

REVIEW ESSAY

WHO AM I? WHO ARE YOU? WHO ARE WE? LAW, RELIGION, AND APPROACHES TO AN ETHIC OF MIGRATION

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BOOKS REVIEWED

Kinship across Borders: A Christian Ethic of Immigration. By Kristin E. Heyer. Washington, DC: Georgetown University Press, 2012. Pp. 208. \$29.95 (paper). ISBN: 9781589019300.

Asylum-Seeking, Migration and Church. By Susanna Snyder. Farnham, UK: Ashgate, 2012. Pp. 310. \$34.95 (paper). ISBN: 9781409423003.

Religious Ethics and Migration: Doing Justice to Undocumented Workers. By Ilsup Ahn. New York: Routledge, 2014. Pp. 216. \$140.00 (cloth). ISBN: 9780415724425.

Toward a Theology of Migration: Social Justice and Religious Experience. By Gemma Tulud Cruz. New York: Palgrave MacMillan, 2014. Pp. 260. \$100.00 (cloth). ISBN: 9781137400765.

Deporting Our Souls: Values, Morality, and Immigration Policy, new edition. By Bill Ong Hing. Cambridge: Cambridge University Press, 2013. Pp. 232. \$29.99 (paper). ISBN: 9781107626782.

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In her essay “The Decline of the Nation-State and the End of the Rights of Man,” Hannah Arendt famously wrote, “Nobody had been aware that mankind, for so long a time considered under the image of a family of nations, had reached the state where whoever was thrown out of one of these tightly organized closed communities found himself thrown out of the family of nations altogether.”¹ Surveying the aftermath of the world wars, the same aftermath that eventually led to the Universal Declaration of Human Rights, Arendt found that a person had to be replaced—the subject of a political space—in the state-oriented order of geopolitics to be cognizable as a subject of human rights. The stateless, being displaced, were excluded from such a regime of rights and from the

1 Hannah Arendt, *Imperialism: Part Two of The Origins of Totalitarianism* (San Diego: Harcourt Brace Jovanovich, 1968), 176.

global political community. Bare humanity,² Arendt argued, was an insufficiently binding political identity. As she wrote in her arresting language, “The world found nothing sacred in the abstract nakedness of being human.”³

Bare humanity is insufficiently binding because, while premised on the fundamental, common identity of being human, it serves to highlight the radical difference of those persons who are *only* human; the state of bare humanity creates a paradox of unrelatability for those caught in it. When the distinctions of difference that are often presumed to divide people (national belonging, political opinion, religion) are stripped away, an even more radical gulf appears between those who have nothing but their humanity and those whose identity is created by overlapping communities of belonging. As Arendt says,

The paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general—without a profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself—and different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within and action upon a common world, loses all significance.⁴

Having lost one’s citizenship—the family of a state—being a member of what the Universal Declaration of Human Rights calls the “human family”⁵ immediately proved itself a relation tenuous to the point of invisibility. Difference prevailed, ironically in what has come to be thought of as the age of human rights,⁶ over fundamental commonality; radical difference emerged, in fact, from recourse to the most fundamental commonality.

Statelessness is a particular situation that occurs when a person has *no* formal citizenship,⁷ but the concerns that statelessness raises for Arendt extend beyond those particular circumstances. Arendt’s critique points out the way in which state belonging (i.e., citizenship) may eclipse the most fundamental commonality of humanity.⁸ The political subject displaced from a state loses her political subjectivity. Arendt’s critique also points to the problem of difference without distinction, raising the danger of a yawning, chasmal difference that affords no purchase from which to cross. Arendt shows how these two phenomena can become coincidental: the displaced and denationalized are rendered wholly other by being only human.

2 See also, Liisa H. Malkki, “Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization,” *Cultural Anthropology* 11, no. 3 (1996): 377–404; Giorgio Agamben, “We Refugees,” trans. Michael Rocke, *Symposium* 49, no. 2 (1995): 114–19.

3 Arendt, *Imperialism*, 179.

4 *Ibid.*, 182.

5 Universal Declaration of Human Rights, preamble, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

6 See, for example, Michael J. Perry, “Freedom of Conscience as Religious and Moral Freedom,” *Journal of Law and Religion* 29, no. 1 (2014): 125.

7 “[T]he term ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law.” Convention Relating to the Status of Stateless Persons, art. 1.1, September 28, 1954, 360 U.N.T.S. 117.

8 Cf. Michael J. Perry, “The Morality of Human Rights,” *San Diego Law Review* 50 (2014): 775–812. Some scholars, such as Perry, might argue that we have addressed, at least in part, the paradox identified by Arendt through the emerging consensus on the morality of human rights. This essay does not take up that debate, and I generally share Perry’s convictions about the power of a human rights morality; rather, this essay points to the ways in which state-centric notions of sovereignty and law continue to trouble an ethic of common humanity and the ways in which some scholars of migration are addressing this issue.

The theologian Miroslav Volf has also argued that difference is essential to a relational ethics. In his book, *Exclusion and Embrace*, Volf argues that, absent an appreciation of difference, there can be no interdependence. For Volf, practices of exclusion are those that run counter to the act of creation, which he describes, borrowing language from Cornelius Plantinga, as “separating-and-binding.”⁹ Failing to practice separation—recognizing the other as distinct and different from the self—the self becomes indifferent to the other’s difference and seeks to subjugate or assimilate the other. Failing to practice binding—recognizing the other as connected to and constitutive of the self—the self assumes a false autonomy or “sovereign independence,” that perceives the other as either “an enemy that must be pushed away from the self and driven out of its space or as a nonentity—a superfluous being—that can be disregarded and abandoned.”¹⁰

The Scylla of assimilation and the Charybdis of expulsion are well known dangers to migrants. Migration generally, like statelessness in particular, raises the dilemma of the Arendtian paradox. As historian Mae Ngai has pointed out, persons without a state and migrants without authorization are born in the same historical and theoretical milieu:

World War I also created the problem of millions of people without national citizenship The concept of inalienable individual rights, central to European political philosophy, was shown to inhere not in human personage, after all, but in the citizen, as rights were only meaningful as they were recognized and guaranteed by the nation-state. . . . It seems no accident that illegal aliens also emerged in the wake of World War I, produced by hypernationalist immigration controls and in the same juridical no-man’s-land as refugees and the stateless.¹¹

The migrant, like the stateless, is defined by the absence of citizenship. This is the organizing principal of immigration law, which is concerned with admitting or removing the alien (i.e., noncitizen). Like the stateless, migrants have a tenuous political identity that rests in many respects upon their bare humanity. This state of affairs is then ripe for new, more adequate paradigms for understanding and engaging the migrant.

The books under review here each attempt a new paradigm by offering an alternative conception of established community identity,¹² the migrant, and the relation between the two. Each author argues, by virtue of how he or she frames their ethic, that there are particular relations between self and other in the migration context that matter. The authors would seem to agree with Volf: “Without boundaries we will be able to know only what we are fighting against but not what we are fighting for. Intelligent struggle against exclusion demands categories and normative criteria that enable us to distinguish between repressive identities and practices that should be subverted and nonrepressive ones that should be affirmed.”¹³ In other words, the immigrant is not a difference without a distinction. Migrants are not wholly other; rather, established communities are

9 Miroslav Volf, *Exclusion & Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville, TN: Abingdon Press, 1996), 66–67.

10 Ibid., 67.

11 Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), 10.

12 I use the term established community following Snyder (11–12), who borrows the phrase in turn from Nicholas Van Hear, *New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities* (London: University College Press, 1998). As Snyder notes, “‘host’ community implies a welcome or hospitality which is not always present and ‘native’ or ‘indigenous’ people implies aboriginal people and excludes former migrants” (11). I would add that the terms sending and receiving society, while more accurate, obscure the fact that most societies both send and receive.

13 Volf, *Exclusion & Embrace*, 63 (citation omitted).

already in particular relationships with migrants before, during, and after their migration. It is worth noting that, with the exception of Bill Ong Hing, each author comes to this question from the perspective of Christian theology or ethics. Thus, each author's claims about particular relationships are grounded in other particular claims about person, community, and world. As I discuss below, I do not see this as a shortcoming but a possibility for responding to the problematic universalism of bare humanity.

Thus, the authors reviewed here challenge the viability of recourse or appeal to the simple fact of common humanity in addressing the moral, ethical, and legal challenges of migration. But, importantly, they also challenge the existence of a bare humanity. Bare humanity is a constructed identity, not a deconstructed one; it relies on practices of omission and myopia to create a radically different other out of people with whom we are already in particular relation. How established communities approach migrants on both a policy and a personal level must be understood in the context of those bonds and relations, even if a particular bond—citizenship—does not exist. What then is the nature of that relationship (or, perhaps, are the natures of those relationships) between established community and migrant(s)? Each author reviewed here offers a particular and illuminating suggestion.

BUILDING NETWORKS OF KINSHIP

In *Kinship across Borders: A Christian Ethic of Immigration*, Kristin Heyer constructs a Christian ethic of immigration that responds to the tendency in immigration discourse to decontextualize migration. Heyer is concerned that the locus of responsibility is solely with the migrant and her decision to migrate, excluding the global and transnational context in which migration occurs. Engaging with this decontextualization also leads Heyer to take up Arendt's critique, recognizing that "[w]hereas the basic human rights reflected in international rights regimes and presupposed in Catholic social thought are universal in theory, in contemporary practice their exercise depends upon legally sanctioned membership in a political community" (110).

Thus, Heyer critiques current immigration policies by challenging what she consistently names the dehumanization of migrants with an alternate anthropology drawn from Christian theology. Her critique relies heavily on Catholic social teaching and, especially, the doctrine of social sin. Heyer envisions a relational model of migration—a kinship of migrant and receiving societies—that acknowledges the social, political, and economic ties that already bind two societies connected through patterns of migration. In this vision, decisions about migration are not matters solely of individual choice, and a migrant's sending and receiving society must share responsibility for a migrant. A reading of human rights as parochial rights of state belonging is challenged through the concept of neighbor love and its obligations. Heyer's kinship model invokes and animates the preamble to the Universal Declaration of Human Rights and its vision "of the inherent dignity and of the equal and inalienable rights of all members of the human family" as "the foundation of freedom, justice and peace in the world."¹⁴

For Heyer, the exceptionality of migrants manifests in patterns, practices, and structures of dehumanization (see, generally, chapter 1), reflecting what David Tracy (paraphrasing Gustavo Gutiérrez) has described as "the central theological problem of our day ... not the problem of the nonbeliever but the problem of those thought to be nonpersons by the reigning elites" (9).¹⁵

¹⁴ Universal Declaration of Human Rights, preamble.

¹⁵ Quoting David Tracy, "The Christian Option for the Poor," in *The Option for the Poor in Christian Theology*, ed. Daniel G. Groody (Notre Dame, IN: University of Notre Dame Press, 2007), 119.

Dehumanization in Heyer's understanding is a reductive move; it essentializes migrants as economic commodity, national security threat, or cultural outsider (10). Importantly, this essentializing is not simply a matter of perception; rather, structures and practices that essentialize are built into the law and policy of and around migration. International trade agreements such as the North American Free Trade Agreement, "facilitate the cross-border movement of capital, goods, and services, yet inhibit the movement of people . . . [T]his tendency to prioritize capital to persons and reduce laborers to 'factors of production' fosters dehumanizing conditions that generate economic refugees in the first place, and that exploit undocumented workers who remain precariously vulnerable once hired" (11). Heyer borrows Reinhold Niebuhr's concept of "group egotism" (15)¹⁶ to explicate this phenomenon, noting the way in which trade agreements such as NAFTA "[seek] economic security at the expense of neighbors' livelihood" (16) and how the construction of national identity over and against outsiders "foster[s] a widespread conception of immigrants as threatening the rule of law, social cohesion, and the nation's economic health" (17). Thus, the border is a manifestation of group ego, and particularly the "closing" or "militarization" of the border, serves to reify the essential and de-humanized identity of migrants as illegal, unlawful, dangerous, and foreign.

To counter these structures of dehumanization, Heyer offers an alternate anthropology grounded in the feminist, Christian ethics of Margaret Farley. This alternate anthropology, which draws on Farley's categories of autonomy and relationality, "brings together a Kantian morality of respect for persons with a feminist ethic of care that attends to embodied particularities" (21). Autonomy counters the essentializing practices of commodification or criminalization of migrants, while relationality is a counter to the exclusionary and self-centered practices of group ego.

Heyer's alternate anthropology is then located in a context of structural inequality. Thus, not only must the perception of the migrant be reconfigured, but the role and responsibility of established communities and the persons in those established communities must also be reevaluated. Drawing on the Catholic doctrine of "social sin," Heyer argues that

[s]tructures are both consequential and causal in nature, and persons are subjectively responsible for sinful situations yet remain subject to external influences. This more holistic understanding has significant bearing on the topic of receptivity to an ethic of hospitality and justice: That is, the socioeconomic, legal, and political structures that lead to undocumented immigration are connected to the ideological blinders that obstruct hospitality to immigrants.¹⁷ (46)

By drawing on the framework of social sin, and bringing that framework to bear on contemporary patterns of globalization (see, generally, chapter four), Heyer shows the interdependence of established communities, sending communities, and migrants. This interdependence has an aspect of responsibility—migration exists not only in, but because of structures that benefit some at the expense of others (106–07)—as well as an aspect of relationality—the benefit established communities receive, whether it is from trade policies that do harm abroad or labor policies that exploit migrants at home puts established communities into relationship with migrants. As Heyer says, "Conceiving of our duties to one another not in terms of relative strangers but near and distant

16 "The group is more arrogant, hypocritical, self-centered and more ruthless in pursuit of its ends than the individual." Reinhold Niebuhr, *The Nature and Destiny of Man*, vol. 1, *Human Nature* (Louisville, KY: Westminster John Knox Press, 1996), 208.

17 In a more concrete example, Heyer notes that "[g]iven the relationship between the United States and sending countries in geographic, economic, and political terms, US citizens may be willfully negligent of or indirectly responsible for the conditions that give rise to undocumented migrations across their borders" (46).

neighbors suggests significant shifts in the reigning paradigms observed: Gratuity is called for, not indebtedness; neighborliness over xenophobia; and solidarity instead of exclusion” (145).

Though Heyer’s appeal to a human family echoes that critiqued by Arendt, Heyer provides the context and analysis of globalized, structural entwinement that recognizes a human family of more substantial bonds than mere, bare humanity. Thus, when Heyer writes that “[a] person’s citizenship in a particular state, then, does not deprive her of membership in that human family, nor ‘citizenship in that universal society’” (146), this “thicker notion of kinship” (147) is just that: thick with the recognition of inequalities and injustices that necessarily create relationships of obligation and solidarity across sovereign borders. In doing so, Heyer deconstructs the notion of bare humanity by implication. The distance between established community and migrant is not an unbridgeable divide of radical difference; rather, the established community and the migrant are bound together by history, politics, and economics even before the act of migration bridges the distance of geography.

ENCOUNTERING THE STRANGER

Where Heyer has written a broad, constructive ethics of migration, Susanna Snyder’s *Asylum Seeking, Migration and Church* is a work of practical theology (15) that “examines and critiques current church engagement with migrants in order to bring about improved practice” (7).¹⁸ Thus, Snyder poses these questions as guideposts for her study:

[H]ow are churches interacting with newcomers, and why? Are there ways in which they could improve what they are currently doing? How might Christians help to transform the attitudes of those . . . who are hostile to immigrants, and bring about changes in immigration and asylum policy? How could they facilitate better encounters between members of established populations and migrants? (7)

Snyder’s questions emerge, at least initially, from her own experiences working with and alongside migrants in churches as both a volunteer and a member of the Anglican clergy (5–7). Her experience and the questions it raises reflect the role that churches have assumed, particularly in North America and Europe, as principal points of established community encounter with migrants. These encounters occur both in the context of advocacy and service on behalf of migrants and in the context of migration’s impact on changing demographics in the pews (43–46).¹⁹

“Encounter” is an orienting category for Snyder. Migration manifests in a series of encounters: between individuals (citizen and migrant); communities (established communities and migrants); and institutions (churches and the state)—to name only a sampling of encounters (see 35–47). Snyder focuses on encounters involving Christian churches and faith-based organizations, and while much that is supportive of migrants emerges from these encounters, including migrant social services and advocacy, one cannot assume that Christian churches are wholly supportive of migrants, let alone immigration (46–47). This observation is illustrative of the broader context of encounter, what Snyder terms an “ecology of fear” (see, generally, chapter 7). As Snyder writes

18 Though not the principal concern of this essay, it is worth noting Snyder’s thorough grasp of the social science research that emerges from the multidisciplinary field of migration studies. Migration is a complex phenomenon at once political, legal, ethical, anthropological, sociological, and theological. Despite efforts to locate or constrain migration to the migrant, it exists in a web of relations that extend from the international to the intrafamilial. Whether one starts from law or religion, an awareness of the wider literature is critical to grasping the complexity and nuance of the issue. In such a pursuit, Snyder is an excellent guide (see, especially, 51–84).

19 Gemma Tulud Cruz also takes up the church’s unavoidable engagement with migration, as discussed below.

in the opening to chapter 5: “Fear . . . has become an underlying feature of most Western societies” (85), and, furthermore, “[i]mmigrants, particularly asylum seekers and those without documents, provide one focus for this pervasive fear: they are seen as a prime threat. While fear and the perception of newcomers as threat are not inevitable, talk of a migration crisis is widespread and in ‘virtually every world capital, the flow of people is regarded with alarm’” (87).²⁰

In offering a response to the ecology of fear, Snyder turns to biblical resources and, in particular, the biblical teachings on encounter with the stranger. For Snyder, responding to the ecology of fear first requires acknowledging the ambivalence of the biblical resource. As Snyder notes, “‘Strangers’ and ‘strangeness’ are motifs embedded at the heart of the Judeo-Christian tradition. They weave their way through it as a recurring thread. In almost every book of the Bible, explicitly or implicitly, the interconnected themes of journeying, alienation and encountering outsiders are explored” (129). While many commentators, both in the church and in the academy, who desire to construct an ethical response to migrants and migration have painted the biblical theme of strangeness as unequivocally supportive of the stranger, Snyder acknowledges that the ecology of fear is also a biblical context. Snyder explores the biblical ecology of fear through a reading of Ezra-Nehemiah, and the prophets’ “clear demands” for Israelites to divorce foreign wives and separate from the people of the land, so that the post-exilic rebuilding of the temple and society could proceed. Snyder’s first response to Ezra-Nehemiah is to encourage Christians to “acknowledge our complicity” (146), which is a call to recognize both the history of biblically informed practices of xenophobia and to acknowledge that such texts exist and can be read to perpetuate an ecology of fear. Snyder then provides a close reading of the texts to explore the context and condition of the ecology of fear that informs Ezra-Nehemiah, engaging such subjects as social cohesion, economic vulnerability, and narrative identity among the returnee community. We can learn important lessons from the text about an ecology of fear, its origins and functions, Snyder argues, without endorsing the conclusions of Ezra-Nehemiah regarding the encounter with the stranger.

Rather, other encounters are possible through an “ecology of faith,” which “calls people to be open, welcoming and compassionate” (163). “Faith,” Snyder writes, “is used to indicate the opposite of fear rather than a system of religious doctrines and practices” (163). Here trust, not apprehension, and loyalty, not abandonment, characterize the encounter with the stranger. Snyder draws on the stories of Ruth and the Syro-Phoenician woman (Mark 7:24–30) to develop the ecology of faith. These stories, as Snyder puts it, form a “sub-strand of biblical material [that] sees the outsider not simply as a one who requires help, but also as one who brings new and God-given life” (167). This possibility or promise of the stranger leads to mutual risk taking by complex, embodied characters. Whereas an ecology of fear caricatures and isolates, an ecology of faith makes space for complexity and mutuality:

Living an ecology of faith is not to adopt a wishy-washy uncritical capitulation to whatever the stranger demands. It is rather about inhabiting a posture of respect towards the “strangeness” of the stranger and an openness to being changed by this, while gently holding onto a sense of self. . . . Members of established populations need to discover ways of treading this delicate line between allowing the stranger to be who they are, on their own terms, while not feeling that their own integrity is being compromised. (194, citation omitted)

Invoking the ecology of faith, Snyder reframes what it means to have strangers in one’s midst. In an ecology of faith, strangeness is not alienating it is inviting. It is not barren but fertile. By contrasting

²⁰ Quoting Myron Weiner, *The Global Migration Crisis: Challenge to States and to Human Rights* (New York: HarperCollins College, 1995), 1.

these two possible environments, Snyder is reminding us that we create the conditions of our encounter by our choice of fear or faith, trust or suspicion, hospitality or hostility.

In her final chapter, Snyder revisits encounters—exploring how churches and faith-based organizations are creating an ecology of faith through encounters in grassroots service, with the powers (largely state powers), in theology, and in worship—as inspiration for others looking to create practices of faith in encounter. To understand how established communities, and churches in particular, can and should respond to migrants, Snyder chooses to locate the migrant in the rhetorical context of the stranger, but, as Snyder compellingly articulates, whether the established community responds in fear or faith is a choice to be made and a practice to be developed.

LEARNING FROM THE SOJOURNER

In *Toward a Theology of Migration: Social Justice and Religious Experience*, Gemma Tulud Cruz seeks to learn from the sojourning aspect of migration. “Sojourner” is not Cruz’s term. I use the term because it captures the sense in which the lived reality of movement is important to Cruz.²¹ The migrant’s experience of displacement comes across as an operative fact in her book. Thus, she concludes the book with the observation that, “the challenge is to recognize ourselves and our lives in the other, that is, the migrant” (160). In other words, as Cruz puts it, “We are all pilgrims and, like the migrant, the metaphor of the journey, the figure of the stranger, and the experience of displacement are part of the fabric of our lives as human beings. Ultimately, to be human and to be Christian is to be always ‘on the way’” (160).

Cruz’s book is programmatic, as the title indicates; she is setting a course for the development of a theology of migration. It is a set of theological reflections born of migration’s pervasive contemporary reality. As Cruz notes in the opening lines of the book, “Mobility is as old as the human species. . . . [But] [a]t no other point in history has the number of people on the move been at such a large scale that the current period is being referred to as the age of migration” (1).²² In the age of migration, a theology of migration is necessary—theology cannot avoid the reality of migration—but theology must also be informed by the migrant experience. For Cruz, engaging theologically with the reality of migration and the experience of migrants requires confronting both the peril and the promise of contemporary migration (4). In the first half of the book, Cruz “engages the human dimension, particularly the social justice question, of contemporary migration in relation to the experience of unskilled migrant workers, migrant women, and the ensuing challenge for reform of migration policies” (8). In the second half, she “explore[s] how migrants and migration contribute to human flourishing as far as religious experience is concerned” (73).

Like Heyer and Snyder, Cruz devotes significant time to discussing the justice challenges of migration, with a particular focus on the experience of migrant women (see chapter 2). In the

21 Sojourner is one of the three biblical categories of outsider: stranger/alien, foreigner, and sojourner. According to Peter C. Phan: “A *sojourner* (Hebrew *ger*, Greek *paroikos*, and Latin *alienus*) is someone whose permanent residence is in another nation, in contrast to the foreigner whose stay is only temporary.” Phan, “Migration in the Patristic Era: History and Theology,” in *A Promised Land, A Perilous Journey*, eds. Daniel G. Groody and Gioacchino Campese (Notre Dame, IN: University of Notre Dame Press, 2008), 48. Thus, the sojourner is someone who carries the memory and experience of movement into a new place.

22 “Age of migration” is a term coined by sociologist Stephen Castles and political scientist Mark Miller in their book of the same name. Stephen Castles and Mark Miller, *The Age of Migration: International Population Movements in the Modern World*, 4th ed. (New York: The Guilford Press, 2009). *The Age of Migration* is a valuable resource for anyone working in the area of migration.

concluding chapter of part I, Cruz suggests Catholic social teaching as an alternative to what she sees as the reigning binary of liberal egalitarian and realist approaches (55). As a heuristic device this binary (liberal egalitarian versus realist) may help explain some of the intransigence in the debate over migration policy, but it oversimplifies the range of positions taken in the scholarship, the legislature, and the street. Cruz's Catholic social teaching intervention serves largely to introduce the relevant principles (including human dignity, human rights, the common good, and solidarity) and to briefly evaluate the strengths and weaknesses of this approach with regard to migration. Certainly Catholic social teaching has a great deal to add to the debate on migration policy, and Cruz offers a good primer, but here the programmatic nature of Cruz's project leaves something to be desired in light of the robust accounts of Catholic social teaching and migration that others have offered (including Heyer).²³

Where Cruz's contribution stands out is in the second half of the book. It is here that she challenges the church to see in the migrant not a threatening outsider or an object of charity, but a revitalization of the church itself. Cruz offers both missiological and ecclesiological (the two are deeply interrelated in her understanding) paradigms for learning to be a "church of the stranger" (92). The presence of migrants serves as a challenge to parochial tendencies in churches and as a reminder that the church is fundamentally catholic: "A church of the stranger is first and foremost a catholic church" (92). Cruz goes on to describe how migration functions as a reminder to catholicity:

In the church of the stranger, churches are challenged by the brokenness of communities and the social fabric of life as experienced by uprooted people like migrants to become what they (churches) really are: sanctuaries for everyone in need and a table around which people of diverse and even opposing positions can converse and break bread together, for a church of the stranger is supposed to be a church without borders. (93)

For Cruz, like Snyder, the migrant may challenge churches in established communities, but that challenge is not something to fear. It is something to be embraced.

This vision is not simply about inviting migrants into the space of the church, or even into dialogue. Rather, it is about allowing the migrant's displacement to displace the established norms of practice and theology. Cruz argues for the necessity of an intercultural church and theology, which is inherently and unavoidably disruptive, even when phrased in a constructive way:

Thus, mission in the context of contemporary migration is inevitably intercultural. It is about Christians learning from one another (and non-Christian religions) the manifold ways and faces of forging a relationship with the sacred. It goes without saying that mission is also about embracing and practicing inculturation of interculturalization ... which naturally entails a dialogical attitude. (102–03)

Migration for Cruz is not only spatial; rather, it is also a metaphor for change and adaptation. The migrant's experience of changing location, her sojourn, is itself theologically relevant, but migration is also about movement in contrast to stasis. A static church fails to fully live into the reality of church. The church needs to be "on the way," which means open and engaging with new and different peoples, cultures, and traditions, and the church can learn such an ethic from migrants who know what it means to be on the move.

²³ See, for example, the excellent volume edited by Daniel G. Groody and Gioacchino Campese, *A Promised Land, A Perilous Journey*, cited above in note 21.

While there is recognition of the revelatory disruption of migrants in Heyer and Snyder, Cruz most emphatically and radically embraces an ethic of co-creation with migrants, encouraging churches in established communities to embrace new ways of being a church informed by the cultural practices of migrants and to embrace a theology grounded in sojourning. To be a church of the migrant would, in turn, change how a church is for and with the migrant.

FORGIVING OUR DEBTS

Ilup Ahn offers probably the most striking and, likely, controversial approach to migrant and established community relationships in his *Religious Ethics and Migration: Doing Justice to Undocumented Workers*. More than any of the other authors, Ahn wants to develop an ethics of immigration, focused on undocumented migration to the United States, that takes seriously both the political horizon of immigration and the question of legal authorization to cross borders. For Ahn, the sovereign border must be recognized as a reality, with unavoidable implications for migrants and established communities. As he writes, “In beginning to discuss how we provide justice for undocumented neighbors, we need first to admit that there may be a possible contradiction between ‘being an undocumented neighbor’s keeper’ and ‘being a law-abiding citizen’” (3). Acknowledging the legal reality of the border and, “tak[ing] the law and political rights of the host country *seriously*” (7), Ahn’s goal is to decriminalize the undocumented migrant (6). That is, Ahn is seeking a plausible framework within the confines of sovereign legal and reigning political orders that can move the immigration discussion beyond the categories of crime and punishment.

From this premise, Ahn argues for the political appropriation of forgiveness²⁴ as the most appropriate approach to undocumented immigration: “[T]he political appropriation of the concept of forgiveness and the hosting citizens’ embrace of undocumented workers become the most justifiable and practical solution to the immigration crisis of North America” (3). The political appropriation of forgiveness begins with an understanding of what is to be forgiven. It is here that Ahn presents an interesting counterpoint to much of the other scholarship on ethics and immigration policy, as well as much of the rhetoric in immigrant advocacy circles.²⁵

This book is distinctive compared to other books in that it first defines the relationship between the hosting citizens and the migrant workers from the perspective of “debt and forgiveness.” According to this perspective, the hosting citizens become the creditors whereas the migrant workers are regarded as the debtors, in that the “invisible debt” is contracted between these parties in the form of “we owe you our security and success” on the part of the migrant workers and “you owe us your presence” on the part of the hosting citizens. (4)

24 In an illuminating presentation at the 2015 Annual Meeting of the Society of Christian Ethics titled “Proclaiming the Jubilee Year for Undocumented Migrants: Anti-Immigration Biopolitics and a Christian Theological Resistance,” Ahn helpfully clarified his position, suggesting that the politics of forgiveness is an alternative to the inequitable and unjust politics of punishment and the ineffectual politics of compassion.

25 Ahn is aware of this dynamic and aware that it may be challenging to some migrant advocates: “I am afraid that my fundamental approach may stir up some negative reaction among some migrant advocates. They might ask: ‘Who should forgive whom?’ Since my approach may well appear to put undocumented migrants in a passive, vulnerable, and powerless position, they might regard my approach as offensive. They should, however, be advised that my approach does not identify undocumented migrants as *morally* passive, vulnerable, and powerless people. To the contrary, what I am proposing in this book is to deconstruct their *legally* passive, vulnerable, and powerless position through the political appropriation of forgiveness” (7).

By structuring the migrant-host relationship as one of debtor and creditor, Ahn can invoke the paradigm of radical hospitality, which he describes as “modeled after a Christian theology of forgiveness rather than gift” (13). Key to the invocation of radical hospitality is what Ahn describes as the “invisible” nature of the debt. The debt is invisible insofar as the public discourse on immigration does not, and possibly cannot, fully account for who owes what to whom in the complex web of migrant and established community relations. Thus “the invisible debt can hardly be quantified or accounted for with a settled amount” (13). An unaccountable debt calls for a radical hospitality grounded in an excess of forgiveness: “Radical hospitality, thus, presupposes that in order for hospitality to become a true hospitality, there should be elements of ‘excessiveness’ or ‘madness’ that transcend the ordinary moral criteria such as reciprocity and or equality” (25). In the end, Ahn’s project is to transcend the complex and messy web of responsibilities and obligations inherent to immigration without ignoring them; to acknowledge that legitimate legal expectations exist alongside unjust economic structures, while arguing for a relational ethic that can work towards a justice that takes as its first task “saving people from sufferings and injuries” (185).

Ahn invokes a large number of theorists in the course of the book, but in making the argument for effectuating a politics of forgiveness, he especially relies on Iris Marion Young’s posthumous book, *Responsibility for Justice*²⁶ (see, especially, chapter 2). Ahn draws on Young’s social connection model of responsibility to articulate the responsibility, in fact the obligation, of established communities to forgive technical legal violations by undocumented workers in light of the structural injustices in which those violations occur. The strength of the social connection model, Ahn says, “lies in the point that the application of this model is not limited by ordinary boundaries of a nation-state. Since many of these structural processes [with unjust outcomes] extend beyond nation-state boundaries in today’s global context, the task of assigning political responsibility should transcend nation-state boundaries in order to include all those involved” (40). Thus, Ahn can conclude that the undocumented migrant (the debtor in his framework) has a moral *right* to forgiveness by the established community (the creditor): “From the vantage point of Young’s social connection model, the political forgiveness of the debtors (undocumented migrants) becomes the hosting citizen’s political responsibility, whereas the demand for political forgiveness becomes the undocumented migrants’ moral right against the creditors (hosting citizens) (55).”

Ahn offers a robust framework premised on a debtor-creditor relationship, and one that takes seriously not only the question of the border but the larger structural forces that put migrants and established communities into relationship with one another. Ahn also wrestles with the political realities of immigration in a way that is often overlooked. As Mae Ngai has written, “Americans want to believe that immigration to the United States proves the universality of the nation’s liberal democratic principles; we resist examining the role that American world power has played in the global structures of migration. We like to believe that our immigration policy is generous, but we also resent the demands made upon us by others and we think we owe outsiders nothing.”²⁷ Ahn does not bypass this political reality in proposing a moral framework, but attempts to work with it.

Yet, the question Ahn identifies as likely to come from immigrant advocates sticks with this reviewer: “Who should forgive whom?” (7). Or, phrased a little differently, Who owes what to whom? Ngai’s statement that, “we think we owe outsiders nothing,” is an indictment of the global North’s imperceptive understanding of global patterns of wealth, poverty, stability, and violence. While Ahn works hard to take seriously systems of structural injustice by creating an obligation

²⁶ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).

²⁷ Ngai, *Impossible Subjects*, 11.

to forgiveness, such a position may let stand the perception that no debt is owed to those who are migrating (or those who cannot or do not migrate). Ahn's book is constructively provocative, but it does not fully persuade this reviewer that regularization of undocumented migrants is better conceived as forgiveness of a debt than as payment of a debt.

A POLICY OF HUMANITY

Bill Ong Hing's *Deporting Our Souls* departs from the approach of the other authors. Like Heyer, Hing is concerned about practices of dehumanization, but his appeal, in the end, is to a broader principle of humanitarianism. The particularity of relationships is not central to Hing's work (though the particularity of stories is, as I explain later), setting it apart from the ethical programs envisioned by Heyer, Snyder, Cruz, and Ahn. This may result in part from Hing's desire to bring a secular morality to the discussion, whereas the other authors are already working from a particular, Christian framework. Nonetheless, Hing's work stands as a possible challenge or caveat to approaches derived from an Arendtian critique of human rights.

Deporting Our Souls was reissued in 2013 with a new epilogue from the author. Originally published in 2006, Hing's book followed the passage of the REAL ID Act²⁸ in late 2005 (10; see also chapter 4). At publication of the first edition, REAL ID was the most recent in a string of laws that restricted immigration, while also criminalizing and punishing immigrants. Arguably this trend dates back to the 1986 Immigration Reform and Control Act (IRCA),²⁹ which is most widely remembered for its provision granting legal status to nearly 2.7 million undocumented immigrants then in the United States.³⁰ But, as Hing reminds us, IRCA was not a simple amnesty, it was a "narrow legalization . . . coupled with employer sanctions in theory to dissuade future undocumented migration by making it unlawful for employers to hire the undocumented" (9–10). IRCA also provided for a 50 percent increase in border patrol staff and created new criminal penalties for fraudulent use of identity documents and the transportation or harboring of undocumented migrants. These provisions launched a new era of both border and interior enforcement that has resulted in a militarized southern border and unprecedented numbers of deportations in recent years.³¹ The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) followed IRCA in 1996.³² The 1996 legislation made extensive and wide-ranging reforms to immigration law, but it can generally be described as increasing border and interior enforcement, enlarging the grounds for deportation, removing avenues for relief from deportation, and reducing employment and public benefits opportunities for immigrants. The next major set of widespread restrictions came in the wake of the September 11th attacks with the USA Patriot Act, the Homeland Security Act, and the REAL ID Act,³³ which, collectively, further increased border and interior enforcement and expanded the grounds for removal.

28 REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231.

29 Immigration and Reform Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359.

30 Muzaffar Chishti, Claire Bergeron, and Doris Meissner, "At Its 25th Anniversary, IRCA's Legacy Lives On," *Policy Beat*, November 16, 2011, 6, <http://www.migrationpolicy.org/article/its-25th-anniversary-ircas-legacy-lives>.

31 See Chishti, Bergeron, and Meissner, "At Its 25th Anniversary, IRCA's Legacy Lives On"; Walter A. Ewing, "The Growth of the U.S. Deportation Machine," *Immigration Policy Center*, April 9, 2014, <http://www.immigrationpolicy.org/just-facts/growth-us-deportation-machine>.

32 Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 3009 (1996).

33 USA PATRIOT Act of 2001, Pub. L. No. 107-56, 115 Stat. 272; Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135; 2005 REAL ID Act, Pub. L. No. 109-13, 119 Stat. 302.

This brief history of recent US immigration law sets the stage for *Deporting Our Souls*. The overall theme of the book is the trend towards greater restrictions on entry, enhanced enforcement, burgeoning deportations, and generally increased hardship for immigrants living in the United States, especially, but not exclusively, the undocumented—a state of affairs that Hing describes as a “policy of inhumanity” (207). The 2013 reissue of Hing’s 2006 book punctuates the fact that this trend has continued into the second decade of this century, and the failure of comprehensive immigration reform during the 113th Congress,³⁴ on the heels of the reissue, is a seemingly superfluous underscore of this point. Hing takes up various facets of the policy of inhumanity, such as the expansion of criminal grounds for deportation, which puts nonviolent, low-level offenders at risk for deportation (54–58); the loss of judicial discretion to waive removal (58–64); threats to decrease family-based immigration in favor of employment-based immigration (124–31); and the misuse of immigration policy under the guise of national security, leading to militarization and profiling by immigration agencies (chapter 4). Throughout the book, Hing invokes the stories of immigrants to highlight the inhumanity of the laws.

Hing is widely recognized as one of the leading legal scholars working on issues of immigration in the United States, and his command of the immigration law and its evolution is evident throughout *Deporting Ours Souls*. The book stands as a thorough indictment of the inequities and injustices that permeate US immigration law. Through a combination of legal scholarship, social analysis, and storytelling Hing is able to take abstract legislative and executive decisions and explain them in terms of the human costs. For those unfamiliar with the details of US immigration policy and its implementation, the book is revelatory. For those sympathetic to the plight of immigrants, the book is a call to action. Yet, something of a question remains about how one should conceptualize either the anti-immigrant trend in US policy or the confluence of the various modes of injustice that are chronicled in Hing’s book.

In many ways, Hing uses the framework of American values, such as when he appeals to President Jimmy Carter’s invocation of President George Washington, who, “inspired to establish a nation that was the antithesis of the cruelty demonstrated by the British military during the Revolutionary war, sought to establish in America a ‘policy of humanity’” (207).³⁵ But American values are, at best, difficult to articulate with any specificity and, at worst, illusory in light of the multiplicity of views held by Americans. Assuming, however, that the United States is built on a “policy of humanity,” what Hing’s book details is not necessarily a conscious deviation from that policy so much as the shortcoming of such a policy. Advocating a turn to a policy of humanity—in line with the American value system—begs the question of how and why there has been a turn away from a policy of humanity. The injustices that Hing chronicles, as well as the intertwined trajectories of enhanced border security, increasing deportations, and diminishing social conditions for resident immigrants, are, at least arguably, the conditions correlate to bare humanity. A policy of humanity may well fall short because it does not articulate a relationship between

34 Muzaffar Chishti and Faye Hipsman, “U.S. Immigration Reform Didn’t Happen in 2013; Will 2014 Be the Year?,” *Policy Beat*, January 9, 2014, <http://www.migrationpolicy.org/article/us-immigration-reform-didnt-happen-2013-will-2014-be-year>. The Senate passed comprehensive legislation. See Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, 113th Congress (2014). The version introduced in the House, H.R. 15, was referred to committee on October 2, 2013, 159 Congressional Record H6173–74 (daily edition Oct. 2, 2013), but it was never voted out of committee despite a discharge petition by the bill’s sponsor, Representative Joe Garcia, 160 Congressional Record H2653 (daily edition Mar. 26, 2014).

35 Quoting Jimmy Carter, *Our Endangered Values: America’s Moral Crisis* (New York: Simon & Schuster, 2005), 132.

established community and migrant other than common humanity, and the question of what, in particular, we owe the migrant is, as Ngai has pointed out, not even asked.

CONCLUSION

When Hannah Arendt wrote “The Decline of the Nation-State and the End of the Rights of Man,” she was not critiquing the appropriateness of a rights regime grounded in nothing but our common humanity. Arendt was critiquing the realization of such a regime on the grounds that our “common” humanity was not only less binding than the human rights reformers may have hoped, but commonality, at the level of bare humanity, is often overwhelmed by the starkness of difference. There is a corollary to Arendt’s critique that has been lodged by other critics of human rights, especially postcolonial critics, which is the hegemony of universalism: the universalists’ tendency to project her own particularities to the diminishment, obfuscation, or erasure of difference.

What both critiques point to is the reality that the abstract person is difficult to render recognizable as a person. To create ties of obligation and responsibility, or even to recognize the ties that exist, as Heyer points out, is a difficult challenge at the level of the abstract and impersonal. Each in his or her own way, Heyer, Snyder, Cruz, and Ahn critique the possibility of an impersonal ethic and an abstract justice, and Hing’s thorough critique of the extant immigration system in the United States shows the ways in which an abstract justice can fail. As I suggested in the introduction, migrants are often caught between the poles of xenophobia and assimilation, between bare humanity and hegemonic universalism; therefore, recourse to particularities of relationship, history, structural ties, and obligations are necessary to condition an ethic of migration. That is one important lesson to be drawn from the various approaches of these authors.

Not only does each author offer a particular frame with which to view the relationship between established societies and migrants but each approaches the issue drawing on and offering different resources: doctrine, practical theology, ecclesiology/missiology, ethics, and narrative. This is not to suggest that these approaches are mutually exclusive; if anything, they are mutually reinforcing. Thus, it should come as no surprise that the recommendations of each author bend in the same direction, towards what Snyder describes as practices of encounter. Whether it is Heyer’s solidarity, Snyder’s ecology of faith, Cruz’s inculturation, Ahn’s radical hospitality, or Hing’s storytelling—for each author reviewed here, being present to the particularity of the migrant and the context of migration is a necessary first step to any ethic of migration.

In doing so, these authors are unsettling the sovereign-state theory of migration. They are challenging the idea that principles of admission and exclusion are solely the self-interested considerations of the state, whether as a matter of the state’s responsibility for the best interest of its own citizens or as a matter of the state’s obligations to noncitizens. Even where authors such as Cruz and Snyder are speaking most directly to a non-state entity such as the church, the lesson of engaging and learning from migrants has broader implications; or, at a minimum, these authors challenge the idea that policies tending towards exclusion protect the integrity of established community institutions. Each author, in his or her own way, deconstructs the idea that migrants are wholly other, separate and apart from established communities, the individuals that make up those communities, or the state that represents those individuals.

Each of these books is born from the author’s experience in community and communion with migrants. Each book is informed by the author’s own experience of encounter. Grounded in these experiences, the authors take seriously (some explicitly and some implicitly) Arendt’s dilemma of state belonging as necessary for political subjectivity, and they offer varying constructive efforts

at bridging the divide between established communities and migrants. That is, each author offers, as Miroslav Volf might say, a program of “differentiation,” or “the creative activity of ‘separating-and-binding’ that results in patterns of interdependence.”³⁶

As Snyder suggests, migration is too often viewed through the lens of crisis (87) and addressed as a matter of crisis management. In order to avoid living into a permanent “state of crisis” in matters of global migration—a situation that is both the cause and effect of peoples excluded from political community and the protection of human rights—more efforts to acknowledge and create patterns of interdependence are needed. We need, as these authors give us, ways of thinking about migration neither as a “prime threat” nor “with alarm” (Snyder, 87), but as a condition of and conditioned by human relationality.

³⁶ Volf, *Exclusion & Embrace*, 65.