includes work to support the preservation and liberation of Latinx communities in the United States. This is the proper work of all those who follow Jesus. This work, while firmly grounded in the real struggles and successes of communities in the here and now, also necessarily has an eschatological bent. Diaz writes,

What *is* essential is whether or not Latino/a Catholics and Protestants come to a consensus with respect to the *theological* nature of our earthly citizenship. Or, to be more precise, can we see our earthly communal citizenship as an embodiment of our heavenly communal citizenship? Can we understand our temporal efforts to preserve community as being consistent with the eternal plan and life of God?

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<sup>847</sup> Díaz,, 100.

<sup>848</sup> Ibid, 102.

Could we agree that the survival of our particular communal identities is essential because what is at risk is the encounter with God? How we represent that accompaniment is secondary and particular to our distinct religious histories.<sup>849</sup>

To support the survival and liberation of Latinx communities, in other words, is to participate now in the world to come. The Christologies and soteriologies of Díaz, Goizueta, and Rodríguez make clear that justice for migrants, for *mestizo* people, for all Latinx communities, is something that is deeply consistent with the heart and work of Jesus, and is therefore something with which all Christians should be concerned.

From the Indigenous and Latinx perspectives on Christology outlined above, along with the earlier insights from Niebuhr and Curran, a clear picture of the ways in which our beliefs about Jesus can inform our engagement with the world and our responses to migrants emerges. From the particularity of Jesus' life and work, in radical solidarity with marginalized people, several insights can be carried forward into our analysis of ecclesiology. First, the insights of Indigenous thinkers highlight the immense harm overly universalized articulations of Jesus have caused. They offer an indictment of Christianity's failings, and a path forward. With Curran, they call Christians to inclusivity, to openness, and especially to respect of local cultures, traditions, and wisdom. This informs the posture with which we will approach partnership with migrants and Indigenous people. This care for the local is further underscored by Latinx theologians, who connect Jesus' incarnation into a specific, marginalized human life to the realities faced by specific, marginalized people throughout history. Just as Jesus' salvific work took place within the concrete realities of a specific people, so too does our

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<sup>849</sup> Díaz, 104. The term "theological" refers to "the dimension in which a person, because he is connected to reality, is more than himself [sic]." See Ignacio Ellacuría, "Zubiri, filósofo teológico," *Vida Nueva* no. 1249 (1980) as cited and translated in Kevin F. Burke, *The Ground Beneath the Cross: The Theology of Ignacio Ellacuría* (Washington, D.C.: Georgetown University Press, 2000), 31.

participation in that work involve concrete human liberation. Justice for migrants is the saving work of Christ. Finally, Jesus was formed in and by a community, and salvation cannot be understood outside of community. This reaffirms the importance of theology that is authentic to and consistent with specific communities, and for the need for an openness to plurality. Niebuhr argues that Jesus acts in concert with God's will for the world. This will is not a universal, homogenous Euro-American Christendom. Justice begins in the specific lives of communities, and so Christians are called to protect the dignity and specificity of communities. This must inform our response to migrants, who come with all their particularities and cultural traditions, to a nation that too often looks on particularity and diversity with derision and fear.

Further, Jesus' formation in community indicates the importance of community for shaping individuals as disciples. If Jesus' salvific work came out of his formation in a specific community, so too is our discipleship meant to be formed in community. This final point makes clear that in order to more fully discern what practical proposals might be made from these insights, we must turn to a consideration of ecclesiology. The following section outlines Indigenous and Latinx perspectives on ecclesiology in order to build upon the Christological insights and develop a fuller understanding of the role of the church as an institution called to radically love the world and model what community based in love looks like.

#### **4.2.2 Ecclesiology**

As Jesus became Messiah within and through his community, so too are Christians meant to develop in faith together. As we aim to live out the implications of

the contextual Christologies outlined above, we do so as members of various communities, and especially as members of church communities. It is necessary, therefore, to consider how Indigenous and Latinx theologians understand the function and role of church communities, in order to better understand what the role of the church is in forming disciples who love radically and in partnering with oppressed people in their struggles for justice. This section will consider four themes that are common in both Indigenous and Latinx accounts of the church: the centrality of community, the church as storytellers, church in solidarity, and the importance of flexibility.

### 1. *Model Communities*

For Lakota theologian Martin Brokenleg, church is a community we become. He writes, “the original understanding of the *ekklesia*, the church, is that of the community gathered together.”<sup>850</sup> Growing up as a Lakota Christian, Brokenleg’s experience of church was that it was indistinguishable from family. In the Lakota culture, family is understood as *tio’spaye*, which refers to much more than the nuclear family unit. Rather, *tio’spaye* refers to about 250 people across a five-generation span of relatives. Brokenleg’s relatives were all members of the same congregation; his *tio’spaye* was his church community. Moreover, for Brokenleg and his family, the church was a *Lakota church*.<sup>851</sup> Tinker outlined ways in which Euro-American culture has been falsely universalized under the veil of Christianity. Brokenleg is similarly aware and critical of this dynamic. While his Lakota church community originally took on the trappings of English culture, as given to them by the missionaries who planted the church, he reports

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<sup>850</sup> Martin Brokenleg, 133.

<sup>851</sup> *Ibid*, 135-137.

that in recent decades it has begun to reclaim its authentic Lakota identity, putting “on Lakota clothing and concepts, to become incarnate among the People.”<sup>852</sup>

Like Brokenleg, Latino theologian Gary Riebe-Estrella understands church primarily in terms of familial relationships. Drawing on the notion of “*pueblo*,” which can mean both people and town, he conceives of church as a community rooted in a network of relationships that form individual identities. Thus, as with families, church emerges quite naturally out of the relationships of people striving to live as people of God together. Moreover, like families, church communities consist of networks of relationships that form and make claims on us. For Riebe-Estrella, a church is not something a person becomes a part of voluntarily and can depart from whenever convenient, but rather a given reality, something that shapes and is shaped by relationships. He insists that the church’s identity as a people of God is therefore rooted in the concrete lives of specific communities.<sup>853</sup>

Choctaw Episcopal Bishop Steven Charleston also emphasizes how central community is to Indigenous thinking and conceptions of church. Native theory, he argues, is inherently communal in nature. Within this emphasis on personal relationality, Charleston identifies three criteria for Indigenous communication: “accessibility, adaptability, accountability.”<sup>854</sup> Native forms of communication and analysis create space for everyone to participate, and remain highly flexible and open to a variety of interpretations and applications. Perhaps most importantly, though, Charleston argues

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<sup>852</sup> Charleston, “Articulating a Native American Theological Theory,” in *Full Circle: Constructing Native Christian Theology*, eds. Steven Charleston and Elaine A. Robinson (Minneapolis, MN: Augsburg Fortress Press, 2015), 1-5.

<sup>853</sup> Gary Riebe-Estrella, “Pueblo and Church,” in *From the Heart of Our People*, eds. Orlando Espín and Miguel H. Díaz (Maryknoll, NY: Orbis Books, 1999), 173-182.

<sup>854</sup> *Ibid*, 5.

that Native communication is grounded by a strong sense of being accountable to the community. Thus, being consistent with the responsibility framework proposed in chapter three, the criteria Charleston provides gives shape to an Indigenous understanding of right relationships from which the church can learn. The church community ought to mirror “the call of Christ to relationships that do not allow some to “lord it over” others but asks all to be responsible for one another (Mark 10:42-45).”<sup>855</sup> That is, the church community is meant to be one that engages in and models just and mutual forms of relationship. The work of repairing both Christianity’s relationship with the survivors of U.S. imperialism (in whose suffering the church is complicit), and on a broader scale the United States’ relationship with these communities, is the proper work of the church.

Niebuhr and Curran both understand the church to have a specifically public role, interrupting sin and offering the world a better way of living (Niebuhr) and participating in God’s saving action through working for justice (Curran). The above insights on what it might look like for the church to live as community further concretize these insights. Centering relationships and understanding human identity as fundamentally communal is a direct contradiction to and rejection of U.S. individualism, which suggests that everyone is primarily responsible for themselves and that justice is best understood as the protection of individual rights.<sup>856</sup> Such individualism leads to overly simplified understandings of migration that miss the deeper issues of unjust and broken

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<sup>855</sup> Riebe-Estrella, 16.

<sup>856</sup> This point also illustrates the limits of a reliance on human rights language for sufficiently defining justice. While human rights language can be a helpful framework for articulating that which each person may be owed solely by virtue of their humanity, the focus on individual rights is epistemologically limiting and has tended to focus attention inward (*my* second amendment right must be protected). The strength of a responsibility approach is that it draws focus instead to the ways in which justice ought to be framed relationally, rather than individually (we are responsible for keeping each other safe from gun violence, even if that places constraints on our individual freedoms).

relationships. A more relational understanding of humanity can help shift the discourse on immigration towards a consideration of responsibility to these relationships. The church, insofar as it is able to center relational self-understanding and focus itself on just relationships, can model a more relationship-focused practice to the wider United States. In other words, it can model radical love. Charleston insists that Indigenous ways of relating offer a better way forward to the world. By focusing on its own (varied, culturally rooted) resources for relationality, the church can similarly promote a more just way of being, especially within a hyper-individualized context such as the United States. While this ultimately goes beyond Curran's own work, it is consistent with his vision for the church.

## 2. *Storytellers*

The establishment of this communal understanding of church identity raises the question of how, exactly, communal identity becomes known, transmitted, and how it forms people. For Cuban-American theologian Natalia Imperatori-Lee, the church's communal identity is known through narrative, forged through a combination of history, theology, biblical study, and social science, which articulates "what it means to be the people of God."<sup>857</sup> This narrative is not some grand and universal metanarrative, but rather something rooted in the everyday lives of God's people and concerned with the functioning of the church in their lives.<sup>858</sup> The church, then, is a community of storytellers.<sup>859</sup>

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<sup>857</sup> Natalia Imperatori-Lee, *Cuéntame: Narrative in the Ecclesial Present* (Maryknoll, New York: Orbis Books, 2018), 72.

<sup>858</sup> *Ibid.*

<sup>859</sup> Imperatori-Lee's turn to narrative helpfully grounds Niebuhr's work on responsibility, which has at times been accused of failing to adequately include the categories of narrative and community in his account of ethics, thus abstracting moral subjects from their social context. Thomas A. James argues that

Latinx theology, Imperatori-Lee argues, is especially suited to a shift to narrative ecclesiology, a way of doing ecclesiology which centers narrative. Latinx theology is concerned with the story of salvation history as it is encountered in the lives of communities and individuals, not as it can be understood through doctrine alone. This is inherently narrative in form. Moreover, Latinx theology is intentionally collaborative, focusing especially on mutuality and respectful dialogue. In particular, it is committed to making space for the voices of those who are marginalized and have often been left out of theological discussions, particularly in academic spaces. It is, Imperatori-Lee writes, an intentionally and necessarily multicultural endeavor. Ecclesiology, especially understood as a narrative project, will need these skills, particularly if it is to engage justly with a diverse and plural world rather than attempt to homogenize (or remain content with homogeneity). This is especially true if ecclesiology is to offer a helpful framing of justice for migrants, who are, of course, diverse and multicultural. Finally, Latinx theology is especially suited to a narrative approach to ecclesiology in that it commits itself to the importance of the everyday—*lo cotidiano*—and to popular religious practices of everyday practitioners. Understanding both as important sites in which grace is encountered, Latinx theology is intentional about uplifting everyday stories, especially stories of laywomen, as important loci of theological reflection.<sup>860</sup>

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the implicit social theory behind *The Responsible Self*, as well as Niebuhr's more explicit work in *The Meaning of Revelation* do in fact ground his insights in narrative and community, but he does not deny that ecclesiology plays less of a role in Niebuhr's work than in the work of some of his critics. This more explicit turn to consider the role of narrative and how the church can or ought to shape responsible agents, seen here in Imperatori-Lee but also present in the other thinkers profiled in this chapter, strengthens an underdeveloped theme in Niebuhr's work. Thomas James, "Responsibility Ethics and Postliberalism: Rereading H. Richard Niebuhr's *The Meaning of Revelation*," *Political Theology: the Journal of Christian Socialism* 13.1 (2012): 38-40, 52-54.

<sup>860</sup> Imperatori-Lee, 17-18.

Latinx theology takes seriously the belief that revelation occurs in everyday life. As such, there is no other place in which to encounter, welcome, and respond to God's living word. Because of this, people's faith happens primarily in the context of everyday life, expressed in a variety of popular religious practices.<sup>861</sup> For Imperatori-Lee, popular Latinx religious practice and the everyday experiences of Latinx religious people reveal "with particular poignancy the universal truth of God's engagement with a particular set of communities in history—and what is ecclesiology if not the story of that engagement? What is the church if not the community that responds to that engagement?"<sup>862</sup> In particular, we might consider how inclusion of these stories, these everyday experiences of God as articulated in the religious practices of migrants, might influence our process of becoming disciples, how they might shape our participation in God's work. As an important caveat, Imperatori-Lee cautions that Latinx communities are certainly not the only communities in which inculturated popular religious practices play a central role in church life. Rather, it is the identification of these practices as vital for theological study, pioneered by Latinx theologians such as Orlando Espín, that she understands to be a central and unique contribution from Latinx theologies to the church as a whole.<sup>863</sup>

When Jesus sat down at the Last Supper, he told his followers to "do this in remembrance of me" (Luke 22:19). According to Charleston, Native theory frames this request as evidence of Jesus' understanding that his words would become part of his story, through which his followers would find a sense of identity. He insists that

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<sup>861</sup> María Pilar Aquino, "Theological Method in U.S. Latino/a Theology," in *From the Heart of Our People* (Maryknoll, NY: Orbis Books, 1999), 39.

<sup>862</sup> Imperatori-Lee, 21.

<sup>863</sup> *Ibid*, 38-39.

communal identity “originates in memory,”<sup>864</sup> and that Indigenous theology, as with other forms of Indigenous wisdom, has been “undertaken through the medium of story.”<sup>865</sup> Memory, especially communal forms of memory shared most often through storytelling, shapes a community’s understanding of its origins, identity, and vocation. Charleston insists that for the survival and thriving of a community “it is crucial to reenact the story, to bring the old words alive over and over, so that we can remember who we are, live into that memory again, and most importantly, forward the memory into the future, because if we do not, there will be no future.”<sup>866</sup>

The tragic truth, however, is that for many Indigenous communities, these stories have been obscured by centuries of calculated efforts to “civilize” the continent, erasing as many traces of Indigeneity as possible. This was achieved through overt means, such as in boarding schools where Indigenous children were punished for speaking their native languages or dressing in traditional clothing, or in subtler ways, such as the internalization of a sense of sinfulness and the emulation of Euro-American culture Tinker described. Such intentional distortion or denial of the collective memory of oppressed peoples is a strategy of oppression that causes deep harms to the oppressed community.<sup>867</sup> The legacy of such colonialist oppression is “the fracturing of particular communities into pockets of amnesia, the dividing of people into broken fragments of

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<sup>864</sup> Charleston, 10.

<sup>865</sup> Ibid, 4. Here again are echoes of Metz’s dangerous memory.

<sup>866</sup> Ibid, 10. This notion of community identity as formed through narratives resonates with other theological insights. In particular, Johann Baptist Metz’s articulation of dangerous memories which cry out from history to disrupt harmful ideologies and call systems into question certainly resonates with the ways in which the history of U.S. colonialism, especially as told from the perspective of those most harmed, calls current U.S. structures and policies into question. See Johann Baptist Metz, *Faith in History and Society: Toward a Practical Fundamental Theology* (New York: Crossroad Pub. Co.) 2007.

<sup>867</sup> Ibid, 10-11.

what had once been a cohesive community.”<sup>868</sup> Native theory and theology, as a retrieval of traditional stories, wisdoms, and ways of being, becomes for Charleston “a methodology of repair,” and “a project of restoration.”<sup>869</sup>

In highlighting the importance of storytelling for shaping community identity, especially in response to such efforts to rob communities of their traditional stories, Rodríguez and Imperatori-Lee both lift up literature as a proper source for theology. For Rodríguez, literature is significant “as the focal expression of Latin American existential drama in all of its manifold complexities.”<sup>870</sup> Literature is especially important in that it can be a space for expression for “lowercase people,” that is, people who are often not identified as sources of knowledge due to a lack of formal education.<sup>871</sup> In other words, it can lift up stories that have been systematically repressed or erased, like Indigenous stories and traditions have been, and as the realities of migrants often are. For Imperatori-Lee, literature “brings to light divergent strains of popular religious practices, attitudinal shifts in people’s understandings of doctrine, and the reality that all doctrinal expressions, prayers, practices, political stances are culturally bound even as the God that grounds the church and the Spirit that enlivens it are not.”<sup>872</sup> In other words, literature provides a window into the *sensus fidelium*.<sup>873</sup> The church is better able to know God, and to understand God’s salvific work, by coming to know the stories of God’s people, all of

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<sup>868</sup>Charleston, 14.

<sup>869</sup> Ibid, 11.

<sup>870</sup> Rodríguez, 124.

<sup>871</sup> Ibid, 125.

<sup>872</sup> Imperatori-Lee, 52.

<sup>873</sup> *Sensus fidelium* translates to “the sense of the faithful” and refers to the way in which the Catholic “faithful together understand and live the faith.” Maria C. Morrow, “‘Sensus fidelium’: The sense of the faithful,” *Catholic News Service*, 2018, accessed December 27, 2020, <https://catholiccourier.com/articles/sensus-fidelium-the-sense-of-the-faithful>.

which create a piece of the whole story of the church and of God's salvation. Imperatori-Lee understands this total story to be like a mosaic, made up of smaller stories of individuals and communities encountering God in their everyday lives. Moreover, literature contains important insights beyond, but absolutely pertaining to, religious practice. These insights into the inner workings of communities, people's understanding of identity, and the realities of human relationships can, she argues, help the field of ecclesiology and the church better understand both global and local realities. Importantly, as with the Christologies surveyed above, this work is best conducted "from below," starting with people, their experiences, and their stories, rather than beginning from above with doctrine and theory.<sup>874</sup>

Taking the stories of people and communities seriously, Imperatori-Lee writes, allows Latinx theologians to "retell the story of the people of God, not in a definitive way but in a way that attempts to draw together, to synchronize and harmonize" all the pieces of the mosaic into a messy, authentic whole.<sup>875</sup> By centering the stories of particular communities of faith, Indigenous and Latinx theologies draw attention to the particular lives and faith of migrants as an intrinsic part of the Christian story, and to the importance of these stories for shaping Christian identity. That the stories of people oppressed by U.S. colonialism are part of the Christian story, part of the identity of the church, ought to inform the relationship of Christians to the United States and put us in opposition to its forces of empire.

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<sup>874</sup> Imperatori-Lee, 52-53.

<sup>875</sup> Ibid, 53.

Althaus-Reid calls for a methodology of reading texts (defined broadly as written texts, art, culture, tradition, social structures, community stories, etc.) with, rather than for, oppressed people.<sup>876</sup> The way we read can either legitimize existing power structures or interrupt them. Reading with oppressed people helps to sharpen our understanding of and opposition to oppressive structures. Althaus-Reid draws on Paul Ricoeur's notion of reading as "rupture," arguing that this method of reading harnesses the "imagination of a community, in an ongoing process of interpretation of their own faith and everyday reality."<sup>877</sup> Stories, especially those stories which constitute "lowercase" literature, emerging from the margins, can aid in this interruptive, rupturing reading of society, history, and religion. In other words, reading society and history with migrants can aid the church in confirming that U.S. history and policy is sinful and can therefore draw attention to particular injustices in need of repair. In order to partner with migrants, we need to listen to their stories and read with them.

Niebuhr's understanding of responsible moral action highlighted the importance of history and called us not to amnesia, but to remember well.<sup>878</sup> For Anglo-American Christians committed to engaging in more just forms of relationship, awareness of the importance of memory for establishing community identity and of the ways U.S. colonialist action has robbed communities of this important connection to memory means we must take stock of our own story, our full history in all its ugliness. Becoming aware of this history leads to rupture, to the interruption of dominant narratives of Christian and U.S. history. Althaus-Reid highlights the historical mistreatment of women, especially

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<sup>876</sup> Althaus-Reid, 18.

<sup>877</sup> Ibid, 17.

<sup>878</sup> Niebuhr, *The Responsible Self*, 102.

Indigenous women, in Latin American countries, asking, “How have we interpreted Scriptures for the last 500 years, for these women to be reduced to this appalling condition?”<sup>879</sup> In the face of the ongoing harms caused by the historical patterns of colonialism outlined in chapter two, churches must ask themselves precisely this question. How have we been reading Scripture, tradition, theology? How is it that Christian theology and witness have so often supported, rather than opposed, systems that cause so much harm, and what does it look like to take responsibility for that harm? The church is especially called to consider the role Christianity has played in depriving others of their histories. Healing of any kind requires looking at the wound in question.<sup>880</sup> The church must also consider what it could look like to support the efforts of these communities, whose histories and communal stories we helped to squash, to reclaim their traditional stories.

Charleston argues that Native theory turns to storytelling in order to engage in a process of truth-telling.<sup>881</sup> This builds on the notion of stories as interruptive of oppressive structures. It is a direct response to the theft of the communities’ collective memories, part of the restorative project with which he understands Native theory to be tasked. Truth-telling seeks to challenge (rupture) the dominant narratives of oppressive victors by retrieving and telling the too often untold story, “the uncomfortable and even chilling historical reality of the Native experience of conquest, war, and genocide.”<sup>882</sup>

These truths are told “not as an end in themselves, a source for blame, but as a

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<sup>879</sup> Althaus-Reid, 20.

<sup>880</sup> Charleston, 12.

<sup>881</sup> Ibid.

<sup>882</sup> Ibid.

transformative catalyst, a vision of truth that can be brought back into the story of the people, reinterpreted and then used as that memory moves into the future.”<sup>883</sup> For Charleston, truth provides a path to be followed. Living out of shared traditions and collective memory connects past traditions with present experiences in a way that reveals a path forward that is consistent with whom the community has been and intends to be.<sup>884</sup> It illuminates the way towards liberation<sup>885</sup> and seeks to restore “people to the ongoing story of salvation.”<sup>886</sup> Truth-telling, he writes, “announces a new vision of cooperation and justice that has ancient resonance in the memory of not only Native America, but of all societies that have known oppression. In this way, it embraces the vision of Christ for an open and caring community (John 13:34-35).”<sup>887</sup>

In other words, truth-telling is participation in God’s salvific work. It strives to do what Jesus requested of his disciples: to remember in order that the people might have a future.<sup>888</sup> Charleston argues that the conquest of people and continent that robbed so many of their traditional stories and land also created artificial lines and borders between people. The forced movements and separations of Indigenous peoples and the creation of U.S. borders that slice right through traditional Indigenous land was, he writes, a denial of traditional commonalities and shared stories.<sup>889</sup> Recall, for example, how the U.S. action such as Allotment act of 1887 divided up land that had been collectively held by communities and turned it into private property to be bought and sold and attempted to

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<sup>883</sup> Charleston, 12. Also see Metz on dangerous memory.

<sup>884</sup> Ibid, 13.

<sup>885</sup> Ibid, 10.

<sup>886</sup> Ibid, 14.

<sup>887</sup> Ibid, 17.

<sup>888</sup> Ibid, 14.

<sup>889</sup> Ibid.

force an artificial sense of individualism and selfishness unto the community.<sup>890</sup> Telling the truth of what was lost sets a path forward towards justice. It reminds us that the lines colonialist capitalism has drawn between people are not natural, and need not therefore be permanent. The church can envision more radically inclusive ways of being in the world. It is not bound to the categories and patterns of the world, especially not the ones that are harmful and oppressive. This is especially important to understand if the church is going to work alongside migrants and Indigenous people towards a more just and inclusive world.

In this way, Native theory “affirms the claim of Christ that the process of truth will ultimately set us free (John 8:32).”<sup>891</sup> In doing so, this project centers the hopes of specific peoples. For Charleston, this means that Native theory is specifically concerned with the particular hopes of Indigenous communities. This dissertation, of course, is concerned with the concrete hopes of migrants. Justice for migrants, however, is intrinsically linked to justice for Indigenous peoples. As chapter two outlined, the development of patterns of Euro-American colonialism which sought to remove all vestiges of Indigeneity from the continent by means of forced assimilation and violent conquest directly led to U.S. foreign policy which destabilizes other nations for U.S. gain, and to U.S. immigration policy which fails to take responsibility and rather exacerbates harm. Furthermore, many migrants are Indigenous people, driven to migrate to the United States by the same colonialism that stole the Indigenous land that would become the United States. Any attempt to reckon with these patterns of harm and to work for

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<sup>890</sup> Dunbar-Ortiz, 157-159.

<sup>891</sup> Charleston, 15.

reparative justice will therefore necessarily require the involvement and leadership of Indigenous people as well as migrants.

This project has also concerned itself with Indigenous history and Euro-American injustices against Native nations and communities in order to problematize the very conceptual basis from which the right of the U.S. government to dictate who may inhabit this land and under what conditions is built. Any argument for the rights of nations to control their borders must contend with the reality that those nations have often gained control of their land through incredibly violent and unjust means. The building of a more just world in which past and ongoing harms are repaired through the creation of tangible accountability is a project that includes but extends beyond specific consideration for just and humane migration policy. Justice requires a complete reimagining of global relationships. This means understanding the many links between systems of injustice (chapter two also briefly considered, for example, how the history of chattel slavery, anti-Blackness, and the continued exclusion of Asian people from U.S. society connects to the same colonialism that harms Latin American nations, migrants, and Indigenous peoples).<sup>892</sup> While this dissertation seeks specifically to outline a response to migration in the United States, it does so in the awareness that this project must always be tied to concrete, reparative justice for Indigenous peoples. Therefore, while the proposal of specific reparations for Indigenous communities is beyond the scope of this project, the insights, wisdom, and specific liberative hopes of Indigenous peoples remain relevant.

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<sup>892</sup> This chapter, and indeed the entire dissertation, is unable to contend fully with all of these inter-related forms of systematic harm. The focus on migrants and Indigenous peoples is meant to provide a workable scope for this project, not imply that the harms done to other groups by the United States are any less real, important, or related. Indeed, migrants and Indigenous people can be and are Black, Asian, queer, etc. These intersections are vital to keep in view.

Ecclesiologicaly, this means that the salvific hope in which the church believes and participates cannot be understood outside of the specific hopes of marginalized peoples. Charleston insists that hope becomes particular and concrete in these specific liberative hopes of marginalized and oppressed communities.<sup>893</sup> For the U.S. church, this includes the hopes of migrants and of Indigenous communities. This is consistent with the account of Christology outlined above. Jesus' life, ministry, and salvific work began within a specific marginal community and was rooted in that community's particular struggles and hopes. The work of the church to participate in salvation, then, must be rooted in the specific hopes of communities seeking liberation. This means that the church can fulfill its call to participate in God's saving action by supporting and partnering with these communities in their work for justice.

Native theory, in its retrieval of Indigenous memory, centers the "we," rather than the "I," in its analysis of all matters social, economic, and spiritual.<sup>894</sup> Furthermore, it does so, as we have seen, with a particular emphasis on just communal relationships by striving for accessibility, adaptability, and accountability. In its resistance to artificial divisions, vision of just communities, and commitment to leaning into ambiguity, Native theory offers to a world broken apart into "hostile bunkers of religious intolerance, all competing for dwindling resources with no plan for peace other than preparing for war," another option, a "vision of global community" rooted in the "pragmatic experience of liberation from conformity."<sup>895</sup> This, Charleston insists, "is a vision for what the

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<sup>893</sup> Charleston, 17.

<sup>894</sup> Ibid, 15.

<sup>895</sup> Ibid, 24.

Christian community can be.”<sup>896</sup> That is, it offers to the church and to the world a new way of living, a vision for community and relationships that is not the dominant image of U.S. capitalism. In this way, it offers concrete insight into what radical love looks like. Native theory calls the church to embrace “the mysterious ways of God” that have always moved beyond the boxes human beings have tried to place around God. Living into this reality encourages humility and flexibility and calls the church to embrace diversity rather than encourage conformity, all of which will be vital if the church is to engage in work for justice and the dismantling of empire.<sup>897</sup>

This re-emphasizes the importance of understanding justice as an inclusive, multidimensional project and underscores why reparations for Indigenous communities (and for people who are Black, Asian, queer, etc.) are directly tied to justice for migrants. The vision Native theory offers to the church is inclusive and plural. It rejects the separations of people into the categories and boxes imposed by Euro-American colonialism and unites people in interrelated projects of liberation. Offering a similarly inclusive vision of justice, Imperatori-Lee argues that Latinx theology is “simultaneously a narrative of liberation (of oppressed and marginalized Hispanic persons in the United States) and one of resistance to the brute forces of assimilation and the erasure of difference that tend to dominate U.S. culture.”<sup>898</sup> This is resistance to and liberation from the colonialist patterns of erasure and assimilation outlined in chapter two. Imperatori-Lee suggests that “the church should be a place where our individual and communal

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<sup>896</sup> Charleston, 25.

<sup>897</sup> Ibid, 23-24.

<sup>898</sup> Imperatori-Lee, 20-21.

stories are heard, retold, celebrated in the telling and retelling of the story of Christ's Incarnation."<sup>899</sup>

This draws us back to truth-telling as a primary task of the church.<sup>900</sup> Historical narratives, especially those that interrupt harmful ideologies and dominant narratives, can "help ecclesiologists shape a vision of what is possible in the church in light of what has taken place in the past. History can preserve dangerous memories and thereby foster alternative tomorrows for the church."<sup>901</sup> Moreover, this brings to light another dimension of this characteristic: a truth-telling church must always also be a listening church. Recall Curran's conciliar insistence that the whole church is always both a teaching and a learning church. Imperatori-Lee argues that listening to stories, especially the stories of those most often forgotten and marginalized, allows the church to gain a better, more nuanced understanding of the identity and history of the whole church, rather than the narrow narrative that results from universalizing certain experiences.<sup>902</sup>

Similarly, Curtice cautions against our often too-quick impulses to action. In our effort to provide answers and do the work of justice, we too often forget that some of the most important, as well as the hardest, work we can do,

is the act of listening, of learning, of walking beside instead of charging ahead... We can learn a lot from listening. We can learn a lot from quiet prayer. We can learn a lot by becoming people who walk alongside those we say we are working so hard to care for. And while we walk beside them, we can practice respectful silence, so that as we move forward we might better know how to care for them. We might better know what it was like for Jesus to care for people.<sup>903</sup>

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<sup>899</sup> Imperatori-Lee, 72.

<sup>900</sup> To call the Church to the task of truth-telling is, importantly, not to establish the Church as arbiter of or final authority on truth. This is why listening is key.

<sup>901</sup> Ibid, 56. For a full exploration of dangerous memory, see Metz, *Faith in History and Society: Toward a Practical Fundamental Theology* (New York: Crossroad Pub. Co.) 2007.

<sup>902</sup> Ibid, 39.

<sup>903</sup> Kaitlin Curtice, "Dear Church, It's Time To Listen," *Sojourners*, May 25, 2017, accessed June 3, 2020, <https://sojo.net/articles/dear-church-it-s-time-listen>.

In conversations with Latinx and migrant community activists and in listening to the voices of Indigenous people, a common theme arises: progress ought not to be undertaken for its own sake. Rather, we must ask whose progress we are fighting for. The specifics of the vision of the future towards which the church aims matter, as do the origins of that vision. Too often U.S. visions of progress, driven by a capitalist, neo-colonial quest for dominance and profit, have come at the expense of marginalized people, even when they have been well intentioned.<sup>904</sup> The church must consider how we can make space for oppressed communities to envision their own liberation and support them in that work, rather than try to lead or impose our own visions of progress onto them.

For Charlestone, it is important to highlight that this work can and “must be undertaken by both Native and non-Native people together.”<sup>905</sup> Moreover, he insists that “Christianity in the Native story is not consigned to being part of the problem, but that it can actively become part of the solution.”<sup>906</sup> Rather, he argues that Native theory offers a vision for the world that aligns with and embraces the vision of an open and loving community that Jesus taught and lived.<sup>907</sup> Native theory calls people to “take responsibility for their actions, not in theory but in practice.”<sup>908</sup> If this is taken seriously, it provides direction to the church. The church is called to take responsibility for its history of colonialism and its continued participation in ongoing harm. This responsibility

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<sup>904</sup> Consider, for example, Senator Henry Dawes’ concern that Native people were not “selfish enough” and were therefore unable to progress as they “should” (see chapter two).

<sup>905</sup> Charlestone, 13.

<sup>906</sup> *Ibid.*

<sup>907</sup> *Ibid.*, 17.

<sup>908</sup> *Ibid.*, 18.

is not simply words or internal reckoning, but necessarily includes reparative action. Chapter five will consider what forms such action might take.

It is important to emphasize that this responsible action, the proper work of the church, puts churches in direct contradiction to the dominant narratives of both the United States and much of the world. The church is not meant to conform to the ways of the world. Recall that Goizueta argues that the church, in so far as it is working for God's Kingdom, will regularly find itself in conflict with the world, particularly with modern empires.<sup>909</sup> In a nation where the partnership of church and state has supported colonialism and caused such widespread harm, this insight is especially vital. The church must be prepared to be in conflict with the world.

### *3. Solidarity*

Further highlighting the importance of stories, Goizueta argues that the lived faith of Latinx people helps to make ecclesiology more historically rooted “through a retrieval of the intrinsic connection between Christology and ecclesiology.”<sup>910</sup> His Christology, as articulated above, pays particular attention to the Incarnate Christ as a person who lived a historically marginalized, borderland human life. For Goizueta, the character of God's historical incarnation into the margins also means that the people of God are called to fundamentally identify with those who are oppressed. Recall that Jesus' incarnation is part of his radical love; he loved the world so much he entered fully into it. Such solidarity with oppressed peoples is, therefore, the third theme.

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<sup>909</sup> Goizueta, 143-166.

<sup>910</sup> *Ibid*, 145.

Latinx experiences of oppression can help to concretize the idea that the church is a relational people called to be in the image of a relational God through the work of radical love. The people of God, so conceived, will always understand and “[constitute] itself over against a dominant other.”<sup>911</sup> Moreover, this will call the church into “conflict and confrontation” as it resists the forces of sin in the world.<sup>912</sup>

Althaus-Reid calls the church to a task she calls “walking with women serpents.”<sup>913</sup> This language is rooted in two methodological shifts that call for theologians to take seriously women’s *caminata* (literally “walk,” this word here is used to signify women’s “style of ‘doing’ theology in a community process or ‘walk’”<sup>914</sup>) and to understand theology as “a creative path of acting and reflecting about the presence of God in our lives.”<sup>915</sup> It is further a reference to the Mexica goddess Cihuacóatl (the serpent woman). In this tradition, women held official roles in the temple, and the serpent was a symbol of union with God and of wisdom. The language Althaus-Reid uses is therefore an homage to Latin American women, meant to signal a fundamental siding with them. It is a move of solidarity, and Althaus-Reid calls the whole church to this walk.<sup>916</sup> Walking with women serpents means letting “Otherness take the lead for a

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<sup>911</sup> Goizueta, 145-146.

<sup>912</sup> Ibid, 146. It is important that this is not understood as conflict for conflict’s sake. The idea that Christian faith calls us into some form of conflict with the world has been taken to sanction all manner of harmful behavior, such as resistance to “worldly norms” like the affirmation of LGBTQ people. The exaggerated sense of Christian persecution in the United States that exists in some circles of Christianity is also an example of this problem. To avoid these pitfalls, the call to resistance to the anti-kingdom must be rooted in Jesus’ identification with those on society’s margins and his deep concern for the material realities of people’s lives. In other words, it must be rooted in a Christology from below. Goizueta further clarifies this point by arguing that the church becomes a crucified people, suffering in and with Christ, by placing itself on the side of the oppressed, that is, by standing (and possibly suffering) with those the world crucifies.

<sup>913</sup> Althaus-Reid, 18.

<sup>914</sup> Ibid, 12, fn 1.

<sup>915</sup> Ibid, 12.

<sup>916</sup> Althaus-Reid, 19.

while, to teach us something new, and...to share with us the experience of...losses suffered at the hands of the European conquistadores.”<sup>917</sup> Walking in solidarity, then, is deeply tied to the call to be a listening and learning church.

To be in solidarity with Latin American women, Althaus-Reid argues, we must listen to their stories, to their experiences, to the uncomfortable truths of history.<sup>918</sup> This means listening to migrants, hearing their stories, taking seriously their reasons for coming to the United States and what those reasons indicate about this country. This is especially true of listening to the reasons some migrants cross the border undocumented, which can illuminate ongoing failures in the U.S. immigration system, to which we must respond from a place of solidarity with them rather than with the powers that oppose them. Neutrality, Althaus-Reid insists, is a myth in service of the status quo.<sup>919</sup> Walking in solidarity means choosing a side. We cannot claim to be in solidarity with someone and not oppose that which harms them. While Christians ought to respect the humanity of every person—migrant, border patrol, ICE agent, politician, concerned citizen—we are called not to neutrality but to solidarity with migrants, with whom Jesus lived, died, and resurrected in radical solidarity.

Above, we considered how Curran’s Christology, while fundamentally inclusive, still conceives of Jesus as a victim of empire, put to death by the same systems of sin that oppress and crucify people to this day.<sup>920</sup> Curran argues that this radical act of solidarity

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<sup>917</sup> Ibid.

<sup>918</sup> Ibid, 16.

<sup>919</sup> Ibid.

<sup>920</sup> Chapter three noted that Jesus’ inclusivity still prioritizes the inclusion of marginalized people and the meeting of their needs. This, then, is a radical inclusivity that still has criteria. Or, perhaps more to the point, Jesus’ inclusivity comes with responsibility for the creation of just relationships by prioritizing the needs and interests of those who have been marginalized and oppressed.

on the part of Jesus calls us to solidarity with the victims of this oppression throughout history. Althaus-Reid's Christology calls us to a discipleship of becoming, in which participation in God's salvific work required a process of joining Christ in dialogue with oppressed people, whose struggle for liberation can direct our understanding of salvation. Listening to the stories of migrants and entering into radical, non-neutral solidarity with them is part of what this discipleship looks like, and it is what the church is called to do.

Thus the role of the church, as it positions itself on the side of the oppressed and in opposition to the dominant, will be to stand in contradiction to the United States' history of unjust relationships and its continued failure to take responsibility for its actions. The church, Goizueta argues, is a sacrament of the Reign of God. It is called to signal God's coming reign. This "demands a practical commitment to *be* what we already *are* by virtue of God's creative-salvific activity in history," that is, his radical act of love that took the form of an incarnation directly into the margins.<sup>921</sup> To "be what we already are" is to be the Body of Christ, which means living into the connection between God's people and Jesus' crucifixion by seeking out "the crucified peoples of our world" and living in active solidarity with them, just as Jesus did in his life and his death at the hands of his oppressors.<sup>922</sup> Just as Jesus' incarnate body fully sided with the oppressed, even unto death, so too must his body as the church. This is what it means to constitute ourselves as people of God in contradiction and opposition to dominant and sinful forces and in solidarity with those who are oppressed, to live true radical love. The church's very identity is meant to be forged in solidarity with crucified people, in radical

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<sup>921</sup> Althaus-Reid, 147.

<sup>922</sup> Ibid, 150.

opposition to the forces that oppress them. The following chapter will consider what this contradictory stance might entail.

#### 4. *Flexibility*

Imperator-Lee argues that by focusing on the everyday stories of encounters with God and practices of faith and discipleship, Latinx theology “challenges the church to broaden its notions of holiness, the role of the laity, and particularly the importance of women in the interpretation and transmission of the faith.”<sup>923</sup> Consistent with Curran’s vision for the church, this challenge to broaden our understandings leads directly to our fourth and final ecclesiological theme: flexibility. Goizueta’s insight about Jesus’ borderland particularity calls the church away from the rigidity of U.S. Christianity and into new ways of being, particularly influenced and led by popular religion of those who inhabit borderlands. The church, he argues, is being increasingly shaped by grassroots communities of faith, found especially in society’s margins. Jesus’ historic particularity can “ground an ecclesiology racially and culturally in the experience of those marginalized people.”<sup>924</sup> The hybrid, *mestizo* culture of this land is precisely where God’s self-disclosure takes place in the person of Jesus, a Galilean Jew. Moreover, according to the Gospel of Matthew, it is where the disciples gather in the wake of his death and resurrection. In other words, this marginal borderland, among oppressed and crucified people, is where the *ekklesia* begins.<sup>925</sup> For Goizueta, this means that the church is

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<sup>923</sup> Imperatori-Lee, 39.

<sup>924</sup> Ibid, 153.

<sup>925</sup> Ibid, 154.

“intrinsically a borderland church, born in the midst of multiple cultural, racial, and religious influences.”<sup>926</sup>

Galilee, as a mixed and plural borderland and home to marginalized people, defines the identity and self-understanding of the church. Drawing a connection between the hybrid religious practices of the people of Galilee and the popular religion of Latinx people of faith, Goizueta concludes that popular religion is therefore at the heart of what it means to be church. This form of lived religiosity is deeply flexible and hybrid. It is primarily lived out in the everyday lives of people who are often less than concerned with doctrinal continuity and strict adherence to creeds, people whose very reality and identity is often mixed and liminal—*mestizo*.<sup>927</sup> In fact, Goizueta argues that an accurate account of Christian history shows “a fluid, dynamic panoply of religious practices that include but go beyond the ‘official’ practices of the church.”<sup>928</sup> All of this highlights an inherent openness as proper to the church. Latinx cultures, in which more porous understandings of boundaries and comfort with hybridity are prominent, therefore have much to offer the wider church to help it embrace flexibility, plurality, and openness.<sup>929</sup>

Goizueta concludes that “the church will remain a vital, credible sacrament of the reign of God to the extent that the church identifies itself with women, children, and men who are the privileged witness to the crucified and risen Christ”—that is, people of the borderlands.”<sup>930</sup> Migrants, then, have much to offer not only the United States, but the church specifically, and they are those with whom the church is called to identify.

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<sup>926</sup> Imperatori-Lee, 155.

<sup>927</sup> Ibid, 155-158.

<sup>928</sup> Ibid, 161.

<sup>929</sup> Ibid, 162-163.

<sup>930</sup> Ibid, 163.

Moreover, Goizueta's articulation of the "borderlands as privileged ecclesial location, a privileged place for being church,"<sup>931</sup> offers vital tools for moving forward as a church committed to justice for migrants. Churches committed to building mutual, just relationships with migrants (and with Indigenous people) will need to make space for a diversity of culturally rooted religious practices and beliefs, even when they differ (or contradict) with those more common in U.S. churches. True communion with those who U.S. imperialism has shoved aside and exploited will be messy and vibrant and mixed. It will be hybrid. Goizueta identifies a certain rigidity in U.S. church culture, a rigidity which is evident in the history of U.S. colonialism and the need to conquer and Christianize the world. Anglo-American U.S. churches, then, will need to learn and embrace a more flexible way of doing and being church in order to fully engage in this communion. Furthermore, as Tinker articulated, the United States has a long history of separating people from their traditions and denying the validity of their cultural wisdom and expressions of faith. Any attempt to establish accountability and mutuality in these relationships going forward will require not only repentance for this history, but also a change in behavior going forward. This means respecting and learning from the unique insights of migrants and BIPOC Christians and non-Christians.

An open, hybrid church comfortable with a multiplicity of faith expressions lives in direct contradiction to the colonialist interests and behaviors of the United States. This does not mean there are no limits to such multiplicity. Complete relativism is a threat to justice. As an extreme example, expressions of faith that align with white supremacy should not be something to which churches are open. Rather, in contrast to the

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<sup>931</sup> Imperatori-Lee, 163.

Christianity of colonialism, which takes Euro-American cultural expressions of faith as its normative criteria, a more open, hybrid church will find normative criteria that make space for a variety of cultural realities. Such criteria will be rooted in the (biblically-based) relational understanding of justice outlined in chapter three, and in contextual accounts of Jesus' life and ministry such as those profiled above, not in any particular cultural trappings. The contours of Christian faith, by which we can claim commonality amidst diversity, will be shaped by biblical justice and the example of Christ, not colonialist expressions of civility. Flexibility, so conceived, is therefore the proper posture for a church called to form itself in contrast to dominant powers of sin.

Goizueta is not alone in highlighting the need for flexibility. In calling for ecumenical consensus on understanding "earthly communal citizenship as an embodiment of heavenly citizenship" in which we strive to live into the eschatological future we proclaim, Díaz cautions that such work will raise "ancient questions" upon which we have long disagreed.<sup>932</sup> Latinx hybridity, he argues, can help teach churches to live in the ambiguity of our disagreements and foster new approaches to living as communities of faith. Imperatori-Lee argues that all "epistemological presuppositions, like any knowledge, are culturally bound."<sup>933</sup> Similarly, Althaus-Reid insists that "Any attempt to produce a liberating theology needs to consider how knowledge is invented, and why and how certain ideas become paradigms, while others do not."<sup>934</sup> Such an examination of the roots of theological knowledge, of how ideas about Jesus, God, and the Church come to be considered canon, is a fundamentally destabilizing project. It

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<sup>932</sup> Díaz, 104.

<sup>933</sup> Imperatori-Lee, 22.

<sup>934</sup> Althaus-Reid, 16.

requires asking uncomfortable questions about our own assumptions and commitments, theological and epistemological.

Further, Althaus-Reid names subversion as an important tool for walking with Otherness. We have explored above some of the ways this subversive interruption of status quo and established epistemological paradigms is vital to being church, especially in the United States, where Christianity has too often supported systems of sin. Althaus-Reid cautions that this methodology of subversion will “make our theology vulnerable” by moving it beyond the language and concepts that are familiar and comfortable.<sup>935</sup> Flexibility can help us weather this vulnerability and embrace it as a strength, not a weakness. Such vulnerability is what will allow us to grow, to change, to do better. Subverting the mythology of the United States through truth-telling, for example, may make us vulnerable as we reckon with unlearning what we have been taught. Deconstructing harmful theology and mythology may lead, for a time, to instability. This reckoning is, however, also what allows for more just, responsible action. The subversion of false myths allows truths to break free—truths, for example, about why people migrate. By responding to these truths rather than to the mythologies that cast immigrants as threats, we can therefore begin to respond better. In other words, subversion is a necessary element of the responsibility ethics framework outlined in chapter three, and fostering flexibility in our communities can prepare us for this work.

Curtice also calls the church to flexibility, and to learning from those who have been marginalized, oppressed, and left out by U.S. imperialism and U.S. Christianity. She calls us to learn from the insights of Native thinkers and to follow their lead in

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<sup>935</sup> Althaus-Reid, 20.

deconstructing the doctrines, teachings, and practices in our churches that perpetuate injustice.<sup>936</sup> In doing so, Curtice warns, we must be willing to ask difficult questions about what we have been taught by both the church and the United States.<sup>937</sup> For Charleston, adaptability was one of the tenants of Native theory he offered for helping the church envision a better future. He insists that in ambiguity, we encounter the edge of imagination.<sup>938</sup> Leaning into the discomfort of the ambiguous helps us imagine what is possible, not based on what the world has told us, but based on the vision and promises of God. Native theory emphasizes a lack of certainty as being proper to humanity and especially to Christianity<sup>939</sup> This serves an important function in breaking down U.S. myths of certainty and control that undergird U.S. colonialism and contribute to anti-immigrant sentiments. Moreover, learning to lean into ambiguity in this way is consistent with Niebuhr's articulation of salvation as "deliverance from deep distrust of" God.<sup>940</sup> Similarly, Curran highlights that it is God who makes the first salvific step towards humans, and that discipleship is only possible because of God's gracious call. Discipleship, then, requires trust. Leaning into profound trust in this way can help Christians let go of the myth of certainty and learn instead to be flexible.

The perspectives outlined above highlight the importance of the *locus theologicus*. Because these thinkers explicitly do theology from their particular contexts and sociopolitical locations, their theological accounts are particularly thick. As such,

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<sup>936</sup> Curtice, "Is The Work of Deconstruction Violent or Fruitful," and Curtice, "Decolonize Your Faith This Lent: A Reading List," *Sojourners*, March 6, 2019, <https://sojo.net/articles/decolonize-your-faith-lent-reading-list>.

<sup>937</sup> Curtice, "It's Time to Prune Back the Unfruitful Parts of American Christianity."

<sup>938</sup> Charleston, 23.

<sup>939</sup> Ibid.

<sup>940</sup> Niebuhr, *The Responsible Self*, 142.

they are able to provide accounts of what it means to be church that expand beyond Niebuhr and Curran, and they have helpfully fleshed out what radical love might entail. It is only this sort of rich, contextual ecclesiology that can break through the homogeneity of colonialist, Euro-American Christianity and move us towards a more just world.

### 4.3 CONCLUSION

Imperatori-Lee argues that Latinx theology invites readers out of their own experiences and into the world, allowing the stories of others to spark insights that shape and reshape our understanding of church.<sup>941</sup> Similarly, Indigenous theologians like Tinker offer perspectives on Christian history and theology that often go unnoticed and with which all Christians must contend. Drawing especially from Indigenous and Latinx thinkers, this chapter has outlined how Christologies that take seriously the particulars of Jesus' earthly life can begin to shape an understanding of discipleship that draws Christians into transformative relationships with those on the margins, based in radical love. This reflects the accounts of responsible discipleship provided by Niebuhr and Curran. These contributions extend beyond Niebuhr's and Curran's foci however. Grounded in specific contexts of marginalization, they are able to provide insights into Jesus and discipleship that are beyond the more theoretical accounts of Niebuhr and Curran. These thinkers challenge the limits of white theological approaches and move

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<sup>941</sup> Imperatori-Lee, 72.

Christian discipleship closer to the lived experience of Jesus, the marginalized Galilean border-dweller.

The chapter has also considered how Indigenous and Latinx ecclesiology can inform our understanding of how that discipleship is best lived out in the church, outlining the themes of community, truth-telling, solidarity, and flexibility. These accounts were similarly thick and rooted in particular contexts of oppression at the hands of U.S. colonialism, and as such provide a path toward accountability, reparations, and just relationships. These insights into the proper role of Christians and the church provide a theological basis that directs the practical proposals of the final chapter.

## 5.0 A CONSTRUCTIVE PROPOSAL FOR BUILDING JUST, RESPONSIBLE RELATIONSHIPS

From April 2016 through February 2017, several camps constructed north of the Standing Rock Indian Reservation in order to halt the construction of the Dakota Access Pipeline (DAPL) became the site of the largest movement of Indigenous resistance in the twenty-first century. In *Our History is the Future*, Oceti Sakowin scholar Nick Estes highlights the historical roots and future-oriented nature of this movement. The events at Standing Rock, Estes argues, were “the most recent iteration of an Indian War that never ends.”<sup>942</sup> The building of a pipeline that endangers Indigenous lives and denies Indigenous sovereignty, the location of which was intended specifically to avoid interrupting white neighborhoods, is an outgrowth of Manifest Destiny and the frontier myth. The highly militarized and violent responses of DAPL and of the South Dakota government to the Water Protectors fits into the patterns of U.S. colonialism outlined in chapter two.

The connections Estes draws between history and this movement do not, however, revolve solely around patterns of colonial aggression. Rather, he connects the work of the Standing Rock Water Protectors to the longstanding history of Indigenous resistance to U.S. colonialism. Chapter two gestured towards this history of resistance, which Roxanne Dunbar-Ortiz credits with making possible the continuation of Indigenous existence and ways of life to this day. Estes agrees, arguing that “Indigenous

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<sup>942</sup> Nick Estes, *Our History is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (London: Verso Colophon, 2019), 10.

resistance draws from a long history, projecting itself backward and forward in time.”<sup>943</sup>

He elaborates, writing,

Karl Marx explained the nature of revolutions through the figure of the mole, which burrows through history, making elaborate tunnels and preparing to surface again. The more dramatic moments come when the mole breaks the surface: revolution. But revolution is a mere moment within the longer movement of history. The mole is easily defeated on the surface by counterrevolutionary forces if she hasn't adequately prepared her subterranean spaces, which provide shelter and safety; even when pushed back underground, the mole doesn't stop her work. In song and ceremony, Lakotas revere the mole for her hard work collecting medicines from the roots underfoot. During his campaign against US military invasion, to protect himself Crazy Horse collected fresh dirt from mole mounds. Because he knew it to contain medicines, he washed his body with the dirt. Hidden from view of outsiders, this constant tunneling, plotting, planning, harvesting, remembering, and conspiring for freedom--the collective faith that another world is possible--is the most important aspect of revolutionary work. It is from everyday life that the collective confidence to change reality grows, giving rise to extraordinary events.<sup>944</sup>

While direct actions like demonstrations and legal action against DAPL brought the most media attention to the cause, there was another side of the work being done at the camps, less visible but just as important. Every day, people in the camps undertook the vital tasks of caring for one another. Estes reports that camp members provided nourishment, encouragement, friendship, songs and stories, and love. This, he says, is the primary work of the mole, the work of Indigenous resistance tunneling through history and sustaining Indigenous communities.<sup>945</sup>

Estes' articulation of the Standing Walk Water Protectors, and of Indigenous history more broadly, focuses on a history of relationships. By focusing on relationships, he argues, “we can see that Indigenous history is not a narrow subfield of US history,”

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<sup>943</sup> Estes, 18.

<sup>944</sup> Ibid, 18-19.

<sup>945</sup> Ibid, 19.

but rather that “Indigenous people are central subjects of modern world history.”<sup>946</sup> This in itself is radical, especially in a society that has historically centered the stories of white, Anglo-European “victory.” It also allows Estes to center the patterns of continual Indigenous resistance to ever expanding and adapting patterns of colonization. The history of the United States becomes not simply a story of U.S. expansion and domination of the continent, but a story of the people with another, older claim to that continent and their resistance to colonization, even in the face of near annihilation.<sup>947</sup> By centering these stories, Estes is able to show how the movement that came up from beneath the ground at Standing Rock in 2016 was one that looked backward and forward. It looked backward to find strength and vision, and it looked forward with that vision to see what the world could be if Indigenous liberation was won.

Estes’ work can help direct the practical proposals of this chapter, which ought to similarly look backward and forward. People have been fighting against U.S. colonialism and the U.S. immigration system since the beginning of the United States. Most of these resisters have been marginalized people most harmed by these systems. Recognizing that this fight is not new, honoring those who have come before, and drawing on their vision for liberation to guide us into the future will help ground our work for justice going forward.

On one level the dissertation’s findings suggest the need for a significant conceptual shift regarding U.S. history and migration in churches, as well as in the broader nation. There is simply no way to create stable change without changing the

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<sup>946</sup> Estes, 21.

<sup>947</sup> Ibid.

narratives we tell and undercutting the harmful national myths that have generated and upheld our policies. Like Estes and Dunbar-Ortiz, Law professor and immigration lawyer César Cuauhtémoc García Hernández highlights the importance of understanding history in order to forge a better path forward. In his book, *Migrating to Prison*, he acknowledges the difficulty of imagining a U.S. immigration system not dependent upon detention. Justice, however, demands that we do imagine such a future, and that this reimagining be grounded in a fuller understanding of the history of immigration detention and its impacts on migrants.<sup>948</sup> Change of this nature will, however, take time, and the people who have migrated or who need to migrate cannot afford to wait. This dissertation therefore also considers the actions that can be taken now to disrupt harmful, dehumanizing policies. How can Christians begin to take responsibility and offer reparations for the causes of migration? This chapter proposes three areas of application at levels of conceptual shifts, practice, and policies.

At the level of conceptual shift, there is also a broader need to reframe the way U.S. citizens think about immigration and about the people who cross the U.S. border. Moreover, this conceptual shift will necessarily include (or bring about) changes in policy, or in policy advocacy. This chapter ends by outlining some basic contours of what more just immigration policies should look like in order to guide Christians as they consider what sorts of policies to advocate for in the public sphere. These policy proposals highlight the need for concrete reparations.

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<sup>948</sup> César Cuauhtémoc García Hernández, *Migrating to Prison: America's Obsession with Locking up Immigrants* (New York: The New Press) 2019.

This chapter's main focus is an exploration of what churches, Christian organizations, and individual Christians<sup>949</sup> ought to be doing day to day if migration is approached through a responsibility framework. It is important to make a few points with regard to posture and method at the outset: First, this dissertation is intentionally ecumenical. Therefore, the word church is used in its broadest sense, to signify the people of God. Second, whatever churches and individual Christians do, it must be done always in partnership with migrants, letting them lead and dictate the terms. Any work done in the service of those who migrate must be undertaken with a clear understanding of migrants as capable agents navigating and often intentionally standing in defiance of a system that has largely failed them. Churches and Christians may walk with migrants in this fight, but U.S. citizens, especially white U.S. citizens, must remember our place in it is not, primarily, as leaders.<sup>950</sup>

Third, churches can and should work to interrupt sinful and unjust laws. Christians, especially white Christians who benefit from a certain amount of privilege, ought to disrupt injustices that go against the values of our faith. A responsibility framework establishes such disruption of harm as *owed* because U.S. citizens have benefitted from the systems that have necessitated migration, because the U.S. immigration system has failed to protect or promote the needs of those who migrate, and perhaps especially because Christianity has played such a role in the myths and ideologies that have created injustice. Christians are responsible for the legacy of Manifest Destiny and the lasting effects of the Frontier Myth. We are responsible for the

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<sup>949</sup> We might also include people of good will.

<sup>950</sup> This is not to say the Church has no role in sharing insights or resources with the world, but we must do so from a posture of humility, especially given the harms Christianity has caused or been complicit in throughout history.

ways in which the upholding of “law and order” has protected the interests of some at the expense of others. Additionally, we are responsible for the ways in which the ongoing legacy of Manifest Destiny and the Frontier Myth have contributed and continue to contribute to push and pull factors driving migration.<sup>951</sup> Using our privilege to interrupt injustice is one of the ways in which Christians can take responsibility.

Finally, Churches ought to offer better narratives related to the founding of this nation, U.S. actions abroad, and the reasons people migrate. For example, there have been movements in some denominations to denounce the “Doctrine of Discovery” and Christian participation in Manifest Destiny. Churches need to provide better narratives to interrupt the myths of the nation. Chapter four highlighted Roberto Goizueta’s argument that the church will often be in conflict with empire. Insofar as the United States is and has been imperialistic in nature and to the degree that its actions and beliefs have been counter to God’s Kin-dom, there should be a difference between what the United States projects as its doctrine and what the Church teaches, something that can help Christians begin to question history as it has been told to us.

Chapter four outlined a vision of ecclesiology in which the church is called to repentance and conversion in the face of social sin. This is done out of solidarity to those most harmed by it in order to build inclusive, just communities that offer glimpses of a better way of being together. The following case studies offer examples of what this might look like on the ground.

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<sup>951</sup> For example, consider Roberto Goizueta’s argument linking the Frontier Myth to economic and political expansion into Latin America, which chapter two showed to be directly related to the formation of migration patterns into the United States.

## 5.1 PRACTICAL PROPOSALS FOR CHRISTIAN COMMUNITIES

In order to consider what practical actions Christian communities might take in response to migration in the United States, this section examines four case studies that spotlight situations in which action is being taken that exemplifies the framework established throughout this dissertation. They may help guide Christian communities as they consider the types of praxis in which they themselves might engage. In outlining these exemplars, this section will also highlight how their actions fit the four ecclesiological themes established in the previous chapter and what further proposals their insights warrant.

This chapter's particular focus on grassroots community action, rather than solely on policy change, is intentional. Tejana theologian Neomi De Anda cautions that a focus on policy change alone is not sufficient. To foster real change, Christians must begin by considering what she calls "the logic of domination." The Christian interpretation of domination comes from a particular understanding of God's granting of "dominion" over the natural world to Adam and Eve (Genesis 1:26-28), which has shaped Christian relationships with land. De Anda specifically highlights how this logic of rightful dominance fed into the violent U.S. acquisition of the Americas, which can be linked back to chapter two's discussion of Manifest Destiny and the frontier myth. What De Anda is articulating, therefore, is precisely this pattern of relating to people and land as things to be dominated rather than subjects with whom to foster right relationships. It is because this logic of dominance is so deeply embedded in the U.S. psyche, as chapter two argued, that policy is not the sole, nor even necessarily the first thing that needs radical transformation in order to provide justice for migrants. De Anda calls instead for a more

comprehensive transformation of our hearts and minds, as well as our ways of thinking and acting. She calls Christians to consider the ways the logic of domination shapes our ways of relating to other people, to the land, and to God, so that we may begin to shift away from these habits and holistically commit ourselves to more just patterns of relationships.<sup>952</sup>

The following case studies represent examples of how we might begin to reshape our ways of relating to one another. In addition, they each highlight particular Christian values explored in chapter four, showing what it can look like to live out these ideas in concrete reality.

### **5.1.1 *El Gran Paro Estadounidense***

On May 1, 2006, the largest general strike in the history of the nation was initiated.<sup>953</sup> Called *El Gran Paro Estadounidense*, also called the Great American Strike or A Day Without Immigrants, this action was organized and attended by “immigrants’ rights groups, undocumented and documented migrants, school children, workers in industries dominated by immigrants - notably agriculture, construction, catering - plus anti-war protesters and others.”<sup>954</sup> Organizers encouraged people to take to the streets, to

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<sup>952</sup> “El Paso: One Year Later,” The Commonweal Podcast (podcast), July 31, 2020, accessed December 1, 2020, [https://www.commonwealmagazine.org/podcast/el-paso-one-year-later-part-1?utm\\_source=Main+Reader+List&utm\\_campaign=30516b100a-EMAIL\\_CAMPAIGN\\_2017\\_03\\_16\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_407bf353a2-30516b100a-91248421](https://www.commonwealmagazine.org/podcast/el-paso-one-year-later-part-1?utm_source=Main+Reader+List&utm_campaign=30516b100a-EMAIL_CAMPAIGN_2017_03_16_COPY_01&utm_medium=email&utm_term=0_407bf353a2-30516b100a-91248421).

<sup>953</sup> Paul Ortiz, *An African American and Latinx History of the United States* (New York: Beacon Press, 2018), 163.

<sup>954</sup> Dan Glaister and Ewen MacAskill, “US counts cost of day without immigrants,” *The Guardian*, May 1, 2006, accessed December 12, 2020, <https://www.theguardian.com/world/2006/may/02/usa.topstories3>.

boycott shops and to skip school. The goal was to make a statement about the contribution immigrants make to the U.S. economy, explicitly including the millions of undocumented migrants working and living in the United States. This movement represented a public melding of two deeply related causes: workers' rights and justice for immigrants. It was also heralded as "the emergence of a powerful Latino political voice angry at a system which they say judges them good enough to work in the US but not good enough to be citizens."<sup>955</sup> Protests took place in over 50 U.S. cities, some boasting crowds of up to 400,000 participants.<sup>956</sup>

This strike had a wide-reaching impact. Students walked out of school,<sup>957</sup> "meatpacking, garment manufacturing, port transportation, trucking, and food service in many parts of the country" were forced to shut down and turn away customers.<sup>958</sup> Paul Ortiz notes that this initial action launched a new movement that took seriously the concerns and needs of workers and everyday people.<sup>959</sup> This movement is rooted in an understanding that neoliberalism (an outgrowth of Manifest Destiny and the frontier myth) is a threat to the lives and flourishing of not only Latinx workers, but also immigrants of all sorts, Black people, and others who are marginalized in the United States. The organizers intentionally formed alliances across race and class lines, realizing that promoting the rights of immigrants was an issue that spanned beyond the Latinx community. Partnerships were built between Palestinians and Mexicans, undocumented students and workers, those fighting unequal educational access and those fighting for

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<sup>955</sup> Glaister and MacAskill.

<sup>956</sup> Ibid.

<sup>957</sup> Ortiz, 163.

<sup>958</sup> Ibid, 173-174.

<sup>959</sup> Ibid, 174.

better wages, and various countries experiencing aggressive U.S. foreign policy. Leaders insisted that the movement's longevity and success hinged on its commitment to diversity and its ability to connect people with a wide spectrum of experiences and needs together to work for common purposes.<sup>960</sup> Ortiz writes,

Less than a decade after the big strike, workers chanting "fight for fifteen [dollars] and a union!" had joined forces with a reinvigorated Black freedom movement to demand an end to labor exploitation, police violence, and US imperialism.<sup>961</sup>

Because of this commitment to diversity and understanding the interconnected nature of injustices, the movement addresses a wide range of related concerns. Workers' rights have naturally been at the forefront. The movement sought to build networks of leaders and supporters who could be rallied to put pressure on corporations and elected officials to promote and protect workers' rights. In the aftermath of the strike there was an increase of participation in unions as the potential power of these groups became evident. Furthermore, some organizers and participants focused on enhancing recognition of unseen workers, the "ghosts" who clean buildings and prepare food, hoping the visibility of their humanity would aid their fight for better wages and working conditions.<sup>962</sup>

Immigration reform has also been a key issue. The initial strike was planned in the context of organizing in opposition to Congressman Jim Sensenbrenner's 2005 Border Protection, Anti-Terrorism, and Illegal Immigration Act, which sought to make undocumented migration and the aid of undocumented migrants a felony. While this act ultimately failed, it highlighted the extreme vulnerability of immigrant workers, and further solidified the link between the fight for workers' rights and the fight for just

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<sup>960</sup> Ortiz, 175.

<sup>961</sup> Ibid, 163.

<sup>962</sup> Ibid, 172-175.

immigration reform.<sup>963</sup> Finally, the movement leaders recognized that rampant voter disenfranchisement, particularly in communities of color, paved the way for the implementation of policies that disproportionately impacted BIPOCs and people experiencing poverty.<sup>964</sup> To combat this, organizations such as We Are America Alliance "launched naturalization and voter registration drives."<sup>965</sup>

Ortiz argues that the "larger currents of protest" this movement encapsulated, may point the way to a more just future built on a "tide of grassroots freedom movements and the ability of people throughout the hemisphere to draw inspiration from each other's struggles."<sup>966</sup> Ortiz's vision of the future, linked as it is to the concrete struggles of marginalized people fighting for justice, can help direct Christian communities aiming to work for justice and right relationships. The 2006 strike built explicitly on a history of resistance that has existed long before the movement began. For example, its formation was indebted to a 2001 coalition of Black and Brown activists in North Carolina who organized a Juneteenth event celebrating "the unity of Black and Latino workers in the new movement for justice in the south."<sup>967</sup> The event focused on issues of common concern such as an end to unjust economic policies that forced workers to migrate, the rights of workers to form unions, a living wage, reparations, and an end to racial profiling.<sup>968</sup> Ortiz notes that "African American and Latinx organizers are drawing on the

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<sup>963</sup> Ortiz, 163-177

<sup>964</sup> Ibid, 164-165.

<sup>965</sup> Ibid, 174. This organizing around voter engagement and turnout can be linked to President Barack Obama's election. In 2008, 67% of Latinx voters chose Obama over Senator John McCain, and in 2012 Latinx voters favored Obama over Mitt Romney by a margin of 71%. This was achieved in the face of reports that speculated that Latinx communities would never vote for a Black man, highlighting the importance of the movement's commitment to uniting people under common causes (Ortiz, 177).

<sup>966</sup> Ibid, 181-184.

<sup>967</sup> Ibid, 171.

<sup>968</sup> Ortiz, 171.

lessons of history to build momentum for social justice movements.”<sup>969</sup> This method of building on history, understood as both a history of interlinking oppressions and ongoing patterns of resistance, is closely related to what Estes understands the Standing Rock Water Protectors to have done. Furthermore, both Estes and Ortiz see these movements as a way of living out the future that is hoped for. This connects well with a Christian eschatological commitment to living into the hope of the Kin-dom of God.

For Ortiz, the movement born of *El Gran Paro Estadounidense* intentionally built coalitions that resisted the ways society attempts to divide and conquer marginalized people. The May Day strike represented a movement that transcends borders, growing out of the diverse but often connected experiences of BIPOC communities throughout the western hemisphere and around the globe.<sup>970</sup> These movements “represent the potential future promise of the Americas,” precisely in their commitment to diversity as a strength.<sup>971</sup> Furthermore, the flexibility of this movement, its ability to expand to encompass broadening understandings of what justice requires, pushes society towards a brighter future. As an example, Ortiz points to the partnerships forged between the outgrowths of the strike and movements like Black Lives Matter. He writes, “initially focused on police homicides of African Americans, Black Lives Matter quickly connected anti-Black violence to other forms of oppression,” openly criticizing U.S. imperialism in Latin and Central America and the War on Terror in the Middle East, both large drivers of migration.<sup>972</sup>

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<sup>969</sup> Ibid, 182.

<sup>970</sup> Ibid, 173.

<sup>971</sup> Ibid, 182.

<sup>972</sup> Ortiz, 183.

Ortiz' repeated use of "the Americas" rather than referencing just the United States is also important. Both Ortiz and the movement he is reporting on conceive of justice as a project that includes cross-border imagining and collaboration. The violation of human dignity is just as unjust when it is perpetuated outside of U.S. borders and beyond the jurisdiction of U.S. laws. Moreover, U.S. laws cannot be fully just if the community they take into account is solely made up of U.S. citizens. Rather, our sphere of consideration must be broad, recognizing and accounting for relationships beyond U.S. borders. When deciding if a law or policy is sufficiently just, consideration of its impact on U.S. citizens is too narrow a lens.

The intentional inclusivity of this movement is, in a way, echoed in Estes' articulation of the Standing Rock movement. Estes argues that despite historical efforts to pit poor whites and Indigenous people against each other in a battle for limited resources (and despite the existence of longstanding animosities between these groups), Standing Rock saw these groups collaborate toward a shared good. By transforming relationships in this manner, the movement defied societal expectations and, in doing so, proclaimed future possibilities.<sup>973</sup> While neither *El Gran Paro Estadounidense* nor Standing Rock were explicitly Christian movements, this attention to inclusivity and to redefining relationships offers an example of what it might look like to live out the Christian commitment to community explored in chapter four. Resisting the patterns of relating into which we have been conditioned by dominant society, rooted in colonialism, we can instead forge relationships across the lines meant to divide us, recognize shared interests, and take responsibility for one another by joining in each other's struggles and fights. We

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<sup>973</sup> Estes, 7.

can do this, in particular, through participation in movements like *El Gran Paro Estadounidense* and Standing Rock. This is a Christian thing to do.

Both movements were also organized and led by the communities most impacted by the injustices they were fighting against, another important connection that can guide church communities working for justice. Ortiz writes, “an African American and Latinx history of the United States teaches us that the self-activity of the most oppressed is key to liberty in the future of the Americas.”<sup>974</sup> Churches, especially white, citizen dominant churches, ought to be careful to take their cues and their direction from those already leading in the movement, and to work for liberation as it is defined by the communities in need of liberation. Maintaining such a posture keeps us from recreating colonial dynamics of domination by allowing oppressed communities to define the terms of their own liberation. In this way, we can live into more Christian models of human relationality, grounded in humility and a radical love that makes space for the most excluded. Thus, *El Gran Paro Estadounidense*, while not a Christian movement as such, is a helpful example of one form Christian action can take.

### **5.1.2 El Paso, Texas**

In the late 1970s, Ruben Garcia and a group of other young Catholics in El Paso, Texas were looking for ways to live meaningful lives of faith in solidarity with poor and marginalized people. During their discernment, they encountered a young man experiencing homelessness who had been turned away from a homeless shelter because

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<sup>974</sup> Ortiz, 184.

he lacked immigration papers. Garcia explains, “Of the two shelters that existed, neither accepted undocumented people. So, in 1978 in El Paso, we asked ourselves: ‘What are the groups of people that God would identify with?’ The answer was, probably, the undocumented.”<sup>975</sup> Out of that realization, the group founded Annunciation House, a shelter for migrants in El Paso, in 1978. The shelter’s service to migrants has shifted over time. After 2014, when the border was redefined by a surge of Central American asylum seekers who turned themselves in rather than attempting to evade Border Patrol agents, the shelter has primarily aided these asylum seekers after their release from ICE custody. Once at Annunciation House, they receive clothing, a shower, food, and aid contacting relatives and organizing travel to their intended destination within the United States to await their court dates.<sup>976</sup> In addition, the organization also participates in various education and advocacy projects. All of these efforts are explicitly rooted in faith, specifically the tenets of Catholic Social Teaching, such as solidarity and the preferential option for the poor.<sup>977</sup>

For decades, Annunciation House sheltered asylum seekers, sometimes by the hundreds, expanding from three central buildings to a network consisting of 25 hospitality sites, including hotels and church buildings. In April 2019, the organization purchased a 125,000-foot warehouse in order to keep up with the rising need, having taken in a record 825 people in one day in late March. That same year, however, the Trump administration began rolling out a series of policies aimed at constraining asylum

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<sup>975</sup> Gus Bova, “Shelter Director Ruben Garcia on How Struggling Nonprofits Carry the Load of the Migrant ‘Crisis,’” *Texas Observer*, June 24, 2019, accessed December 12, 2020, <https://www.texasobserver.org/crisis-management-el-paso-interview-annunciation-house/>.

<sup>976</sup> Ibid.

<sup>977</sup> “Annunciation House,” Annunciation House, last updated August 6, 2020, accessed December 12, 2020, <https://annunciationhouse.org/>.

policy and drastically reducing asylum seekers' access to U.S. land and the rights afforded to them once on it. On January 25, 2019, the Department of Homeland Security introduced "Migrant Protection Protocols" (MPP), also known as the Remain in Mexico Policy. Under MPP, border patrol was allowed to send non-Mexican asylum seekers to Mexico to await their court dates. This policy, touted as a way to ensure resources were funneled to "legitimate" asylees, has resulted in a full-blown crisis on the Mexican side of the border. Those turned away by this policy are forced to attempt to find shelter in a country they do not know, often ending up in very dangerous neighborhoods. They face assault, robbery, kidnapping, and other dangers. Furthermore, they are cut off from access to legal counsel or protection, afforded little transparency into their U.S. immigration proceedings, and denied any "meaningful access to due process in the United States."<sup>978</sup>

In the wake of MPP, the number of asylum seekers entering the United States has slowed to a trickle. In July, Annunciation House was taking in 100-150 a day. That their recently acquired warehouse, stocked with food, medicine, and cots for sleeping, now sat nearly empty while thousands struggled to survive mere miles away in Ciudad Juarez,<sup>979</sup> underscores the extreme cruelty of MPP.

Annunciation House provides an example for Christian communities to follow. First, the project arose out of a specific, local need that presented itself: the lack of

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<sup>978</sup> "Q&A: Trump Administration's 'Remain in Mexico' Program," Human Rights Watch, January 29, 2020, accessed December 12, 2021, <https://www.hrw.org/news/2020/01/29/qa-trump-administrations-remain-mexico-program>.

<sup>979</sup> Nick Miroff, "Momentary border reprieve rests on a rickety foundation, as U.S. immigration policies are put to the test," *Washington Post*, July 13, 2019, [https://www.washingtonpost.com/immigration/momentary-border-reprieve-rests-on-a-rickety-foundation-as-us-immigration-policies-are-put-to-the-test/2019/07/13/42f15dc8-a506-11e9-b732-41a79c2551bf\\_story.html](https://www.washingtonpost.com/immigration/momentary-border-reprieve-rests-on-a-rickety-foundation-as-us-immigration-policies-are-put-to-the-test/2019/07/13/42f15dc8-a506-11e9-b732-41a79c2551bf_story.html).

resources such as homeless shelters for undocumented people in the city. Organizing around this specific need as it presented itself allowed Annunciation House to make a concrete impact on the El Paso community. Church communities interested in building just communities would do well to follow Garcia's example of presenting himself as open and available to live out his faith, and responding flexibly to concrete needs that present themselves to him. Furthermore, Garcia's ability to know and respond to this need was dependent on his presence in and relationships with the El Paso community. Without building relationships in our local communities, especially relationships with those who may be marginalized, it becomes difficult to be available in the way Garcia was. Church communities ought to commit themselves to building real relationships by being present in their communities, seeking humbly to make connections with those who might be vulnerable, plugging into existing networks of care and support, and being open to any needs that may present themselves.

Annunciation House's commitment to sustaining relationships continues in their methods of providing aid. Volunteers live at the hospitality sites with the guests, providing accompaniment and companionship that helps build relationships. Providing aid in the absence of such relationship building fails to foster real solidarity, which chapter four established as a main tenet of Christian relationality. Furthermore, being in close relationship with the community being served allows the organization to adjust as new needs arise. Initially, they served largely undocumented people turned away from homeless shelters. More recently, need has shifted as the population crossing the border has become primarily asylum seekers. Asylum seekers need different resources than undocumented migrants, including different forms of legal aid and help getting

transportation to their final destination. In working with asylum seekers, Annunciation House has also developed a working relationship with ICE, which brings migrants to hospitality sites after they are processed. They continue to undergo changes as the Trump administration halts the flow of asylum seekers into the country. These changes also represent a practice of solidarity. Initially, Annunciation House had a poor relationship with ICE as they housed and stood with undocumented people. As the needs of the community shifted, solidarity also shifted to become cooperation with immigration officials. Commitment to building relationships and the ability to be flexible as needs change has allowed Annunciation House to provide for migrants' actual needs, highlighting the relationship between building solidarity and remaining flexible. Both will be necessary for Christian communities to be able to meet the needs of migrants in their own communities.

Annunciation House is far from the only organization in El Paso serving migrants and fighting for justice for border communities. The city boasts many such organizations, often interconnected in a network of support and collaboration. *La Mujer Obrera*, a community organizing and activist group led by Latina and Indigenous women, is one such organization. Their mission “is to develop and use our creative capacity to express the dignity and diversity of our Mexican heritage, from indigenous Mesoamerican roots to contemporary expressions, and to develop and celebrate our community through economic development, community building, community health and civic engagement.”<sup>980</sup> In other words, *La Mujer Obrera* connects liberation, which in Christian terms we might call salvation, to the survival and thriving of specific communities.

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<sup>980</sup> “Our Mission,” *La Mujer Obrera*, accessed December 12, 2020, <http://www.mujerobrera.org/>.

*La Mujer Obrera* has initiated a number of projects and initiatives aimed at fulfilling this purpose. A core tenet of their approach to activism and political action entails the right and ability of Latinx and Indigenous communities to define the terms of their own liberation. To this end, one of their main objectives is to empower low-income women workers, fostering their capacity to self-advocate. This includes ensuring that all organizing is done in a way that is well thought through and intentionally participatory. *La Mujer Obrera* is also committed to (re)connecting communities to their cultural heritage, and to building a vision for the future that is rooted in that heritage. For decades they have hosted “cultural festivals featuring the cuisine and culture of different regions of Mexico,” along with “various film screenings, poetry and book readings, and cultural events featuring local, national, and international artists working in the intersection of art and resistance.”<sup>981</sup> On a one-acre piece of land, they maintain a community farm on which they “reclaim ancestral food growing practices.”<sup>982</sup> They also run a daycare and learning center committed to preparing children for kindergarten while also fostering their creativity, curiosity, and sense of connection to and respect for the natural world.

Efforts such as the daycare center intentionally provide “meaningful employment for NAFTA-displaced garment workers based on community needs.”<sup>983</sup> *La Mujer Obrera* takes seriously the creation of economic opportunities for Latinx and Indigenous communities impacted and often displaced by colonialism and capitalist expansionism. In 2001 they opened Café Mayapán, a restaurant that provides employment and training to members of the community and traditional Mexican food to the people of El Paso. Café

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<sup>981</sup> “Social Enterprises,” *La Mujer Obrera*, accessed December 12, 2020, <http://www.mujerobrera.org/>.

<sup>982</sup> *Ibid.*

<sup>983</sup> “Social Enterprises,” *La Mujer Obrera*.

Mayapán focuses especially on celebrating Mexican heritage by serving unique dishes not found in other restaurants. Alongside the restaurant, the organization also runs a fair-trade import company, selling goods made by Indigenous women from all across Mexico. They established a related network, called Nui Matat Napawika, which links and assists women with small business efforts. Both efforts are intended to support “the right of people to remain in their communities if they choose, to not be displaced from their lands by forced migration,” through the fostering of alternative sources of income and stability.<sup>984</sup>

*La Mujer Obrera* is a clear example of grassroots, community-led organizing. It is envisioned, organized, and implemented by Latinx and Indigenous women. Their methodology provides clear examples of what it might look like to center community building, supporting the survival and flourishing of particular cultures and building relationships in spite of the ways the empire tries to divide us. Given commitments to the concrete survival of communities and cultures outlined in chapter four, Christian communities can learn from such an example. Additionally, they ought to respect and support such efforts, and refrain from imposing Euro-American ideals of progress onto them (inadvertently perpetuating colonial patterns). Churches need to make space for grassroots, migrant-led justice efforts. Ideally, they would build relationships and partnerships with such groups, joining in their community building, and thus be in positions that would allow them to offer any support that is wanted. Less formally, Christians might consider how their purchasing decisions support or compete with these

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<sup>984</sup> Ibid.

sorts of grassroots efforts. Dining at Café Mayapán, for example, supports *La Mujer Obrera*'s work in a concrete and noninvasive way.

The focus of *La Mujer Obrera*'s work can also guide church communities. The organization works for the survival, liberation, and flourishing of Latinx and Indigenous communities through political activism, education, and celebration. In chapter four, we underscored Miguel Diaz's insistence that such activity, aimed at the liberation of communities and their specific cultures, is the work of salvation. How can church communities support this salvific work? How can pastors frame salvation in such a way as to make this connection evident? These are some of the questions the work of *La Mujer Obrera* calls Christian communities to consider.

One final program worth exploring in El Paso is the *Encuentro* Project. The product of a collaboration between the Central and Southern U.S. Province of Jesuits, the U.S. and Mexican Marist Brothers, and the Hope Border Institute, the *Encuentro* Project offers what it calls a "ministry of encounter."<sup>985</sup> The program fosters encounter by offering housing and programming to students and church parishes who wish to better understand the realities of the U.S.-Mexico border. This form of ministry was the vision of Fr. Rafael Garcia, S.J., the program's director, in response to Pope Francis' call to create a culture that overcomes fear and indifference through encounters with migrants. The hope is that this week-long immersion experience in the El Paso/Ciudad Juárez community gives participants "a greater understanding of the complex history and present reality of migration" and "inspire[s] participants to challenge the borders in their

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<sup>985</sup> Mary Baudouin, "The Encuentro Project: Encountering the Other on the El Paso/Juarez Border," accessed January 20, 2021, <https://www.jesuitscentralsouthern.org/stories/the-encuentro-project-encountering-the-other-on-the-el-paso-juarez-border/>.

own communities that push immigrants to the margins.”<sup>986</sup> In doing so, the *Encuentro* Project participates in truth-telling, introducing participants to the often untold truths of U.S. actions and their impacts on border communities and people in Central and Latin America. Moreover, the *Encuentro* Project does this by providing space for migrants themselves to tell their own experiences of the impact of U.S. policies on their home countries and their experiences with the U.S. immigration system. This is very much in line with the role of churches as truth-telling communities, as outlined in chapter two.

Pope Francis has called for the cultivation of a “culture of encounter” in which people reach out to one another across barriers and divides in order to create dialogue and friendship. In particular, the Pope encourages us to encounter those who are most marginalized.<sup>987</sup> At a 2013 Vigil of Pentecost, the Pope said,

ask yourselves this question: how often is Jesus inside and knocking at the door to be let out, to come out? And we do not let him out because of our own need for security, because so often we are locked into ephemeral structures that serve solely to make us slaves and not free children of God. In this “stepping out” it is important to be ready for encounter. For me this word is very important. Encounter with others. Why? Because faith is an encounter with Jesus, and we must do what Jesus does: encounter others. We live in a culture of conflict, a culture of fragmentation, a culture in which I throw away what is of no use to me, a culture of waste...and with our faith we must create a “culture of encounter”, a culture of friendship, a culture in which we find brothers and sisters, in which we can also speak with those who think differently, as well as those who hold other beliefs, who do not have the same faith.<sup>988</sup>

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<sup>986</sup> Baudouin. Immersion experiences like *Encuentro* differ from service trips in that they aim not at a paternalistic goal of fixing or help but rather at fostering new relationships and learning.

<sup>987</sup> John L. Allen Jr., “Francis and the ‘Culture of Encounter,’” *National Catholic Reporter*, December 20, 2013, accessed November 8th, 2020, <https://www.ncronline.org/blogs/ncr-today/francis-and-culture-encounter>.

<sup>988</sup> Pope Francis, “Vigil of Pentecost with the Ecclesial Movements: Address of the Holy Father,” May 18, 2013, [http://www.vatican.va/content/francesco/en/speeches/2013/may/documents/papa-francesco\\_20130518\\_veglia-pentecoste.html](http://www.vatican.va/content/francesco/en/speeches/2013/may/documents/papa-francesco_20130518_veglia-pentecoste.html).

Francis draws on a well established Christian tradition of connecting encounters with the marginalized to encountering Jesus, and his call for fostering a theologically rooted culture of encounter fits well with the ecclesiological vision of chapter four. Encounters that aim at authentic dialogue and friendship promote stronger communities. Dialogue allows for truth telling that breaks through the myths we believe about each other and the ideologies that help perpetuate oppression. Encounter across division creates community that rejects the divisions a sinful society strives to impose, the culture of fragmentation Francis cites. True solidarity requires actual relationships, a culture of friendship. Peruvian liberation theologian Gustavo Gutiérrez argues that true work for liberation, true solidarity with the poor and oppressed, requires establishing actual, lasting friendship with them.<sup>989</sup> Solidarity happens when we truly share our lives with each other. This is what Francis calls the world to, and all of the efforts in El Paso highlighted in this section aim at authentic solidarity of this sort.

*Encuentro* Project programming includes some form of direct encounter with migrants, asylum seekers, or refugees, often through work in a shelter. Various site visits throughout El Paso and Juarez are offered to provide immersion into the realities of the El Paso-Juarez border community. Its focus on education highlights the factors that contribute to migration, especially as those factors are related to U.S. action, and the tenets of Catholic Social Teaching that are relevant to a faith-based response to migration. The *Encuentro* Project depends upon and participates in a vast existing

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<sup>989</sup> Gustavo Gutiérrez, “Expanding the View,” in *Expanding the View: Gustavo Gutiérrez and the Future of Liberation Theology*, eds. Marc H. Ellis and Otto Maduro (Maryknoll, N.Y.: Orbis Books, 1990), 18. Gutiérrez’s work, while not explicitly drawn on in this dissertation, represents an important moment for Euro-American theology’s encounter with the theological and religious reflections of Latin Americans specifically, and marginalized communities more broadly. It is therefore a helpful touchpoint for our consideration of encounter and solidarity.

network of migrants and allies in the El Paso area. By inviting faith groups to encounter this network, *Encuentro* actively expands it, building community that spans the whole of the United States. This work of inviting people into encounters with migrants also creates the possibility for people to develop relationships of solidarity. Solidarity requires first that we know in some real sense those with whom we aim at being in solidarity.

*Encuentro* provides opportunities for faith communities to begin to know migrants, opening up the possibility of true friendship and solidarity that has the power to transform hearts and influence behavior. Moreover, *Encuentro* does this work in a way that aims at partnering with (or accompanying) and respecting border communities rather than exploiting their stories or invading their spaces. Christian communities ought to take part in such opportunities to encounter migrants.

El Paso and Juarez present a particularly helpful context in which to consider the make-up of borders. Standing high above the city at the Scenic Drive-Overlook park, it becomes hard to tell where one city ends and the other begins, especially at night when the cities are just seas of lights. Being in either city, “one gets a sense of being in two worlds, two cultures, two realities at the same time and in the same place.”<sup>990</sup> Through their very existence, El Paso and Juarez unsettle the legitimacy of U.S. borders. The networks of solidarity, care, and community building, driven by the needs and visions of these cities' most marginalized people, build on this to actively reject that legitimacy. They offer a vision for what inclusive, just, cross-border community building modeled after the radical love of Jesus might look like. Churches committed to such participating in the creation of responsible and reparative justice for migrants would do well to start

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<sup>990</sup> Baudouin.

with a humble posture of openness and availability, ready for and actively seeking out encounters migrants and others who continue to be harmed by U.S. colonialism. These experiences, both as encounters with marginalized people and as encounters with Jesus, have the capacity to open our hearts and spark conversion, pulling us out of the logic of domination and colonialism and into the Kin-dom of God.

### 5.1.3 Sanctuary Communities

In the 1970s and 80s, U.S.-funded “dirty wars” wreaked havoc in Central America, causing a surge of migrants seeking asylum and refuge in the United States.<sup>991</sup> Chapter two outlined how U.S. intervention and exploitation drove migrants north, where those who did not fit the agenda of the nation’s anti-Communist foreign policy were largely denied asylum, considered deportable after failing their “credible fear” screening.<sup>992</sup> By 1980, 500-1,000 asylum seekers from Guatemala and El Salvador were being deported each month. As the dirty wars raged on, U.S. involvement with them began gaining notice among U.S. citizens. Religious communities became especially aware of the human rights abuses taking place after the death of Salvadoran archbishop Oscar Romero. In the wake of this growing awareness and driven by scriptural injunctions to welcome the “stranger,” church communities in the United States and Central America founded a sanctuary movement. Christians from the United States

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<sup>991</sup> Rachel Ida Buff, “Sanctuary Everywhere,” *Radical History Review* 2019, no. 135 (2019): 14–42. <https://doi.org/10.1215/01636545-7607809>, 25.

<sup>992</sup> Buff also notes that this distinction “corresponds with the long history of white supremacist immigration policy that originates in late nineteenth-century Asian exclusion, evolving into national-origin quotas and restrictive border policies throughout the twentieth century” (Buff, 26).

“crossed the border to help undocumented Central Americans enter,” and “traveled to observe conditions in refugee camps in Honduras and El Salvador.”<sup>993</sup> Congregations became places of shelter for those to whom the U.S. government had denied asylum. A network made up of more than 160 houses of worship and community organizers, aided at times by journalists, facilitated the movement of several thousand undocumented asylum seekers around the United States, supporting them with housing and necessities, and helping them gain a platform from which to raise awareness of their plight.

Historian Rachel Ida Buff writes,

An anonymous article in the professional journal *Social Work* described the “early days” of the sanctuary movement, when advocates focused on raising monies to release migrants from prison. Gradually, sanctuary workers and migrants realized that even when they were successful in freeing prisoners, Central American migrants were still considered undocumented, with few rights or economic prospects. This realization led to bolder actions, like a “freedom train” in which undocumented Central Americans traveled from city to city, publicizing their situations. As the anonymous attribution suggests, advocates recognized the threat they faced by aiding undocumented migrants. Section 274 of the McCarran-Walter Act criminalized transporting “illegal aliens” across the border or within the country, as well as “concealing, harboring, sheltering,” or even “encouraging” undocumented individuals. Sanctuary workers faced penalties: fines of \$2,000 and up to five years of incarceration for each individual assisted.<sup>994</sup>

Sanctuary workers understood that they were putting themselves in opposition to U.S. foreign policy and U.S. legal systems. The movement became a target for FBI surveillance as it subverted federal law in order to be in solidarity with those fleeing U.S. sanctioned violence. In 1985-1986, eleven workers, many of them clergy, were put on trial.

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<sup>993</sup> Buff, 27.

<sup>994</sup> Ibid, 28.

The sanctuary movement embodies many of the ecclesiological themes identified in chapter four. In particular, it represents a form of radical solidarity. Buff reports that “Sanctuary workers invoked Archbishop Romero’s invocation that “accompanying” the struggles of the poor constituted holy work, asserting the moral necessity of international solidarity across borders of nation, race, and class.”<sup>995</sup> Sanctuary volunteers consciously enter into a space of shared vulnerability with undocumented immigrants, placing themselves on the side of the oppressed and in direct, concrete opposition to a U.S. immigration system they consider unjust. The 11 workers put on trial are evidence that solidarity with migrants requires a willingness to become vulnerable, to take real risks. To a degree, sanctuary workers extend a bit of their privilege as U.S. citizens (especially white citizens) to help protect undocumented people. But even as they utilize their privilege in this way, they also make themselves vulnerable by opposing the systems that harm migrants. They make an active choice to oppose systems of power in the United States, putting themselves at risk. Christian communities committed to justice must consider how they can be in concrete solidarity in this way. It may mean offering physical sanctuary, but should always be led by the professed needs of migrants in their communities, and achieved through the establishment of real relationships.

Furthermore, sanctuary efforts consciously build community in an intentionally cross-border way. Citizens of the United States and of Central American countries worked together to establish lines of communication, to spread information about abuses taking place in Central America, and to create safe ways to get migrants into the United States and in contact with the legal counsel they need. The creation of such a community

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<sup>995</sup> Buff, 27.

represents a vision of how the world could be, if we honored our relationships of responsibility. Sanctuary efforts present society with the question, “what might it look like if the United States began behaving as though it had relatives?” In this way, sanctuary churches become model communities, showing what is possible to the world.<sup>996</sup>

Sanctuary movements both required and intentionally centered the importance of truth telling. Indeed, truth-telling formed the movement, which gained momentum as more churches encountered the stories of those fleeing the violence “exposed the falsity of [the] official line” that depicted asylum seekers as “a menacing coalition of Sandinistas and Soviet apparatchiks.”<sup>997</sup> Some North American members of the movement traveled to Central America in order to confirm the accounts of asylum seekers from the region, bringing back affirmative testimony and pressuring media outlets to provide more accurate, extensive, and equitable coverage of the conflicts driving people north. Moreover, the trial of the eleven sanctuary workers highlighted the importance of narrative. The prosecution depicted the actions of the sanctuary workers as “alien smuggling,” and referred to the Central Americans involved in the movement as “alien co-conspirators.” This language fits a particular narrative the U.S government was invested in maintaining, one that foisted all responsibility for undocumented migration onto migrants and those who aided them and portrayed the United States as a victim of

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<sup>996</sup> Take, for example, Scott Warren, a young man in Arizona whose humanitarian aid to migrants at the border got him arrested and tried for harboring and conspiracy. That the simple act of caring for the blisters on another human’s feet is seen as a threat to U.S. security is a sharp indictment of the immigration system. Warren’s humanity and his insistence on caring for others regardless of what empire might say offers a glimpse at how the world could be. See Ryan Devereaux, “Humanitarian Volunteer Scott Warren Reflects on the Borderlands and Two Years of Government Persecution,” *The Intercept*, November 23, 2019, accessed November 8th, 2020, <https://theintercept.com/2019/11/23/scott-warren-verdict-immigration-border/>.

<sup>997</sup> Buff, 29.

subterfuge and invasion. That these narrative choices were intentional and calculated is supported by the fact that the prosecution attempted to ban use of the word “refugee” from the trial. In this context, the choice to participate in sanctuary becomes a public rejection of dominant narratives. Catholic theologian Leo Guardado calls sanctuary efforts and the protection of migrants as “a form of diplomacy that communicates the truth about persons seeking refuge in the United States.”<sup>998</sup> To participate in sanctuary is to enter into dialogue with an unjust U.S. immigration system and propose a better way forward, one that acknowledges the dangers migrants face and aims to protect them.

The sanctuary movement’s ability to interrupt false and self-serving U.S. narratives was also rooted in its popularization of “sanctuary” as a concept. Bringing sanctuary into the public consciousness also brought “the shortcomings of human rights law” into broader consciousness and presented the public with one answer to those shortcomings, an answer which imagined a world beyond the status quo handed down from generations past.<sup>999</sup> It is a “moral, political, and legal decision--an act to communicate to legislative bodies their dissatisfaction with current United States Central American policies.”<sup>1000</sup>

The eight convicted sanctuary workers used their subsequent Supreme Court appeal as an opportunity to articulate their motivations on a public stage, arguing that the rights of asylum seekers, protected by the 1980 Refugee Act, were being violated by U.S. policy. As with the case studies above, this movement explicitly drew on strains of

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<sup>998</sup> Leo Guardado, “Just Peace, Just Sanctuary,” in *A Just Peace Ethic Primer: Building Sustainable Peace and Breaking Cycles of Violence* ed, Eli Sasaran McCarthy (Washington, DC: Georgetown University Press, 2020), 83.

<sup>999</sup> Buff 29-30.

<sup>1000</sup> Buff, 28.

resistance to imperialism that exist in U.S. history, emboldened to do so from a position of Christian faith by liberation theologians such as Ignacio Ellacuría and Jon Sobrino. The movement was furthermore explicitly and intentionally international in nature, forging cross-border partnerships and envisioning justice in a way that called the international status quo and U.S.-first rhetoric into question. Even within U.S. borders the sanctuary movement was diverse. In Chicago, for example, 600 black organizers worked to declare sanctuary in the city, and further east the Akwesasne Nation declared sanctuary on its land, which encompasses the border between New York and Canada, working especially to provide legal counsel to Guatemalan Mayans.<sup>1001</sup> Both of these examples highlight the interconnected nature of injustice, as outlined above in the movement that grew out of the May Day Strike. Justice for immigrants, for Black people, and for Indigenous people are all related because the same systems of white supremacy cause the oppression of these groups.<sup>1002</sup>

Guardado frames sanctuary work as work for just peace. Just peace responds to conflict by looking to root causes, considering how that conflict might and ought to be transformed, and commits to actively breaking cycles of violence in order to foster a situation of true peace.<sup>1003</sup> Guardado analyzes the realities migrants face--the reasons they leave, the trials they face on their journey, and the reception they receive in the United States (detention and deportation)--and concludes that “unauthorized” migrants face a situation of warfare.<sup>1004</sup> Christians, he argues, ought to see this situation as an

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<sup>1001</sup> Ibid, 29.

<sup>1002</sup> Moreover, there are overlaps between these groups. Some migrants are Black, Indigenous, or both. The recognition of the intertwined nature of oppression is also a recognition of shared realities and identities.

<sup>1003</sup> Guardado, 83.

<sup>1004</sup> Ibid, 78-81.

opportunity for the conversion of violent and unjust circumstances, understanding the church's "task as one of *transforming* the conflict by *protecting* those most affected by the violence of the conflict."<sup>1005</sup> Within a situation in which the warfare and violence migrants face is perpetuated, at least in part, through the legal actions of the state, sanctuary work "is a creative nonviolent response to legalized violence in society."<sup>1006</sup> Sanctuary as an activity of just peacebuilding also reimagines what is possible. Guardado writes, "sanctuary actions are a positive force that begins to imaging and en flesh a more human community in the present."<sup>1007</sup> That is, sanctuary is one way of living into the belief that we can and ought to create more just patterns of relationship. This is not simply picturing a more just future, but intentionally enfleshing that future, living into it by creating just communities. Sanctuary builds cross-cultural and cross-border communities that explicitly reject the models of relationship promoted by the United States. This is an enfleshing of the Christian eschatological vision of inclusive community.

While the original sanctuary movement largely died out in the 1990s, the vision of the movement lived on in the imaginations of those who sought a more just world. In 2007 a New Sanctuary Movement (NSM) was founded in response to post-9/11 immigration enforcement packaged as national security initiatives. The NSM draws on the lessons and strategies of the 1980s movement, but in a "radically transformed" contemporary context. Sanctuary in the 21st century therefore looks considerably

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<sup>1005</sup> Ibid, 82-83.

<sup>1006</sup> Ibid, 78.

<sup>1007</sup> Ibid, 87.

different.<sup>1008</sup> It is, however, centered around the same basic practice of providing safe spaces for migrants under threat of deportation. In some cases, this has meant housing migrants in church buildings. The practice, which had dwindled with the rest of the original sanctuary movement, saw an expansion “in the waning years of the Obama administration as thousands of largely Central American immigrants were deported after having crossed the border” without documentation.<sup>1009</sup> The nativist, anti-immigrant attitude and policies of the Trump administration only exacerbated a situation that was already tenuous for the millions of people living undocumented in the nation. This included the targeting of certain migrants who were considered “deportable” but had largely been ignored by ICE under the Obama administration. In response, as of 2018, at least 50 different houses of worship were providing physical sanctuary to migrants facing deportation. One such woman was 40-year old Rosa Gutiérrez Lopez. Originally from El Salvador, Gutiérrez Lopez came to the United States in 2005 and was detained at the border. She was supposed to appear in immigration court, but was not aware she needed to confirm her hearing date and missed the court appearance, resulting in a deportation order. Learning of her mistake years later, she contacted ICE and has appeared for regular check-ins since. In October of 2018, she was told by ICE to buy herself a plane ticket back to El Salvador and to be out of the country by December 10th. Gutiérrez Lopez purchased a ticket but dreaded returning to a country in which she feared for her life. Moreover, she had three children, ages 11, 9, and 6, who she would either have to leave

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<sup>1008</sup> Buff, 30.

<sup>1009</sup> Arelis R. Hernández, “She was supposed to be deported, leaving three children. Instead, she hid in a church,” *The Washington Post*, December 12, 2018, accessed December 12, 2020, [https://www.washingtonpost.com/local/immigration/she-was-supposed-to-be-deported-leaving-3-children-instead-she-hid-in-a-church/2018/12/12/7ecc4d06-fdc9-11e8-83c0-b06139e540e5\\_story.html](https://www.washingtonpost.com/local/immigration/she-was-supposed-to-be-deported-leaving-3-children-instead-she-hid-in-a-church/2018/12/12/7ecc4d06-fdc9-11e8-83c0-b06139e540e5_story.html).

behind or bring to a country she considered highly dangerous. Her youngest had Down syndrome, requiring medical care that is difficult to obtain in El Salvador. So instead of getting on the plane, Rosa made the choice to enter sanctuary at Cedar Lane Unitarian Universalist Church in Bethesda, MD.<sup>1010</sup>

Gutiérrez Lopez's choice was undertaken in an effort to buy time while her legal counsel worked to get her a stay of deportation. The ability to buy this time by entering sanctuary hinges on a current ICE policy under which entrance into "sensitive" spaces, such as houses of worship, is not encouraged (although importantly, it is not prohibited).<sup>1011</sup> Gutiérrez Lopez's legal team is also working to get her case moved from Texas to Baltimore or Arlington.<sup>1012</sup> Where an immigration case is heard can be a strong predictor of whether someone will get a favorable verdict or not, and so many migrants work with their legal teams to try and move their cases away from where they first entered or were apprehended to a court nearer where they live.<sup>1013</sup> Gutiérrez Lopez also believes that the Fourth Circuit Court of Appeals in the Baltimore area "has better case law for cases involving gang violence," which could be a benefit to her.<sup>1014</sup> This also helps ensure that migrants have communities of support with them throughout their trials, which can also influence outcome. For its part, the Cedar Lane community sees itself in opposition to what "they deem an amoral U.S. immigration system."<sup>1015</sup> They also

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<sup>1010</sup> Hernández.

<sup>1011</sup> "FAQ on Sensitive Location and Courthouse Arrests," U.S. Immigration and Customs Enforcement, last updated September 25, 2018, accessed December 12, 2020, <https://www.ice.gov/ero/enforcement/sensitive-loc#wcm-survey-target-id>.

<sup>1012</sup> Leigh Giangreci, "After 18 Months In Sanctuary at a Bethesda Church, This Undocumented Mother Has Been Granted A Stay Of Removal," *DCist*, June 5, 2020, accessed December 12, 2020, <https://dcist.com/story/20/06/05/rosa-gutierrez-lopez-cedar-lane-ice-pandemic/>.

<sup>1013</sup> *Ibid.*

<sup>1014</sup> Giangreci.

<sup>1015</sup> Hernández.

consider it an outgrowth of values they have long held, a living out their faith in the concrete. Logistically, along with providing the physical space, volunteers at Cedar Lane also help provide Gutiérrez Lopez with food, supplies and necessities, and protection. They have pledged to do so for “as long as it takes.”<sup>1016</sup>

As long as it takes, as it turns out, is no small undertaking. Lopez was in sanctuary for 18 months before she was granted a stay of deportation that allows her to move freely around the D.C. area. Rosa Sabido, a 53-year-old woman from Mexico, has been living in the Mancos United Methodist Church for over 3 years. Like Gutierrez Lopez, Sabido has been regularly checking in with ICE when, all of a sudden, they stopped granting her stays of deportation. Her lawyer told her that if she appeared for her next check in, she would likely be deported, so instead she took refuge in sanctuary. Like the Cedar Lane community, the Mancos community has banded together to provide for Sabido’s needs. In addition to food, supplies, and shelter, the community also worked to help her maintain emotional and mental health, providing yoga classes, spiritual guidance, and opportunities to teach cooking classes or provide meals for others in the community.<sup>1017</sup> Still, Sabido reports that the experience was draining and difficult.

Journalist Stephanie McCrummen writes,

She felt most like herself when she was awake in the middle of the night. She could think in Spanish without translating. She could remember who she was. “Yes, I am Rosa,” she would say to herself. “Yes, I feel lonely. Yes, I’m in sanctuary.” She could think about whatever she wanted, about how at times she felt “like a pet, like the bear of the zoo everyone wants to come and see,” or “like the excuse” people needed to vent their anger about where the country was headed. She could wonder why one person had brought her a can of soup that was expired and why another had brought her a traditional Mexican blouse. She could

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<sup>1016</sup> Ibid.

<sup>1017</sup> Stephanie McCrummen, “A sanctuary of one,” *The Washington Post*, March 31 2018, accessed December 12, 2020, <https://www.washingtonpost.com/news/national/wp/2018/03/31/feature/after-30-years-in-america-she-was-about-to-be-deported-then-a-tiny-colorado-church-offered-her-sanctuary/>.

feel guilty for questioning all the good will. She could feel selfish for being a burden to Pastor Craig, to Roberto and to her sick mother. She could remember all the things she loved. Like reading a biography of Edgar Allan Poe. Like her dogs, or driving from Cortez to Mancos with music blaring. Most of all, she could remember how she loved living in her blue house with all the possibilities of America outside her doorstep. She had always loved that feeling, ever since she was a little girl in Mexico City who told her teacher that what she wanted to be was not a doctor or a lawyer but a person who lived in America. She kept reminding herself that was why she was here.”<sup>1018</sup>

Sabido’s struggles highlight the importance of seeing and treating migrants as whole people. Having physical shelter from ICE and the basic necessities she needed provided for her did not make being stuck on the church grounds any less difficult. Well-meaning people inadvertently made her feel less than human, like a means to an end or an interesting attraction to visit. She describes multiple times she was outside near the border of the church property and people passing by shouted to remind her to stay where it was safe.<sup>1019</sup> This is well intended, and this critique is not meant as an indictment of the Mancos community, who have responded with love and human imperfection to a person in need. Rather it is a reminder to Christians wishing to work with migrants that our good intentions are not always enough. Efforts must be taken to center the agency of migrants, to encounter them in their full humanity and not as a project or an opportunity to do good.

Another consideration that must be undertaken by any community considering offering any form of sanctuary to people under threat of deportation is the proper balancing of publicity versus privacy. Some sanctuary communities make their actions very public, making a statement against an unjust system. In other cases, people taking sanctuary might decide that it is in their best interests to be less public, to protect the

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<sup>1018</sup> Ibid.

<sup>1019</sup> Ibid.

details of their story that they would rather not share, or that could put them in danger if spread widely. People who enter sanctuary are choosing to fight against a system that would see them deported. They fight to stay with their communities, to keep their lives and livelihoods, to stay with their families somewhere they consider safe (or safer). That fight first and foremost belongs to them. They know their own needs and vision of liberation, and they have the most to lose. Church communities who provide sanctuary (or other forms of aid and partnership) are invited to participate in that fight, but must always remember to decenter themselves and to let the sanctuary guest lead. Learning to decenter ourselves as white people in a world that has often centered our needs will require a commitment to flexibility, a willingness to unlearn socially ingrained habits and to try new things. White Christians must be willing to make ourselves uncomfortable.

The modern movement has also expanded the notion of sanctuary beyond church buildings and communities to encompass, for example, cities and campuses.<sup>1020</sup> This expansion has required an imaginative set of new tools and practices. Harvard University Law Clinic has partnered with immigrant rights organization *Cosecha* to produce “extensive legal resources for campus organizations seeking to protect foreign-born students, faculty, and staff.”<sup>1021</sup> Like the original movement, modern sanctuary efforts on campuses are encouraged to build explicitly upon histories of resistance. The lawyers and activists who created these legal resources argue that colleges and universities have historically been made into spaces of resistance and protection of the most vulnerable,

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<sup>1020</sup> Buff, 32.

<sup>1021</sup> Buff, 32.

and so are capable of providing that same resistance and protection now for those under threat from increasingly punitive and indiscriminate U.S. immigration policy.<sup>1022</sup>

Other efforts have included courtroom solidarity, in which teams of volunteers accompany migrants to their court hearings. This provides visible support to migrants themselves, and also demonstrates their deep ties to the community, which can influence court decisions. Estes describes Indigenous activism around immigration justice, which often centers around a “refusal to cede moral authority over who belongs and who doesn’t to a settler nation.”<sup>1023</sup> This activism is itself a form of sanctuary. It unsettles the United States’ right to implement an immigration system at all, offering a form of conceptual, narrative sanctuary that reimagines what belonging means and who has access to it. The U.S. government might say undocumented immigrants are in the United States illegally, but that is not the only narrative.<sup>1024</sup>

Undocumented youth activists, many of whom are “DREAMers” have emerged as a powerful political force. Activists have “worked against federal as well as state and local anti-immigration policies,” organizing “civil disobediences and [infiltrating] detention centers to monitor conditions there.”<sup>1025</sup> Such actions can be seen as the extension of an expansive form of sanctuary, one which refuses to let detained migrants disappear into the shadows of the deportation machine. Instead of offering detained migrants shelter in their communities, these activists bring their communities to detainees, a sort of sanctuary “on the go.”

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<sup>1022</sup> Ibid.

<sup>1023</sup> Estes, “Go Back to Where you Came From,” *Open Space SFMOMA*, November 04, 2019, accessed, December 12, 2020, <https://openspace.sfmoma.org/2019/11/go-back-to-where-you-came-from/>.

<sup>1024</sup> For example, chapter two offered a more nuanced articulation of some of the push and pull factors that cause migration and calls U.S. immigration laws into question.

<sup>1025</sup> Buff, 32.

Sanctuary efforts often also include marches, protests, and other similar actions. At times, specific aspects of the United States' unjust approach to immigration gain attention and come under broad public criticism. For example, in Spring 2018, photos of the conditions faced by children separated from their parents under the Zero Tolerance policy caught widespread attention, sparking nationwide protests. While this widespread attention can aid the fight against unjust policy, it can also narrow the focus of people of good will too much. Immigrant rights activists insist that a much broader understanding of the unjust nature of immigration policy is needed, and that this broader view should ground political action and demands. One recent focus of pro-immigrant activism that has developed with this sort of broader lens has been the social media-based movement #abolishICE. Becoming popular in 2018, #abolishICE challenges the narrative that ICE is necessary for the safety and security of U.S. citizens, recognizing both its very recent founding (2003) and its ongoing record of human rights abuses that endanger rather than protect communities. It envisions a world beyond the status quo. As a movement with broader focus, many proponents of #abolishICE have a wide-reaching vision for a more just world, acknowledging "the depredations of walls within as well as between sovereign nations," linking activism around immigrants' rights to other justice issues, such as the occupation of Palestine, recognizing "that to work against such walls is to work against a global system of empire, which includes the brutal legacies that have created the contemporary map of nations as well as ongoing imperial practices."<sup>1026</sup> In other words, this movement recognizes that justice requires the dismantling of global

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<sup>1026</sup> Buff, 33.

systems that have been made to seem necessary and inevitable but actually only protect the interests of the few at the expense of vulnerable people.

The status quo maintains itself by appearing inevitable.<sup>1027</sup> When the status quo is unjust, churches, called to truth-telling and solidarity with oppressed people, ought therefore to find themselves in opposition to these systems. Christian communities must participate in undermining that sense of inevitability by imagining new ways of being in the world. One way the sanctuary movement reimagines what is possible and challenges the status quo is by divorcing its understanding of moral goodness from legality. The Mancos United Methodist Church, when accused of promoting lawlessness by offering sanctuary to Rosa Sabido, answers by pointing out the long history of unjust laws in the United States, among which they include present immigration policy.<sup>1028</sup> While communitarians insist that the rule of law is worth upholding because strong systems of law protect human rights, people within the sanctuary movement highlight the human rights abuses the system of law has itself perpetuated and upheld. Laws, they argue, do not earn the right to respect and compliance simply by being laws. Rather, laws must be just in order to warrant following. Those within the sanctuary movement encourage others to interrogate the purpose of law. How has the law functioned historically? Who has it served? The dominant narrative, rooted in the frontier myth's casting of anything outside the boundaries of Anglo civility as a threat, is that the rule of law has and continues to serve U.S. citizens and keep us safe. Chapter two showed how the rule of law has often served the needs of the few at the expense of many. U.S immigration

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<sup>1027</sup> Estes, "Our History is the Future," 149.

<sup>1028</sup> McCrummen.

policy, an outgrowth in part of Manifest Destiny and the frontier myth, similarly protects some with little regard for who is harmed as a result. Moreover, the few that this system serves does not even encompass all U.S. citizens. Mass detention and deportation does not demonstrably make the general U.S. population safer. For example, we considered above the fact many immigrants, especially undocumented immigrants, fear reporting crimes because it may lead to scrutiny and deportation. A system that discourages the reporting of crimes does not make communities safer. Furthermore, to a large degree, the current system profits the owners and stockholders of for-profit detention centers, and politicians who use the threat of dangerous migrants as a tool to gain support and election.

García Hernández outlines how the practice of detaining migrants developed and became tied to the economic interests of the U.S. elite. While the mid twentieth century saw positive views of incarceration drop dramatically, García Hernández reports that in the wake of the civil rights movement interest in incarceration swung back up. The so-called “War on Drugs” is by now well known for jumpstarting mass incarceration, particularly of Black men.<sup>1029</sup> At the same time, however, immigration detention began to rise dramatically. García Hernández links this rise in immigration detention to “a broader securitization regime” in which the U.S. government demonstrates that it remains in control by use of brute force against perceived threats. Detention allows the government to give the impression that it is keeping its citizens safe, even when the data shows that such draconian immigration tactics do little to enhance anyone’s security or quality of

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<sup>1029</sup> See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Rev. ed. (New York: New Press) 2012.

life.<sup>1030</sup> While ineffective and often inhumane, detention has proven itself to be “a sharp-edged political tool,” that remains “remarkably effective means of dividing workplaces, friendships, families, and communities.”<sup>1031</sup> Such division helps elites maintain power by distracting average people from the real source of their problems and providing scapegoats towards which to channel anger and mistrust.

Moreover, García Hernández finds that of all forms of incarceration, the detention of migrants has proven most profitable. He reports that “with eye-catching dollar amounts moving from Washington to small towns” with immigration detention centers (which also provide needed jobs for these communities), it is no surprise elected officials fight to keep federally financed prisoners in their communities.”<sup>1032</sup> In reality, detention centers are far less reliable as sources of jobs and money, and can often leave communities, taxpayers, and local governments footing the bill.<sup>1033</sup> The real beneficiaries of the expanded use of detention are private prison corporations. García Hernández reports that the private prison industry receives \$3.2 million a day from ICE, a huge incentive for them to increase detention and keep their prisons full of migrants.<sup>1034</sup> For these reasons, following the example of the sanctuary movement, Christians ought to question who current systems serve and be ready to oppose those systems, like mass detention, which fail to establish any recognizable justice.<sup>1035</sup>

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<sup>1030</sup> César Cuauhtémoc García Hernández, *Migrating to Prison: America's Obsession with Locking up Immigrants* (New York: The New Press, 2019), 55-73.

<sup>1031</sup> *Ibid.*, 93.

<sup>1032</sup> *Ibid.*, 126-127.

<sup>1033</sup> *Ibid.*, 128.

<sup>1034</sup> *Ibid.*, 130.

<sup>1035</sup> See also Tanya Golash-Boza, “The Immigration Industrial Complex: Why We Enforce Immigration Policies Destined to Fail,” *Sociology Compass* 3, no.2 (Feb 2009) 295-309.

Furthermore, Christians must consider how we currently collaborate with these systems and how we can divest from this entanglement. The previous chapters have outlined some of the ways in which Christian theology, particularly white, Euro-American Christian theology, has helped create and perpetuate harmful ideologies and systems throughout U.S. history. Churches wishing to build a more just world ought to come to understand this entanglement and actively work to dismantle it. As was discussed in chapter four, this may mean abandoning harmful theologies, or expanding to accept a more pluralistic (not relativistic)<sup>1036</sup> view of theology. Churches ought also to consider what gets explicitly and tacitly supported in Christian services and our methodologies. Does the way we talk about history collaborate with the harmful ideologies of Manifest Destiny and the frontier myth, or do we offer a different story? Do we talk about justice and morality as if it is totally tied to positive human laws, or are we able to articulate a deeper source of justice? What types of authority do we give weight to, implicitly and explicitly? Might we be upholding colonialist standards of knowledge? How might even our activism perpetuate the ideologies or practices of colonialism? This is one of the reasons it becomes so important to allow space for marginalized communities to lead. White U.S. citizens imposing ideas about justice onto the lives of immigrants just repeats the intrusive dynamics of colonialism. Our ways of seeking justice need to inhabit new ways of relating.

Consider, for example, how our language participates in or undermines dominant U.S. narratives. One common way this occurs is when well-meaning allies use language that implies “good,” vs. “bad” immigrants. Often, this is done to point out the arbitrary

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<sup>1036</sup> See, for example, Roger Haight, “Trinity and Religious Pluralism,” *Journal of Ecumenical Studies* 44, no. 4 (2009): 539-540.

nature of the immigration system. How could the system hurt someone like this, someone who, implicitly, is good enough to not deserve that treatment. Richard Morales, director of the Faith in Action national immigration campaign, said of Rosa Gutierrez Lopez, “we don’t see why she is a priority for deportation. There is no reason to separate this woman from her children.”<sup>1037</sup> Morales’ point is clear. The system is so unjust and arbitrary it would deport someone who poses no definable threat to U.S. communities. But the implication, however unintentional, is that others might be less good, and therefore less worthy of care or more deserving of draconian immigration enforcement policies. Working for justice requires that we question the necessity, effectiveness, and morality of punitive and aggressive immigration policies, full stop, no matter who they are harming or how well that person fits into a “good immigrant” narrative.<sup>1038</sup>

Sanctuary efforts, in whatever form they take, provide a way for church communities to be sacramental, to proclaim God’s vision for the world and God’s presence in the midst of suffering and evil. The world that sanctuary churches invite us to envision is a world in which relationships of care and responsibility extend beyond borders, one in which we, as humans, understand ourselves to belong to each other in a very real sense, regardless of borders or national origin. It is the world implied in responsibility ethics, in which we are meant to respond justly to and be in right relationships with all people, not to put our nation first at the expense of others. As the

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<sup>1037</sup> As quoted by Hernández.

<sup>1038</sup> See also García Hernández’s exploration of “good” and “bad” immigrants and how this plays into the U.S. propensity for detaining migrants (García Hernández, 95-117). Another example of how well-meaning people play into harmful narratives can be seen in conversations around DREAMers. Insistence that DREAMers came to the U.S. illegally “through no fault of their own” because they were too young to make that decision implies that their parents are at fault and might therefore not be due the same protections as their children. We must be careful, in defending particular migrants from an unjust system, not to imply some migrants are more deserving of rights than others.

previous chapters have shown, this vision for the world aligns well with Christian values. Communities committed to living out these values and working for justice must be willing to think beyond the legal and criminal justice systems of this nation and abandon legality as a measure of moral rightness. This is not to imply that human law has no role to play in the creation of justice and the protection of human rights. Rather, we draw on the long tradition of a Christian separation of human law from the law of God, perhaps best exemplified by Martin Luther King Jr. who, drawing on Aquinas, wrote “there are two types of laws: just and unjust...one has a moral responsibility to disobey unjust laws.”<sup>1039</sup> In line with this tradition, this dissertation argues that just laws ought to be obeyed on the grounds that they are just, not by virtue of being laws. Christians will only be able to work towards true justice for migrants insofar as we take this seriously.

#### **5.1.4 St. Cloud, Minnesota**

In recent decades, Minnesota has become home to a large population of Somali refugees and immigrants. This final case study explores the experiences of these newcomers, their trials and triumphs, and the community actions that have best served them. Before doing so, it is worth acknowledging that up until this point, this dissertation has focused almost entirely on migration from Latin and Central America (as well as Indigenous sovereignty). Despite this narrower focus, this turn to Somali migration is helpful for two reasons. First, the situation in central Minnesota offers unique insight to offer Christian communities considering what praxis aimed at justice for migrants might look like, and is

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<sup>1039</sup> Martin Luther King Jr., *Why We Can't Wait* (Boston: Beacon Press, 2010), 93.

therefore a valuable resource despite the deviation for the project's scope. That the situation in Minnesota is different from the other cases explored above is especially helpful in that it highlights how praxis can and should look different in different contexts. Diaz's link between salvation and concrete cultures and Marcella Althaus-Reid's conception of Jesus' messianic becoming in conversation with marginalized communities drew our attention to the importance of shaping liberative praxis to the needs and circumstances of specific contexts. Christian communities should tailor their approaches to their specific context. Second, by ending with an example of a different type of migrant experience, this final case study highlights how the framework outlined in this dissertation has broader relevance and is applicable beyond the specific relationships highlighted thus far.

The situations Muslim refugees and migrants face in the United States are influenced by modern Islamophobia and xenophobia, fueled by the rhetoric of the "war on terror" and an increasingly security-focused view of immigration policy. Roxanne Dunbar-Ortiz linked the contemporary war on terror to the Indian Wars and the tactics used to tame the frontier. Chapter two outlined how these practices and attitudes came to shape U.S. foreign and immigration policy. It is no surprise, then, to see increasingly aggressive foreign action against "terrorism" coincide with increasingly militaristic immigration policy. Recent history shows that,

After 9/11, an emergent grammar of Homeland Security drew on residual nativism and Islamophobia to conflate Muslim and Arab Americans with both terrorism and out-of-control migration. This discourse deployed the Cold War semantic division between deserving refugees and threatening migrants during almost two decades of refugee-generating conflicts waged by US forces, allies, munitions, and drones in Iraq, Afghanistan, Pakistan, Israel/Palestine, Yemen, and more. At this moment of increased US international engagement, a nationalist language of borders and securitization that perceived refugees as potential

terrorists gained traction. As refugees became associated in this discourse with “terror,” it eroded the post-1951 distinction between “deserving” refugees and suspect migrants. This rhetoric of counterterrorism advanced further in the Trump administration’s rapid implementation of Executive Order 13769, a controversial ban on travelers, refugees, and migrants from seven mostly Muslim nations.<sup>1040</sup>

This increased conflation of migration with terrorism has had a wide-reaching impact on migrants from around the world, and it has fueled increasingly exclusionist rhetoric and policy proposals. Most migrants are negatively impacted by this shift, facing increasingly difficult hurdles to gaining entry into the United States, and new forms of fear and mistrust from some U.S. residents once they do arrive. Muslim immigrants, however, are especially impacted, often linked to terrorism regardless of any evidence or lack thereof.

It was in this context of fear and securitization that Somali Refugee Hudda Ibrahim wrote *From Somalia to Snow: How Central Minnesota Became Home to Somalis*. Ibrahim’s work is an exercise in truth-telling as outlined in chapter four. She is aware of the false narratives that exist about why Muslim immigrants come to the United States and why so many Somali refugees have come to central Minnesota. Her response is an attempt to counter these false narratives with a fuller depiction of reality. In doing so, her narrative causes a rupture, as defined by Althaus-Reid, by interrupting dominant U.S. narratives about Muslim migrants and inviting people to read history with the Somali community. To create this rupture, Ibrahim offers a brief, accessible history of Somalia, outlining its colonization, independence, and internal conflicts and showing how this has led to many fleeing violence and persecution.<sup>1041</sup> She then outlines how Somali refugees came to congregate so heavily in central Minnesota, and in the St. Cloud area

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<sup>1040</sup> Buff, 31.

<sup>1041</sup> Hudda Ibrahim, *From Somalia to Snow: How Central Minnesota Became Home to Somalis* (St. Paul: Beaver’s Pond Press, 2017), 1-14.

specifically. In the late 1980s and early 1990s violence and unrest forced many Somalis to flee to Kenya and Ethiopia. While most anticipated an end to the violence would come soon and make it safe to return home, they ended up in refugee camps. Many were eventually resettled in the United States, with waves of refugees being resettled in the 1990s, 2006, and between 2010 and 2015.<sup>1042</sup>

Ibrahim's book can be a helpful starting point for local church communities who want to work for justice in central Minnesota or places like it. Groups can begin by simply reading the book. Works like this provide a basic opportunity to begin to learn about local migrant communities. Becoming educated in this way not only helps diminish fear and distrust, but can also begin to open pathways to relationship building. Furthermore, Ibrahim outlines many of the concrete realities of Somalis in the area, relying on her own experience and on extensive interviews. While it is no substitute for actual relationships with Somali neighbors, the book (or works like it<sup>1043</sup>) can be an entry point for those considering what needs might exist in their communities and how they may be positioned to partner with existing networks to get those needs met. In this way, the book becomes a first step towards reading with marginalized communities, as

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<sup>1042</sup> Those who arrived in the 1990s had no choice about where they were resettled. Many ended up in Minnesota because of the active network of resettlement agencies working there. Initially, many refugees were resettled in Rochester and Marshal Minnesota, but when the factories in those areas began to close, groups of single Somali men began moving to St. Cloud, where several businesses such as Jennie-O and Golden Plump offered jobs that did not necessitate English proficiency. As numbers in St. Cloud grew, nonprofits were established to aid new arrivals. Word spread among Somali communities, and many more moved to St. Cloud seeking work and community. Being somewhere with a large, relatively established Somali community provides access to many forms of concrete and cultural support, and guarantees the existence of places to worship, procure cultural goods, and participate in traditional customs. More recently, relatives of those who move to St. Cloud have also traveled to join them, contributing to the large and vibrant Somali community in the St. Cloud area (Ibid, 26-52).

<sup>1043</sup> See, for example Hasme Warfa, *America Here I Come: A Somali Refugee's Quest for Hope* (Makati City, Philippines: Sunshine Publishing) 2014; Abdi Nor Iftin, *Call Me American: A Memoir* (New York: Vintage) 2019; Ilhan Omar and Rebecca Paley, *This Is What America Looks Like: My Journey from Refugee to Congresswoman* (New York, NY: Dey St.) 2020.

Althaus-Reid calls Christians to do. Churches must work to educate themselves, and to promote education in their broader communities.

Chapter four discussed the importance of stories for interrupting dominant narrative and forging community identity. Althaus-Reid argued that reading “lowercase” literature that emerges from society’s margins can create rupture out of which we can work for justice. Engaging and promoting the stories of migrants and refugees, stories that counter the misinformation that surrounds them and the U.S.-centered narratives that harm them and which can begin to expand our understanding of who we are (or ought to be) in community with, is an important task churches can undertake in service of these goals. This might mean starting book clubs, hiring speakers, or using a broader range of stories and examples in sermons and other church events. Chapter four outlined Althaus-Reid’s notion of Jesus’ messianic becoming, a process of becoming savior in conversation with marginalized people and their concrete needs. If the church is called to participate in Jesus’ work, Christians in places like St. Cloud ought to consider how they too might conceive of the work of liberation as necessarily developed in conversation with the needs of Somali communities, and how this might shape their understanding and presentation of the Gospel. Christian communities who respectfully engage the stories of Muslim migrants in particular can help counter the notion that to be Christian is to be anti-Muslim. This breaks through the narrative that religions must compete and that religious differences fundamentally divide. Churches can in this way intentionally foster a community that once again proclaims to the world what is possible. They can model what right, responsible relationships can look like.

Pro-immigrant activism in the St. Cloud area has focused largely on education and encounter. #UniteCloud, a nonprofit organization founded in 2015 by Natalie Ringsmuth for the purpose of reducing “racial, religious, and cultural tensions in Central MN.”<sup>1044</sup> At the time of its founding, 73% of non-Somali St. Cloud residents reported trusting their Somali neighbors, a significant increase from 56% in 2010. Local peace studies professor Ron Pagnucco attributes this increase to efforts to build bridges in the community. However, this number is still well below trust of other racial groups in the area, all of which were trusted by over 90% of residents.<sup>1045</sup> Groups like #UniteCloud work to close that gap. Speakers from #UniteCloud provide programs like “Stepping Out of Your Comfort Zone...in Faith” and “Empathy, Refugees, and Immigrants” to businesses, church groups, and other meetings.<sup>1046</sup> They also provide various trainings, such as “know your rights” programs and workshops about Islam, Somali culture, and forms of activism. Much of the speaking team is made up of Somali residents, providing an opportunity for people to encounter members of this new population and build relationships instead of relying on stereotypes.<sup>1047</sup>

Ringsmuth reports that myths about Somalis fuel fear and resentment and lead to divisions in the St. Cloud community. Such falsehoods include the belief that Somali refugees are in the country illegally (obviously false), or that they have increased crime rates in the area when in fact the opposite is true. Prominent myths in St. Cloud’s white communities also link high unemployment and low wages in the area to the increased

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<sup>1044</sup> “#UC Leadership,” #UniteCloud, accessed December 12, 2020, <https://unitecloud.org/staff/>.

<sup>1045</sup> Austen Macalus, “Conversations lead to acceptance of Somali refugees,” *Associated Press*, November 2, 2019, accessed December 12, 2020, <https://apnews.com/f6621f7f15d048098c3779bcad75c947>.

<sup>1046</sup> “Education and Speaking,” #UniteCloud, accessed December 12, 2020, <https://unitecloud.org/education-speaking/>.

<sup>1047</sup> Ibid.

Somali population, and suggest that Somali residents rely heavily on aid from social services, draining community resources. In reality, neither concern is founded, and both Ibrahim’s research and local reports show that the Somali community has established a vast network of support through which they are able to take care of each other and support new arrivals. A small amount of the county’s tax levy money goes to supporting refugees in the area. The majority of social services resources in the area go to white residents born in the area.<sup>1048</sup> Rumors such as these, while often easily disproved, cause fear and animosity, and have led some to call for an end or halt to resettlement in St. Cloud. In the Fall of 2017, City Council member Jeff Johnson called for a moratorium on resettlement while a study of the impacts of immigrants on the city could be studied.<sup>1049</sup> While this resolution ultimately failed, and instead a resolution was passed to declare St. Cloud “a welcoming community for refugees,” Johnson’s call highlights the persistence of negative myths about refugees and immigrants.<sup>1050</sup>

Ibrahim’s book is one helpful resource for countering these harmful myths. It is, however, not the only method she has used to counter harmful narratives and misunderstandings. She also hosts regular “Dine and Dialogue with a Muslim Neighbor” events in which guests have an opportunity to learn about each other in an informal setting. The goal of these dinners is to “help foster better understanding of immigrants

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<sup>1048</sup> While countering these falsehoods is indeed important, it is also worth noting that such narratives play into harmful ideas about who is worthy of aid and what the cost of community ought to be. This dissertation argues that the United States has a responsibility towards migrants, regardless of their ability to establish their own internal networks of support or their potential “drain” on U.S. resources.

<sup>1049</sup> Jon Telvin, “Untruths fan flames of fear in St. Cloud,” *Star Tribune*, October 23, 2017, accessed December 12, 2020, <https://www.startribune.com/jon-tevlin-untruths-fan-flames-of-fear-in-st-cloud/452139823/?refresh=true>.

<sup>1050</sup> Melissa Marolf, “The \$63 Billion Dollar Reality Check,” accessed January 20, 2021, <https://unitecloud.org/the-63-billion-dollar-reality-check/>.

and refugees” in order to diminish prejudice rooted in misunderstandings.<sup>1051</sup> In addition, these community building dinners provide opportunities for participants to “read” with each other, as Althaus-Reid calls us to, by engaging in conversation about each other’s traditions and about the shared community of St. Cloud. #UniteCloud board member and local Somali college student Ekram Elmoge has undertaken a similar effort to educate and build relationships, committing to frequent conversations over coffee with people who are “skeptical” or “outright opposed” to refugees. Elmoge is also “working to start a group that teaches young Somali women how to share their stories” so that they might be empowered to have these bridge-building conversations.<sup>1052</sup> St. Cloud’s Somali residents lead the way on these conversational approaches to increasing tolerance and respect. Some of the area’s white residents have also followed suit, not only engaging in these conversations but beginning to initiate them as well. St. Cloud mayor Dave Kleis “holds chili feeds at his house to bridge cultural gaps among different races and religions.”<sup>1053</sup> In 2017, #Unite Cloud held a panel entitled “I Don’t Mean to Offend You, But...” which provided a safe opportunity for St. Cloud’s non-Somali residents to ask questions they may otherwise have left unsaid and which, when unanswered, can foster resentment and fear.

White lifetime St. Cloud resident Linda Thielen found that speaking with her Somali neighbors began to shift her perspective on their presence in the community. At first, as Thielen began to notice the growing Somali population in St. Cloud, she was nervous, angry, and confused. She did not understand why they were coming, and she

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<sup>1051</sup> Telvin.

<sup>1052</sup> Macalus.

<sup>1053</sup> Telvin.

reports that in the back of her mind she connected them to the 9/11 terrorist attacks. She worried the increased presence of Muslim people in St. Cloud might lead to another attack, this time in her own backyard. Thielen's concerns caused tensions between her and her daughter, who works at a nonprofit that aids in the resettlement of refugees. After a particularly heated argument, she was challenged to get to know a Somali neighbor. She began tutoring Somali students and baking cookies for the Muslim family who had recently moved in down the street. She learned about their culture and got to know them as people. Over time, she realized that her prejudices against Somali people were in contradiction with her Christian faith. She knew, she says, how Jesus wants people to treat one another, and she came to acknowledge that the biblical injunction to love one's neighbor included the Somali and Muslim residents of St. Cloud. Thielen has come a long way from her initial fear, and she is trying to bring others in her life along with her, encouraging them to get to know their new neighbors like she did. She reports that some are making steps towards acceptance and respect, though the process is slow.<sup>1054</sup> Natalia Imperatori-Lee highlights the importance of revelation in the everyday. Thielen's encounters with her Somali neighbors became such occasions for everyday grace, through which she was able to be transformed by love.

Although social scientists often predict that increased diversity leads to a decrease of overall trust in a community, St. Cloud demonstrates the reverse: between 2010 and 2015, both diversity and trust increased. This included both overall trust and trust between non-Somali and Somali residents. Pagnucco hypothesizes that "the increase of the number of Somalis led to an increase in likelihood that members of the broader

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<sup>1054</sup> Macalus.

community would get to know Somalis (as fellow students, as coworkers, as fellow shoppers, as neighbors, etc.) and that getting to know a Somali increases the likelihood of developing trust and a more positive view of Somalis” in general.<sup>1055</sup> This hypothesis is supported by Pew Research that suggests knowing someone who is Muslim increases a person’s likelihood of having a positive overall view of Muslims. Importantly, in the period between the 2010 survey and the 2015 survey, Pagnucco reports that bridge-building efforts were undertaken by individuals and groups, such as church communities and nonprofits. These efforts, he suggests, positively directed the impact of the overall increase in diversity in the area enabling that diversity to generate greater, rather than lesser, trust.<sup>1056</sup>

#UniteCloud’s efforts to provide educational resources and opportunities for encounter build on this work. Furthermore, the organization also works to bring the knowledge and experience it has gained from working in the St. Cloud area to other communities around Minnesota and beyond in order to help build relationships across divisive tensions elsewhere. Speakers from the organization help other communities create “honest and useful discussion in a safe and familiar environment,” in which the speakers aim to talk “with” participants rather than at them.<sup>1057</sup> That the organization understands the connections between the division in central Minnesota and divisiveness around the United States. Like the organizers of *El Gran Paro Estadounidense*, #UniteCloud recognizes that building a more just world is a project that may begin with a

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<sup>1055</sup> Ron Pagnucco, “Editorial counterpoint: There’s more to the other side of the St. Cloud story,” *Star Tribune*, July 8, 2019, accessed December 12, 2020, <https://www.startribune.com/editorial-counterpoint-there-s-more-to-the-other-side-of-the-st-cloud-story/512438282/?refresh=true>.

<sup>1056</sup> Ibid.

<sup>1057</sup> “Education and Speaking,” #UniteCloud.

small, specific focus, but which must grow to encompass a broad set of interconnected liberative projects.

The efforts taking place in St. Cloud and the surrounding area offer examples for how churches and Christian communities might participate in opening lines of communication that help dispel harmful myths about migrants and which create a basis for more inclusive communities and networks of care that exemplify to U.S. society how taking responsibility for each other can work. In other words, St. Cloud provides an example for how truth-telling can build bridges and create expansive communities of solidarity. The focus on building community exemplified in St. Cloud is held in common by all four of the case studies explored in this section. At its core, the ecclesiological vision of chapter four aims at and can only be lived out in an ever increasingly inclusive and just pattern of community building.

Chapter four lifted up four ecclesiological themes that give theological flesh to responsible, reparative action and radical love: model communities, truth-telling, solidarity, and flexibility. The cases outlined above illuminate how these themes might inform concrete action. For example, *El Gran Paro Estadounidense* shows the importance of solidarity through the various partnerships forged in the movement that became integral to its project. Sanctuary movements provide model communities that offer a vision of how the world could be, of what it might look like to live as though we are truly responsible to one another. The organizing and activism in El Paso exemplifies flexibility, continually adjusting and re-adjusting as new needs arise. In St. Cloud, we can see the great importance of truth-telling, and several models for how individuals and communities might go about disrupting harmful narratives. These examples have been

intentionally diverse. They highlight a variety of tactics that might be taken in different contexts and based on particular strengths and resources. Christian communities are encouraged not to mimic these cases but to allow them to inspire and direct their own particular, contextual work of radical love in service of the Kingdom of God.

## 5.2 BROADENING THE SCOPE

The case studies profiled above provide a variety of examples for how Christian's might live out the ecclesiological vision provided in chapter four. They vary in overall approach, particular focuses, and in the specific tactics used. Some are very public, such as the *El Gran Paro Estadounidense*, and #UniteCloud. Other approaches are much more interpersonal, like the Encuentro Project's ministry of encounter or Ekram Elmoge's conversations with people suspicious of Somali migrants. Some require explicit resistance to the laws and powers of the United States, such as Annunciation House's earliest work and the sanctuary movement of the 1980s. Other times, some cooperation with the system becomes prudent, as when Garcia coordinates with ICE in order to provide shelter and services to asylum seekers, or the modern sanctuary movement's reliance on ICE's policy of not entering certain locations. A flexible, contextual approach will need all of these approaches and more. Pursuing justice will look different in each context, and a variety of actions will be necessary to build a more equitable world.

Our exploration of these examples of Christian responses to migration began with De Anda's call to holistic transformation away from the logic of domination and towards right relationships. These case studies have highlighted that this turn to right relationships

requires Christians to take sides. Truly turning away from the logic of domination means actively opposing systems of domination. Failure to do so implicitly supports the status quo. In all of its diverse embodiments, the ecclesiological vision of this dissertation maintains that political neutrality is not an option for people of faith. Ibram X. Kendi argues against the illusion of neutrality in his book, *How To Be An Antiracist*.

Kendi defines racism as “a marriage of racist policies and racist ideas that produces and normalizes racial inequities.”<sup>1058</sup> This normalization of inequalities is key. Social sin, as defined in chapter two, makes systems of injustice and inequality seem natural. In such a situation, neutrality is not possible. Either we work to actively dismantle social sin within and around us, or contribute to its normalization through efforts to remain neutral. Social sin has to be actively rejected. Kendi can help elucidate this point. He argues that because racist policies and “[r]acist ideas have defined [U.S.] society since its beginning” they often “feel so natural and obvious as to be banal,” and so “antiracist ideas remain difficult to comprehend, in part because they go against the flow of this country’s history.”<sup>1059</sup> In a context such as this, with pervasive systems of racism in our thoughts and our laws, each person must consider and decide how to proceed, which “side” of history to place ourselves on.<sup>1060</sup> Choosing the side aiming to dismantle racism and racially-based injustices means abandoning a “race-neutral” approach. Similarly, choosing solidarity with the victims of U.S. colonialism and unjust immigration policy means neutrality is not an option.<sup>1061</sup>

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<sup>1058</sup> Ibram X. Kendi, *How to Be an Antiracist* (New York: One World, 2019), 17.

<sup>1059</sup> *Ibid.*, 22.

<sup>1060</sup> *Ibid.*, 21.

<sup>1061</sup> Guardado condemns what he calls “futile attempt[s] at neutrality that merely condones sinful structures and idolizes security,” insisting that the church is already deeply “embedded within the broader sociopolitical conflict surrounding immigration” (Guardado, 82-83).

Kendi describes antiracism as a project, as a set of choices made in each moment.<sup>1062</sup> We must all continuously choose to be antiracist, in whatever form that may take in each context. When it comes to responding to migration in the United States, whichever types of action Christian communities deem most appropriate in their contexts, these actions must also be guided by a rejection of attempts at neutrality and a commitment to actively dismantling social sin in whatever form it takes. The case studies presented above provide examples of what some practical actions to oppose social sin might look like, particularly as this relates to the reception and protection of migrants in the United States.

Kendi also looks closely at policy. In particular, he criticizes approaches that aim solely at equal treatment, approaches characterized by insistences that one “does not see race,” and that this is the correct model for how we should proceed.<sup>1063</sup> Instead of equal treatment that ignores racial difference, Kendi argues that the United States needs equity. Equity discriminates, but while discrimination has often been identified solely with racism, antiracist discrimination results not in inequality but in equity.<sup>1064</sup> He quotes Lyndon B. Johnson who once said “You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘You are free to compete with all the others,’ and still justly believe that you have been completely fair.”<sup>1065</sup> In order to compete fairly with the other runners in this

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<sup>1062</sup> Kendi, 13-22.

<sup>1063</sup> Ibid, 19.

<sup>1064</sup> Ibid, 18.

<sup>1065</sup> Lyndon B. Johnson, “Howard University Commencement Address, June 4, 1965, as Quoted by Kendi, 19.

analogy, the formerly chained runner would need extra help, “discrimination”<sup>1066</sup> that will get him onto equal footing with his fellow runners. So too, then, with dismantling racism in the United States. What is needed are not neutral attitudes and policies that operate as if everyone begins life on equal footing, when in reality a history of systematic racism has created deep inequalities that set BIPOC at a disadvantage. The goal, therefore, is not purely equal treatment, but discrimination aimed at righting the wrongs of history and establishing equal footing for all.

To return to immigration, Christians must take a serious look at the policies they support and oppose and then reevaluate. For policies to be just, they must work not to preserve so-called neutrality but for just discrimination. In Christian terms we might call this a policy-focused preferential option for the poor. To take seriously the ecclesiological vision of chapter four means letting it shape not only church community action but also the types of policy we support or advocate for. The following section turns, then, to a fuller consideration of just immigration policy.

### **5.3 CONTOURS OF JUST IMMIGRATION POLICY**

This dissertation does not aim to offer a detailed proposal for immigration policy in the United States. Rather, it concerns itself primarily with proposals for Christian action and advocacy. To that end, this section considers the policies proposed or supported by the pastoral bodies we highlighted in chapter one. In doing so, this section

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<sup>1066</sup> This is Kendi’s language. His use of it can be related to the preferential option for the poor and the idea that preferential treatment is required to reach justice and equity.

suggests guidelines for the types of policies Christians informed by this dissertation's ecclesiological vision ought to support, through voting, public discourse, and other forms of direct political action.

In order to propose some basic contours for just immigration reform, however, we must first consider the relationship between justice and policy. This dissertation has outlined an understanding of justice as relational, rooted in responsibility and an accurate understanding of history. It has also insisted that laws must be just in order to warrant obedience, contrary to common communitarian perspectives which seek to protect the rule of law as a good in itself.<sup>1067</sup> What the project has not yet considered is what the formation of just laws might entail. What follows is not intended to be an exhaustive consideration of this question, but rather a brief outline of how Kendi's articulation of antiracist policies shapes this project's view of just policymaking.

In line with his rejection of neutrality, Kendi argues that policies must work not simply to mitigate or end harm, but to actively dismantle the inequalities forged in history. Kendi writes,

A racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups. By policy, I mean written and unwritten laws, rules, procedures, processes, regulations, and guidelines that govern people. There is no such thing as a nonracist or race-neutral policy. Every policy in every institution in every community in every nation is producing or sustaining either racial inequity or equity between racial groups.<sup>1068</sup>

In a U.S. society so wracked with deep seeded social sin, as chapter two showed, just policy proposals must often seek not to build on the established status quo, but rather to

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<sup>1067</sup> Most often this argument is based on the notion that the rule of law protects human rights.

<sup>1068</sup> Kendi, 18.

actively dismantle and replace it. A weakness of both communitarian and cosmopolitan approaches to immigration is that they both require a certain degree of acceptance of the world as it is. They do not actively break down or question the status quo, taking too much for granted the present world order and seeking reforms that will push it in more humane directions. With Kendi, this dissertation supports a more radical approach, because it recognizes the sin that exists deep in the roots of the United States, sins that cannot be eradicated through reforming what exists. Instead, we must build something new.

Antiracism and responsibility-based immigration ethics are both committed to historicity, to recognizing patterns of injustice across history and the way those patterns shape our lives to this day. Both approaches aim to actively undo these ongoing harms, to heal the damage and establish equity, accountability, and justice where it has not existed. Kendi writes, “To be an antiracist is a radical choice in the face of this history, requiring a radical reorientation of our consciousness.”<sup>1069</sup> Similarly, responsibility ethics, rooted in reparative justice, requires the radical reimagining and reforming of unjust historical relationships.

The policy contours proposed below are driven by this radical reimagining. They are organized into three themes: *responsible*, *relational*, and *creatively comprehensive*. Chapters three and four outlined the appropriateness of a responsibility ethics framework for understanding migration. This framework calls first for immigration policy that takes stock of the realities of history and the relationships the United States has forged with nations and people beyond its borders. Just immigration policy will then acknowledge

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<sup>1069</sup> Kendi, 23.

those relationships of responsibility in tangible ways. In keeping with the spirit of responsibility, just immigration policy must also achieve sufficient recognition of a wider variety of human relationships and commit to greater protection of these relationships. The responsibility ethics framework outlined in this dissertation places relationships at the center of our work for justice. Considering how policy might better reflect the centrality of these relationships is therefore a vital step towards justice. Finally, chapter three highlighted the importance of reparative justice for grounding immigration ethics. In practice, a focus on repair will necessitate creative approaches to establishing accountability where it has not existed. A first step in establishing accountability will be an overhaul and expansion of current legal paths to membership in the United States in acknowledgment of U.S. failure to be in just relationship with the people now migrating to and through U.S. borders. However, accountability ought also to expand beyond direct migration policy, reshaping international relationships on a broader scale in order to address past injustice and prevent injustice in the future.

Chapter one summarized the USCCB and *Conferencia del Episcopado Mexicano*'s joint call for a reform of U.S. immigration policy that expands legal pathways to citizenship, allows more families to stay together, and grants legal status to migrant workers.<sup>1070</sup> Just immigration policy will include all of these concerns. They seek to protect and promote human relationships through keeping families together. Furthermore, in highlighting the relationship between the United States and the

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<sup>1070</sup> Ten years after *Strangers No Longer* was published a completion of reflections on its themes was released. The contributors to this volume offer perspectives that both affirm what the Bishops do well while pushing the Church towards a more expansive response to migration. Todd Scribner and J. Kevin Appleby, *On Strangers No Longer: Perspectives on the Historic U.S.-Mexican Catholic Bishops' Pastoral Letter on Migration* (New York: Paulist Press) 2013.

undocumented migrants on whom the nation relies for labor, the bishops push to expand understandings of membership so that U.S. policy might honor existing relationships in new ways. Legally recognized or not, undocumented workers participate in the U.S. economy and are members of various U.S. communities. Creating paths to legal membership, by which they might achieve a greater sense of stability and safety as well as access to important resources for self-advocacy, is one way of honoring these existing relationships. Additionally, the cross-border collaboration the bishops engaged in, which led to the proposals found in *Strangers No Longer: Together on the Journey of Hope*, provides an example of how we might re-envision the process of creating policy proposals.<sup>1071</sup> Collaborating across borders is a first step. Chapter four offered an ecclesiological vision that invites us to consider how we might create inclusive communities that center the needs and desires of those who are most marginalized. This work does not end with cross-border coalitions of clergy, but the bishops' collaboration moves us in a helpful direction.

More recently, Bishop of El Paso, TX Mark Seitz has offered what is perhaps the Catholic church's most expansive ecclesial response to migration. In the wake of what he calls the "*matanza en El Paso*," a mass shooting explicitly motivated by white supremacy and anti-immigrant fear that left 23 people dead and many more wounded, Seitz dedicated an entire pastoral letter to calling out the pervasive situation of racism present in the United States. Anti-immigrant and anti-Latinx sentiments, he argues, are "ancient

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<sup>1071</sup> U.S. Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, "Strangers No Longer: Together on the Journey of Hope" (Washington, DC: United States Conference of Catholic Bishops Publishing, 2003), no. 40, [www.usccb.org/mrs/stranger.shtml](http://www.usccb.org/mrs/stranger.shtml).

demons" that have "reawakened" and "old wounds" which have been "reopened."<sup>1072</sup> In response to this, Seitz calls the church to reckon with this country's racist heritage and the church's own complicity. He then calls the church to help "write a new chapter in our history of solidarity and friendship" that anticipates the Kin-dom of God.<sup>1073</sup> With the humility and honesty to name the U.S. legacy of white supremacy and his prophetic call for inclusive bridge building to create a more just future, Seitz is an exemplar for how Christians ought to think about policy advocacy. Are we advocating for imaginative policies that build bridges and live into the justice of God's Kin-dom, or are we accepting the status quo as it has been given? Moreover, Seitz is calling readers to an encounter of sorts: an encounter with our own history and its victims. Encounter, in many forms, is perhaps the best method for sparking conversion, especially in those who support (or are supported by) the status quo. Chapter two highlighted Roberto Goizueta's insistence that the dark side of Euro-American progress, the harms it has caused, have largely gone unnoticed, buried beneath a story of victory. We believe in the status quo because we have been taught to. Encountering fuller narratives of U.S. history, narratives that highlight the perspectives of those who have been trampled over in the name of progress, are in a way encounters with the victims of history. These encounters, along with encounters with those who are still so harmed by U.S. colonialism, actively unsettle belief in the status quo. They therefore can and should be a part of the widespread conversion needed to bring about a new, more just future.<sup>1074</sup> It is boldness of vision, as

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<sup>1072</sup> Mark Seitz, "Night Will Be No More," October 13, 2019, accessed December 12, 2020, <https://www.hopeborder.org/nightwillbenomore-eng>.

<sup>1073</sup> Ibid.

<sup>1074</sup> Certainly those who support the status quo appear most obviously in need of conversion. However, wherever we might be politically and theologically situated, we are all in need of continual conversion

exemplified in Seitz prophetic voice, that will call people to conversion, not tepid attempts at ‘bothsidesism.’<sup>1075</sup>

Seitz is not alone in reimagining what is possible. Insisting that both family detention and family separation are contrary to Catholic values, the USCCB Committee on Migration rejects the false binary between detention and family separation and advocates for alternatives to detention that allow families to stay together without detaining them.<sup>1076</sup> In refusing to accept this false choice presented by the U.S. government, the Committee highlights the importance of imagining beyond the status quo. Responsible, relational, and comprehensive immigration policy will need such imagination and creativity. The bishops also call for attention to the root causes of migration,<sup>1077</sup> an important step in the direction of comprehensive, responsibility-based immigration policy. Churches ought to continue promoting such responsibility, and indeed expand their consideration of how U.S. policy might take responsibility and establish accountability. Beyond policies aimed at reshaping U.S. immigration policy, all U.S. foreign and domestic policy that impacts those beyond U.S. borders ought to be reviewed and reconsidered with the goal of ending harm, repairing past harms, and establishing just, accountable international relationships.

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away from the mentalities and habits that social sin has ingrained in us and towards more full participation in the radical love of Jesus.

<sup>1075</sup> This is not to say that we ought not to take seriously the concerns of those with whom we disagree on the issue of migration. It is rather to say that taking these concerns seriously need not mean a dulling of the church’s prophetic voice. Encounter is, fundamentally, about relationships. When we encounter each other (or when we encounter history) we are building relationships, relationships in which we might acknowledge the deeply held concerns of those we disagree with, even as we continue to boldly call out social sin and injustice.

<sup>1076</sup> “Binary Choice: Separation or Indefinite Detention,” United States Conference of Catholic Bishops, accessed December 12, 2020. <https://justiceforimmigrants.org/what-we-are-working-on/immigrant-detention/binary-choice-separation-or-indefinite-detention/>

<sup>1077</sup> Ibid.

The Committee on Migration joins other Catholic leaders in insisting that international laws protecting migrants, refugees, and asylum seekers be followed by all governments.<sup>1078</sup> Here, unlike with the question of family separation, the committee appears content with existing laws. At the very least, it does not actively challenge the law or seek to expand it. Certainly, current protections ought to be upheld. However, as many activists and scholars note, current international law does not offer sufficient protections to all who are forced to leave their homes. One clear example is climate refugees, people forced to flee their homelands because the effects of global climate change have made them unlivable. As it currently stands, international law does not protect these migrants.<sup>1079</sup> Their reasons for fleeing, however, are clearly as dire as those who flee explicit persecution or war. Moreover, the United States, which contributes greatly to the climate crisis, is certainly as responsible for these migrants as for those who flee wars in which the United States has contributed to or participated. Responsible, comprehensive immigration policy ought to expand to offer firm protections for those who, like climate migrants, are not presently protected. A long-term response to climate refugees would include the implementation of laws and practices that sufficiently address global climate change and mitigate or reverse the negative impact of climate change on the countries and populations already experiencing its most devastating effects. Creative and comprehensive policy will aim to limit the reasons people are forced to migrate in the first place. A smaller step, however, would be to expand international and U.S.

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<sup>1078</sup> “Assylum,” United States Conference of Catholic Bishops, accessed December 12, 2020, <https://justiceforimmigrants.org/what-we-are-working-on/asylum/>.

<sup>1079</sup> Sumudu Atapattu, “‘Climate Refugees’ and the Role of International Law,” *Oxford Research Group*, September 12, 2018, accessed December 12, 2020, <https://www.oxfordresearchgroup.org.uk/blog/climate-refugees-and-the-role-of-international-law>.

protections to include more categories of forced migrants in order to establish accountability for the role the United States plays in causing vast numbers of people to flee.<sup>1080</sup> President Joe Biden’s promise to raise the United States’ refugee admissions cap to 125,000,<sup>1081</sup> a starkly different approach from that of his predecessor, is one step, but much more remains to create truly responsible immigration policy.

In keeping with a tradition in Catholic Social Teaching, the bishops uphold the rights of sovereign states to control their borders. This dissertation has intentionally unsettled the conceptual groundwork upon which that right rests. Despite the claims of communitarians, state sovereignty and the rule of law have failed repeatedly to protect the rights and dignity of all people. In particular, chapter two showed that a repeated failure on the part of the United States to respect the sovereignty of Indigenous nations and Latin American nations has characterized U.S. actions at home and abroad and has led directly to the failing immigration system we see today. What rights the United States has to control its borders under these circumstances is open for much more debate than presently given.<sup>1082</sup> In particular, the church would do well to question how well the current world order lives up to a relational understanding of justice as it further develops

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<sup>1080</sup> We might also push for U.S. law to take more seriously the role the United States plays in causing economic migration. It is no accident that nations whose economies the United States has destabilized to forward its own interests are also the nations sending large numbers of migrants to U.S. borders. Responsible immigration policy would create paths to membership for a wider variety of migrants, including climate refugees and economic migrants, in order to establish accountability where it has not existed and to take responsibility for U.S. actions at home and abroad.

<sup>1081</sup> Deborah Amos, “Biden Plans To Reopen America To Refugees After Trump Slashed Admissions,” *National Public Radio*, November 11, 2020, accessed December 12, 2020 <https://www.npr.org/2020/11/11/933500132/biden-plans-to-reopen-america-to-refugees-after-trump-slashed-admissions>.

<sup>1082</sup> It is beyond the scope of this project to propose a full answer to the question of state sovereignty. Certainly some nations (Latin American, Indigenous) need their sovereignty to be upheld in a far greater way than it has been. Nations like the United States, which have protected their own sovereignty while disregarding that of others may have less of a right to sovereignty when faced with the need to take responsibility for the harms they have caused.

its migration ethic and related policy priorities. Christians ought to feel emboldened to radically re-envision how the world might be ordered, and to offer that vision in official documents as well as in action and on the ground community building.

As chapter one outlined, protestant pastoral approaches are varied. The Evangelical Lutheran Church in America calls for the United States to take seriously its responsibility to migrants. Again, this insistence on responsibility is the right direction for churches to push policy. In addition, the ELCA has advocated against travel bans enacted by the Trump Administration barring migrants from predominantly Muslim countries<sup>1083</sup> and actively opposed family separation at the border.<sup>1084</sup> Family separation represents a clear threat to human relationships. Just, relational immigration policy will reject such threats to familial relationships. Family reunification, a long-standing priority of U.S. policy, must be protected and expanded, especially as so-called “chain migration” has come under increased attack.<sup>1085</sup> Furthermore, current U.S. policy defines family in very western, Euro-American terms: the nuclear family. Pastoral advocacy from many denominations also tends to foreground the nuclear ideal. This fails to account for the family structures of cultures that differ from Euro-American norms. Immigration policy can only be just if it finds ways to acknowledge and account for familial relations broader than what it currently protects. Non-heterosexual relationships, extended family, non-

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<sup>1083</sup> “Support the NO BAN Act,” Evangelical Lutheran Church in America, accessed December 12, 2020, <https://support.elca.org/site/Advocacy?cmd=display&page=UserAction&id=1211>

<sup>1084</sup> “Family Separation,” Evangelical Lutheran Church in America, accessed December 12, 2020, [https://download.elca.org/ELCA%20Resource%20Repository/ELCA\\_Family\\_Separation.pdf?\\_ga=2.155971453.790315303.1604693088-1918991501.1604693088](https://download.elca.org/ELCA%20Resource%20Repository/ELCA_Family_Separation.pdf?_ga=2.155971453.790315303.1604693088-1918991501.1604693088)

<sup>1085</sup> For more on family reunification, see Migration Policy Institute, “Legalization for DREAMers Would Result in Chain Migration of an Average of 1 Person or Less Over a Lifetime - Far Fewer than Critics Suggest, MPI Estimates,” November 30, 2017, accessed November 8, 2020, <https://www.migrationpolicy.org/news/legalization-dreamers-would-result-chain-migration-average-1-person-or-less-over-lifetime>; Kristin E. Heyer, *Kinship Across Borders: a Christian Ethic of Immigration* (Washington: Georgetown University Press, 2012), 61-98.

blood relatives, and other types of family need access to reunification and protection. Doing this well will require a more imaginative approach, as well as collaboration with and input from migrant communities, who know best which types of relationships need greater protection. This dissertation does not aim to propose a concrete plan for precisely how such an expanded program of protections would be implemented. Rather, the goal is to encourage Christians to imagine beyond present laws, to truly dig into the resources within our traditions to consider what is at stake, and to defend a bold understanding of human dignity, even when that might include the promotion of policies that are a harder sell in the public sphere. A commitment to pragmatism is certainly vital, but so too is our willingness and ability to be a prophetic voice urging the nation towards radical justice. The U.S. immigration system must reimagine how membership is understood and defined to better encompass these broader forms of relationship and belonging, whether historical, familial, or communal.

In response to an influx of unaccompanied child migrants crossing the U.S. border in 2014, the ELCA provided resources for church members interested in traveling to Mexico and Central America. These resources focus on translating these experiences into advocacy through gaining and spreading fuller narratives about the realities in countries people often migrate from. These ELCA resources stress the importance of connecting with local decision makers and organizers in Central America, actively listening to communities on the ground, and accompanying communities with their permission in ways that are intentionally inclusive, sustainable, empowering, and mutually vulnerable. Participants are then encouraged to allow these experiences to shape their political engagement with the assistance of ELCA Advocacy network. Contacting elected officials

is especially prioritized.<sup>1086</sup> After an ELCA staff visit to Central America in 2015, the church affirmed that

The ELCA is called to bear witness to the conditions affecting so many communities and work to find solutions that will acknowledge the humanity in all of God's children. ELCA Advocacy continues to lift up and amplify the voices of ELCA congregants, partners, children and families, and Lutheran churches in Central America with a goal of ensuring the safety and protection of all our brothers and sisters.<sup>1087</sup>

By grounding its public advocacy in intentional cross-border relationship building, the ELCA offers a potential model for how churches might conceive of their roles in political activism and policy advocacy: done always in true solidarity with the most impacted, grounded in actual relationships. Churches ought also to consider what relationships might be built, not only across national borders, but within their own cities and towns. Building relationships with migrants and others who are under the thumb of U.S. empire must be the foundation of our political action and policy work.<sup>1088</sup>

The creative establishment of relationships of accountability will require changes to foreign policy, especially insofar as U.S. foreign action has so often been imperialist in nature. This will be best achieved if it includes partnering with other nations in new ways and rethinking (in partnership with other nations) what foreign "aid" looks like. It will

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<sup>1086</sup> "From Ministry to Advocacy: a guide to advocacy after visiting Lutheran churches in Central America and Mexico," Evangelical Lutheran Church in America, accessed December 12, 2020, [https://download.elca.org/ELCA%20Resource%20Repository/Migration\\_Advocacy\\_Toolkit.pdf?\\_ga=2.155971453.790315303.1604693088-1918991501.1604693088](https://download.elca.org/ELCA%20Resource%20Repository/Migration_Advocacy_Toolkit.pdf?_ga=2.155971453.790315303.1604693088-1918991501.1604693088).

<sup>1087</sup> "Addressing forced displacement in Central America through advocacy," Evangelical Lutheran Church in America, accessed December 12, 2020, [http://download.elca.org/ELCA%20Resource%20Repository/Factsheet\\_Addressng\\_Forced\\_Displacement\\_2016.pdf](http://download.elca.org/ELCA%20Resource%20Repository/Factsheet_Addressng_Forced_Displacement_2016.pdf).

<sup>1088</sup> The dynamics of these sorts of "visits" can be tricky, as is relationship building more generally. Too often, well-meaning Christians enter the spaces of marginalized people in ways that are invasive, echoing colonial relationships. There is no easy solution for how to establish relationships without being invasive, but a focus on listening, accompaniment, and solidarity is a good start.

require creative collaboration with migrants, Indigenous people, citizens of other countries, and more.

Specifically, this has led the ELCA to advocate for international and local laws that protect people fleeing persecution and for “policies that honor the humanity and voices of our Central American” siblings.<sup>1089</sup> As with the Catholic advocacy explored above, the ELCA is on the right path, but could also significantly expand the policy vision for which it advocates. For example, the call for laws protecting those who flee persecution is good, but it does little to challenge or expand current U.S. law. Current U.S. asylum policy, for example, provides protections for any foreign national within U.S. borders who fits the international definition of a refugee.<sup>1090</sup> According to the testimonies of migrants and advocates familiar with the system, this leaves the vast majority of people who come to the U.S. fleeing violence and seeking asylum with nothing. Based on chapter two’s articulation of U.S. responsibility for much of the instability and violence that causes migrants to flee their homes, a more responsible immigration system would need to expand paths to citizenship (or other forms of membership<sup>1091</sup>) to those to whom the nation is responsible. That is to say, the United States must account for the way its own actions have formed migration paths and incorporate this understanding to create more humane policies. Policy that honors the

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<sup>1089</sup> “Addressing forced displacement in Central America through advocacy,” Evangelical Lutheran Church in America.

<sup>1090</sup> “Asylum in the United States, Evangelical Immigration Table, June 11, 2020, accessed December 12, 2020, <https://www.americanimmigrationcouncil.org/research/asylum-united-states>.

<sup>1091</sup> By other forms of membership, I mean to challenge the system in which access to rights is so based on citizenship. In the present world order, paths to citizenship provide the best way to ensure migrants have access to protections and self-advocacy. Expanded and clear paths to citizenship are therefore an important thing to advocate for. However, the Kin-dom of God provides Christians with the creative capacity to envision a world in which membership in communities and access to rights might not require citizenship as it is presently conceived. This dissertation intentionally leaves categories of membership open in order to encourage creative reimagining.

voices and experiences of migrants demands nothing less. This may include explicitly including categories into U.S immigration policy for refugees fleeing wars or conflicts the U.S. has supported, funded, or participated in, economic migrants driven from their lands and livelihoods by U.S. foreign policy, especially expansionist capitalism, and migrants fleeing gang violence influenced by U.S. presence or action. For example, many migrants flee gang violence that has arisen out of instability caused by U.S. intervention in Latin and Central America.

The Evangelical Immigration Table (EIT) offers the most clear attempt at a humane, pastoral approach to policy rooted in communitarian commitment to protecting the rule of law. At the heart of their approach is a “restitution-based” plan for immigration reform. Asserting that God has created each person in God’s own image and that the role of civil governments has been ordained by God, they call for an approach that upholds the rule of law while protecting human rights. In particular, they insist that the family unit, created by God, must not be violated “except in the rarest of circumstances.”<sup>1092</sup> The EIT also insists that because “God delights in redemption” those who violate U.S. laws ought to be “restored.”<sup>1093</sup> In order for this restoration to take place, the EIT proposes a process of restitution which they explicitly separate from any form of amnesty, in which undocumented or irregular visa status immigrants pay “significant fines/penalties” to make up for their violation of U.S. law. Migrants who came as children would, in this proposal, have a separate path to legal residency. The proposal furthermore “encourage[s] fairness to taxpayers by requiring that all immigrants

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<sup>1092</sup> “Evangelical Call For Restitution-Based Immigration Reform,” Evangelical Immigration Table, accessed December 12, 2020, <https://evangelicalimmigrationtable.com/evangelical-call-for-restitution-based-immigration-reform/>.

<sup>1093</sup> Ibid.

be self-sufficient, work, pay taxes, and be productive, or be in families and households that are doing so.”<sup>1094</sup> The final aspect of the EIT proposal is an encouragement for the U.S. government to establish an orderly immigration system and a secure border. This desire for security and order illuminates the communitarian bent of the EIT. It takes for granted the United States’ right to its borders and errs towards faith in the status quo. The proposals it makes are moderate and practical. Most strikingly, the EIT encourages responsibility for past harms, but in doing so locates the majority of responsibility with migrants themselves, who are depicted as wrongdoers who owe the United States, and especially U.S. taxpayers, restitution, productivity, and self-sufficiency. The primary wrong with which the EIT is concerned is the alleged harm of violating U.S. immigration law, for which they insist migrants owe the U.S. a debt.

Furthermore, the EIT proposal implies that membership in U.S. communities requires productivity, self-sufficiency, and some form of payment for the failures of a system in which migrants have little say. This dissertation has foregrounded the importance of relationships and community, and encourages an expansion of how community membership is understood. Another important way immigration policy can be reshaped is through the formal acknowledgement of existing community membership. In particular, people who are undocumented or who have an irregular visa-status are, in concrete and vital ways, already members of U.S. communities. They are neighbors, parishioners, employees, business owners, friends, classmates. They have deep ties in this country, ties immigration policy fails to adequately acknowledge. This has been exacerbated in recent years as deportations have become increasingly indiscriminate. Just

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<sup>1094</sup> “Evangelical Call for Restitution-Based Immigration Reform.”

immigration policy must honor existing relationships undocumented people have with their various U.S. communities. Our legal and personal conceptions of membership must expand beyond citizenship and legal residence to include those who do not meet those standards but are no less part of our communities, and legal pathways must be created to acknowledge and honor this expanded understanding of membership.

Center for Migration Studies Executive Director Donald M. Kerwin argues that a person's immigration status has wide reaching impacts. For migrants themselves, the stakes may be obvious. Legal status and residency come with better access to housing, healthcare, employment, benefits, and political participation. With legal status comes the ability to more effectively and safely self-advocate, because in the United States the vast majority of structural and legal protections are tied to citizenship or legal residency. Furthermore, migrants with permanent, legal residency are statistically more able to integrate fully into their communities. These benefits, however, are not solely for migrants. Migrants families and wider communities also benefit, as does the nation. Kerwin argues that it is for the good of both migrants and the United States as a whole that pathways to legal status and naturalization be made more accessible to all migrants.<sup>1095</sup> In light of the centrality of just, inclusive, accountable communities highlighted in chapter four, the broad benefits of a more inclusive conception of membership are unsurprising. The entire community benefits when we move towards equity and justice. The EIT recognizes that the best path forward will include paths to legal residency for those who are undocumented, but in putting requirements like fees,

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<sup>1095</sup> Donald M. Kerwin and Robert Warren, "Putting America First: A Statistical Case for Encouraging Rather than Impeding and Devaluing U.S. Citizenship," *Journal on Migration and Human Security* 7, no. 4 (2019): 109-117.

self-sufficiency, and productivity on migrants they hinder the process, to the detriment not only of migrants themselves, but of the communities these migrants are already a part of and to the detriment of the nation as a whole.

While also recognizing the responsibility of the employers who hire undocumented workers and acknowledging that the rule of law has been inconsistently enforced and sometimes inefficient is certainly a move towards responsibility in immigration law, the EIT fails sufficiently recognize the role the United States itself has played in creating mass migration. It therefore does not aim to hold the United States accountable, other than through the tepid encouragement of an “orderly” system. This is, at its core, a failure to recognize where the power lies in the relationship between the United States and migrants. Just, responsible immigration policy grounded in the ecclesiological vision of chapter four, while acknowledging the agency of migrants, will recognize that the United States has consistently failed to hold itself accountable.

While the EIT approach is perhaps most starkly opposed to the responsible, relational, and creative approach outlined in this chapter, all three pastoral approaches to policy advocacy fail to fully live up to the vision of this dissertation. The ultimate weakness of these approaches is a lack of comprehensive vision. Certainly these pastoral bodies highlight important failings in the U.S. immigration system, raise up key Christian values that ought to be upheld, and seek to protect human dignity in many ways. It is evident that they are genuine in their desire for justice. Most include sharp indictments of the present situation. They simply have not looked far enough beyond what currently exists to see what could be. Too often the way we think and talk about immigration, especially when “we” are white U.S. citizens for whom the status quo works, is bound by

the way things are or have been. We need to think beyond this, to recognize how systematically the status quo fails people, and to imagine new ways of being in relationship with one another. Justice will be built by creative reimagining, not stubborn adherence to the way things presently work.

After outlining the history of immigration detention in the United States and establishing it as a flawed, inhumane system that serves the political and economic interests of a few elite U.S. citizens while failing to respect the human dignity of migrants as well as failing to actually make U.S. citizens safer, García Hernández calls us to dream about what could be. It is time, he argues, for people to “push back against the decades-old bipartisan politics of fear with a politics of creative, impassioned courage: courage to discard what we in the United States do *for what we should do.*”<sup>1096</sup> This is the proper work for Christians. Chapter four highlighted resources in the Christian tradition for thinking beyond the status quo and imagining a more just world. Christians would do well, in their policy proposals and advocacy, to aim for more, for a world rooted in God’s, rather than empire’s, justice. In doing so, we move towards abolishing all that hinders true, relational justice.

This overview of the policy-related work of three pastoral bodies has illuminated some proposed policy contours intended to help Christians engage in public conversation about reform and aid them in being informed voters. Paired with the earlier proposals for steps Christian communities can take in order to foster the sort of holistic conversion that

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<sup>1096</sup> García Hernández, 165-166. García Hernández speaks specifically with a vision for prison and detention abolition. This abolitionist lens, which dares to imagine what could be if we let go of what is, is well suited for the task of creating a more just future for migrants.

will help foster a more just situation for migrants,<sup>1097</sup> these reflections on policy offer Christian communities a foundation upon which to begin, reimagine, or shift their responses to migration in the United States.

## 5.4 CONCLUSION

This dissertation has offered a reframing of U.S. history in order to highlight the need for a responsibility ethic that takes seriously the ways in which U.S. actions have shaped migration patterns and thus obligate the U.S. to make reparations for the inequalities it has caused. It argued for a conceptual shift in Christian conversation in order to more adequately respond to the realities of migration and foster conversion, and it offers practical steps for resisting continued U.S. imperialism. These practical proposals are grounded in the Christological and ecclesiological contributions profiled in the previous chapter, which help thicken and contextualize radical Christian love.

This dissertation's focus has been largely North American, looking particularly at U.S. history and at the realities faced by those who migrate to the United States. More broadly, however, the findings of this project suggest a methodology that might be applied to a variety of contexts. Nations other than the United States are currently

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<sup>1097</sup> The proposals in this chapter and throughout this dissertation also aim at greater justice for citizens of the United States, many of whom do not see the majority of the benefits of U.S. imperialism. While it is beyond the scope of this dissertation to fully attend to this dynamic, it is worth noting that the nation's racist colonialism has always benefited and continues to benefit the elite few while leaving most behind. Strategically, tying colonialist interests to whiteness, patriotism, and Christianity keeps U.S. citizens aligned with the elite, rather than with migrants, with whom their interests are more linked. Moreover, with Kerwin, this dissertation asserts that true justice and equity benefits all. The Kin-dom of God puts the needs of the most vulnerable first in order to establish true, expansive justice for all.

struggling with how best to handle migration. Many, like the United States, have some history of imperialistic or colonial action that has impacted migration flows and shaped migration policy. They too would do well to consider how this history might make them specifically responsible to migrants, and how that responsibility can be best addressed in concrete actions. More broadly, this dissertation has argued that justice requires taking responsibility for relationships that have been unjust and working to create justice through the establishment of accountability, mutuality, and equity. Reframing questions of migration ethics and policy to foreground relationality in this way can lead not only to more humane treatment of migrants, but also to more creative actions and policies that build towards a just future, especially when we let the visions of those who are most vulnerable lead the way.

It is not the intention of this dissertation to argue that such a turn to relationality and responsibility will be an easy fix or will solve all problems and disagreements. Human relationships are difficult and messy. Vulnerable and marginalized people will not all want or need the same forms of reparative action. What a turn to relationships and responsibility does do, however, is shift focus away from debates between human rights and state sovereignty. Framing migration ethics instead in terms of human relationality, asking questions about how we have harmed each other and how we might move forward, keeps space open to consider the important commitments of communitarians and cosmopolitans while opening up a more dialogic method of proceeding out of which we might begin to build a more just future.

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