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**Migration and the Challenges of (Secular) Liberalism: An Opportunity for Renewed Theological Reflection?**

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## **MIGRATION AND THE CHALLENGES OF (SECULAR) LIBERALISM: AN OPPORTUNITY FOR RENEWED THEOLOGICAL REFLECTION?**

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In October of 1942, more than 1,400 high-profile lawyers and government officials descended upon Boston's Church of the Immaculate Conception to celebrate the annual Red Mass.<sup>2</sup> Only the second such liturgy to ever be held in New England, this Red Mass—celebrated eighty years ago this year—brought Catholics and non-Catholics together for a blessing at the start of the new judicial year. Although the tradition of the Red Mass had dated back to the Middle Ages to “invoke divine guidance in the administration of justice,” its joint sponsorship by Boston College and the Archbishop of Boston offered a unique opportunity for the homilist to offer his reflections on the ongoing war in Europe to a captive audience of influential figures.<sup>3</sup> Surrounded by news of ethnic genocide and the imposing threat of totalitarianism, the homilist at the 1942 Red Mass was faced with the pressing question of how men and women of goodwill were called to respond to World War II.

The homilist that day was John C. Ford, a Boston College-educated Jesuit and professor of moral theology at Weston College, the Society of Jesus's house of studies in Massachusetts. Like the inaugural New England Red Mass homilist—William J. Kenealy, S.J., the then-dean of the Boston College Law School—Ford searched for a way to confront the serious perils of the twentieth-century liberal order that could be appealing to both Catholics and non-Catholics.<sup>4</sup> In fact, Ford was just one of many Catholic scholars at Boston College, Fordham, Georgetown, Loyola-New Orleans, and Notre Dame (among other Catholic institutions) who saw the war as the most serious threat to civilization in recent

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<sup>2</sup> *The Heights*, “Law School to Hold Red Mass,” September 18, 1942.

<sup>3</sup> *The Heights*, “Solemn Mass Held Tomorrow,” October 3, 1941.

<sup>4</sup> Delivered in October 1941, Kenealy's sermon was focused on the “philosophy of totalitarianism which was destroying Europe's civilization and its people.” This philosophy, according to Kenealy, was produced by skepticism, cynicism, materialism, and pragmatism. See *The Heights*, “No Intellectual Leaders, Law Dean Tells Lawyers,” October 11, 1946; *National Catholic Welfare Conference News Service*, “Many Legal Dignitaries at First Boston Red Mass,” October 6, 1941.

memory. Represented most clearly in the genocide of the Jewish people, Ford, Kenealy, and their contemporaries believed that certain elements of liberal political philosophy unmoored from higher moral principles were bound to create an international order oriented around one belief: “might makes right.”<sup>5</sup> This philosophy was the foundation of the Holocaust, they thought, and one that might similarly invade the United States.

Faced with the monumental threat of this subversive philosophy, Ford’s 1942 sermon unsurprisingly exhorted attendees to reject Kantianism and re-commit themselves to the “three-fold law of God, conscience, and the land.”<sup>6</sup> Despite attempts to infiltrate this tripartite system by pragmatic philosophers and legal theorists, Ford was hopeful that returning to once-commonly accepted methods of ethical decision-making (especially Natural Law philosophy) might offer an effective way to consistently defend human rights at home and abroad. In doing so, Ford believed that Americans could correct the challenges to fundamental human rights being spurred by certain aspects of twentieth-century liberal political philosophy.

Ford and Kenealy were not alone in this endeavor, making the products of this inter- and post-War movement to confront liberalism’s challenges fruitful then, and yet still relevant today. Indeed, Jacques Maritain’s well-studied involvement in post-War debates about the United Nations’ Universal Declaration on Human Rights was unsurprisingly marked by a distinct emphasis on the Natural Law, not unlike Ford or Kenealy.<sup>7</sup> In the United States, an array of Catholic legal scholars similarly employed Natural Law philosophy as a way to combat the “philosophy of pure force” pervading American political thought at mid-century, one lending itself to tyranny if not diligently opposed.<sup>8</sup>

With the benefit of history and hindsight, the extent to which Maritain and these Catholic legal scholars were successful is certainly debatable, but the impetus for their efforts continues to prove interesting for scholars across academic disciplines. For example, the *Journal of Moral Theology* will mark the fiftieth anniversary of Maritain’s death with a special issue on “Catholicism, Challenges to Democracy, and the Legacy of Jacques

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<sup>5</sup> John Larner, “Lawyers Attend Red Mass Sung at Immaculate,” *The Heights*, October 9, 1942.

<sup>6</sup> Larner, “Lawyers Attend Red Mass.”

<sup>7</sup> See, e.g., Arthur Shenefelt, “Mankind Reappraised,” *The New York Times*, February 26, 1950.

<sup>8</sup> William J. Kenealy, S.J., “The Majesty of the Law,” *Loyola Law Review* 5, no. 2 (1950): 104. On the Catholic legal scholars involved in this effort, see John M. Breen and Lee J. Strang, “The Forgotten Jurisprudential Debate: Catholic Legal Thought’s Response to Legal Realism,” *Marquette University Law Review* 98, no. 3 (2015): 1203-1311.

Maritain.”<sup>9</sup> And, recently, the *Journal of Catholic Legal Studies* hosted a symposium on the work of John M. Breen and Lee J. Strang, two legal scholars interested in how twentieth-century American Catholic thinkers and educational institutions responded to legal pragmatism.<sup>10</sup>

We certainly do not find ourselves today amidst the ethnic genocide that confronted Ford’s generation, but we do inhabit an increasingly secular liberal political order that has repeatedly failed to fulfill the promises made by its champions: liberty, equality, and ‘justice for all.’ From another war in Europe to massive levels of economic inequality, global religious persecution, and ever-worsening climate disruptions, a new generation is being faced with many of the same questions as Ford’s, albeit in different forms. As such, it should be unsurprising that some members of this new generation are searching for ways to confront these crises by looking outside of what they perceive as a failed liberal political tradition. During just the last few years, in fact, a variety of proposals—ranging from Patrick J. Deneen’s ‘post-liberalism’ to Adrian Vermeule’s ‘common good constitutionalism’—have rightly attracted substantial critical and constructive engagement.<sup>11</sup>

Though many of the scholars involved in this contemporary movement to confront liberalism’s challenges are not themselves theologians, they benefit from (and often explicitly acknowledge) religious thinkers and texts to which we can still look for insight. Like the famed American Jesuit John Courtney Murray, this generation of thinkers is involved in an interdisciplinary conversation about the future of political life inextricable from religious ideas. Just as Reinhold Niebuhr, Abraham Joshua Heschel, and other twentieth-century American Protestant and Jewish leaders, the question raised by Ford, Kenealy, Murray, and their Catholic contemporaries was how religious ideas, implicitly and explicitly connected to the formal discipline of academic theology, could be used to remedy the challenges created by certain aspects of modern political liberalism.

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<sup>9</sup> *Journal of Moral Theology*, “CFP: Catholicism, Challenges to Democracy, and the Legacy of Jacques Maritain,” <https://jmt.scholasticahq.com/post/1243-cfp-catholicism-challenges-to-democracy-and-the-legacy-of-jacques-maritain> (accessed April 27, 2022).

<sup>10</sup> For Breen and Strang’s engagement with this symposium, see John M. Breen and Lee J. Strang, “A Light Unseen: The History of Catholic Legal Education in the United States: A Response to Our Colleagues and Critics,” *Journal of Catholic Legal Studies* 59, no. 1 (2020): 1-49.

<sup>11</sup> See, respectively, Patrick J. Deneen, *Why Liberalism Failed* (New Haven, CT: Yale University Press, 2018); Adrian Vermeule, *Common Good Constitutionalism: Recovering the Classical Legal Tradition* (Cambridge, U.K.: Polity Press, 2021).

In response to this question, Deneen and Vermeule have fled from political liberalism and looked instead to early Christian thinkers—especially Saint Thomas Aquinas—for guidance. This explicit abandonment of liberalism is a relatively novel move, but engaging in theological reflection or looking to religious thinkers and texts for a method of ethical decision-making was the starting point for many of those who were struck by the horrors of World War II and the failure of liberalism to prevent such extreme forms of human suffering. Ford, Kenealy, Maritain, and Murray undoubtedly found themselves within this tradition.

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The role of religious thinkers and texts in responding to the challenges of our international political order was the question that prompted this special issue of *Mystērion*. Indeed, the evident inadequacy of purely secular paradigms for confronting the crisis of human migration—just one of many contemporary global challenges situated within our hegemonic liberal political framework—offers a valuable, if unfortunate, opportunity for renewed theological reflection. Not unlike issues of economic inequality, religious persecution, or climate disruption, certain features of the liberal canon which have produced our global environment require new intellectual interventions if we hope to remedy the obvious perils with which the most marginalized members of society have been plagued. For self-identified ‘post-liberals,’ this endeavor offers a chance to replace our existing intellectual consensuses with classical sources of wisdom, many of which were once explicitly connected to religious thinkers and texts. For liberalism’s supporters, however, considering how religious ideas can be used in response to modern challenges also invites a recovery of forms of theological reflection that can enhance liberal frameworks without necessarily replacing them. In other words, both sides of this philosophical coin stand to benefit from reintroducing sincere theological reflection into our political dialogue.

In spite of the dominant trends towards secularity in the United States, especially in the upper echelons of American politics and academia, this special issue of *Mystērion* invited undergraduate students to offer religious perspectives on migration, using the recently published *Christianity and the Law of Migration* as a shared text.<sup>12</sup> Co-edited by Silas W. Allard, Kristin E. Heyer, and Raj Nadella, *Christianity and the Law of Migration* offers

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<sup>12</sup> On American secularity, see, e.g., Michelle Boorstein, “American Secularism is Growing—And Growing More Complicated,” *The Washington Post*, January 14, 2022; Sarah Pulliam Bailey, “Church Membership in the U.S. Has Fallen Below the Majority for the First Time in Nearly a Century,” *The Washington Post*, March 29, 2021.

eighteen essays on the relationship between law, religion, and migration from a diverse array of theologians and legal scholars.<sup>13</sup>

To provide an enhanced opportunity for dialogue about the role of religious ideas in our approach to the challenges of migration policy, *Mystērion* hosted an inaugural spring conference in March of 2022. Each of the contributors in this issue presented earlier drafts of their now-published articles at this conference.<sup>14</sup> Two doctoral students in Boston College’s Theology Department—R. Zachary Karanovich and Brett O’Neill, S.J.—responded to the papers, posing questions to the issue’s contributors and suggesting areas for further consideration. Heyer, a professor of theological ethics at Boston College, offered the keynote address at the conference’s conclusion. After the in-person dimensions of the conversation concluded, all of the contributors revised their articles in light of the conference.

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Each of the articles featured in this special issue addresses the question that vexed Ford in 1942, and that continues to represent a challenge to American political discourse today: What role should religious ideas have in responding to the challenges of (secular) liberalism? Though all of the articles approach this question with the tools of Christian theology, not all are written from a Catholic perspective, nor do they necessarily articulate one way to approach (or answer) this important question.

The recipient of the inaugural Macrina Award for Excellence in Theology, Jack Engelmann opens this issue with the construction of a theological framework for considering the humanity of those migrants trapped within our global “migrant economy.” Focusing on the biblical notion of the *anawim*, who he describes as “those to whom care needs to be shown,” Engelmann argues that the Gospels demand Christians take direct action to ameliorate the *anawim*'s suffering. Placing the *anawim* within the context of an international migrant economy, Engelmann demonstrates that singularly pragmatic calculus about the utility of migrant labor obscures the *imago Dei* of the human persons engaged in the

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<sup>13</sup> See Silas W. Allard, Kristin E. Heyer, and Raj Nadella, eds., *Christianity and the Law of Migration* (New York: Routledge, 2021).

<sup>14</sup> For coverage of the conference, see Olivia Joung and Eliza Hernandez, “Undergraduate Theology Journal Hosts Inaugural Spring Conference,” *The Heights*, April 9, 2022. On behalf of the Editorial Board, I express my thanks to the Robert J. Morrissey College of Arts and Sciences Dean’s Office for financially supporting this conference.

migration process. By focusing on the biblical vision of the *anawim*, Engelmann suggests that we might be able to recover what has been lost in the contemporary political order's hyper-fixation on individual achievement and economic output.

Unlike Engelmann—who highlights the lack of theological insight in today's migration discourse—Caroline Brewster approaches the question of religion and politics through the lens of misguided public theology. Focusing particularly on shallow biblical interpretation, she argues that many prominent political figures often place temporal ends before eternal ones, therefore breaking from the true spirit of the biblical tradition, one that prioritizes human dignity. Offering numerous examples of conservative American politicians engaged in this 'interpretive' project, Brewster demonstrates how uncontextualized references to scriptural passages seem to support an exclusivist political theology that sanctions arbitrary differentiation between human persons on the basis of national origin. Instead of accepting the *de facto* prohibition on public religious discourse because of these misguided biblical appeals, however, Brewster asserts that Christians must focus even more intently on recovering religious themes in the public square.

With the benefit of the Catholic Church's rich catechetical tradition, Olivia Halle surveys many important pontifical and magisterial documents that provide a dignity-focused paradigm for thinking about human migration. Synthesizing statements from Pope John Paul II and Pope Benedict XVI, as well as the *Catechism of the Catholic Church* and the United States Conference of Catholic Bishops' "Position on Immigration Reform," she highlights the consistency of the Church's support for migrants. In concluding, Halle applies the insights gleaned from this catechetical tradition to the case of Filipino immigrants to the United States. By doing so, she suggests that the federal government's treatment of Filipino migrants can be reconciled with various aspects of the Catholic tradition.

Drawing from the richness of his identity as a descendent of Oaxacan Mexicans, Rene Sebastian Cisneros concludes this special issue with an exhortation that religious studies scholars' re-consider the role of auto-ethnography in making sense of lived religious practices. Highlighting the annual celebration of Guelaguetza in Oaxaca, Cisneros opines on the many ways in which religious traditions help Oaxaqueños in Mexico and the United States construct their identities. By acknowledging his own position within the Oaxacan community, he proposes that scholars can better understand heterogeneous experiences of

religion and migration through an analysis of ritual performance. This analysis, Cisneros suggests, might offer an insightful way for those interested in migration policy to appreciate migrants' diverse experiences, many of which are connected to religious symbols, practices, and beliefs.

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Like Ford in 1942, our four contributors demonstrate that we must face the question of how theological reflection should be used in political discourse, especially during a time of increasing secularity and dissatisfaction with certain aspects of modern liberalism. Though the cover of this issue depicts the Areopagus—the supreme tribunal of Athens—Engelmann, Brewster, Halle, and Cisneros embody what Stephen R. L. Clark so presciently argued nearly four decades ago in his now-famous Gifford Lectures: Athens and Jerusalem, reason and faith, need not be so sharply divided after all.

Though not a particularly novel task, I am certain that bridging this divide between Athens and Jerusalem is the most important responsibility that the current generation of theologians must bear. Indeed, if not effectively reconciled with one another, our increasingly secular political order will be led ever closer to the utilitarian pragmatism that Ford decried, and authentic faith communities will be alienated from political discourse, unable to bring the wisdom of their religious traditions to bear on pressing social challenges. Under the leadership of next year's masthead, I hope that *Mystērion* will continue serve as one venue in which young thinkers can fulfill this responsibility.<sup>15</sup>

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<sup>15</sup> After a recent vote of *Mystērion*'s outgoing and incoming editors, I am pleased to announce that the 2022-2023 masthead will be comprised as follows: Caroline Brewster (Editor in-Chief); McCarthy Strachan (Managing Editor); Emily Caffrey, Jerri Chung, John Kalil, Megan Stevens, Zachary Westen (Associate Editors); Tiffany Lee, Sarah Livick-Moses, Dennis Wieboldt (Graduate Advisors); Carlos Mendoza-Álvarez, O.P. (Faculty Advisor). On behalf of the entire 2021-2022 Editorial Board, I would like to express my thanks to outgoing Associate Editor Conor McCormick and Faculty Advisor Andrea Vicini, S.J., for all of their help in bringing the journal to fruition. None of *Mystērion*'s successes would have been possible without their tireless support.