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## **Keynote Address: Reflections on “Religious and Legal Perspectives on Migration”**

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**KEYNOTE ADDRESS:**  
**REFLECTIONS ON “RELIGIOUS AND LEGAL  
PERSPECTIVES ON MIGRATION”**

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Thanks to Dennis Wieboldt for the invitation to be with you today, and to Andrea Vicini, S.J.; Professor Jeffrey Cooley; Tiffany Lee and the other organizers for today’s inaugural undergraduate *Mystērion* conference. Thanks too to today’s presenters: Olivia Halle, Jack Engelmann, Rene Sebastian Cisneros, and Caroline Brewster for your engaging presentations. I am also grateful to theology doctoral students R. “Zac” Karanovitch and Brett O’Neill, S.J., for their thoughtful responses. I will just offer some brief remarks in light of the book project, the papers we have heard today, and the context in which we find ourselves in the wider world.

Just a word about *Christianity and the Law of Migration*. The book brought together a group of legal scholars with scholars of religion and theology to try to bridge the disciplinary silos that weaken reflection on complicated issues like migration. The interdisciplinary approach allowed us to contextualize migrations, reveal ideological drivers of policy, and the role of power, as well as new understandings of citizenship “from below.” Putting Christian theology and practice in dialogue with law and policy (like a double major) can unmask and challenge operative agendas. The book focuses on policies and attendant rhetoric during the Trump Administration; but one year into the Biden administration, I think much of the critiques stand. Brewster’s reflections on nativism and isolationism, like similar themes in our volume, continue to hold relevance. As she observed, patterns that instill fear reflect tendencies to approach migration primarily as a matter of crisis management; this neglects transnational political and economic forces as well as histories of relationships between sending and receiving countries.

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A few months ago on the island of Lesbos, Pope Francis lamented how the Mediterranean is becoming a cemetery due to illusory narratives of personal and national self-interest. He has repeatedly drawn attention to the forces impacting so many people on the move, expanding the migration question to consider the impact of populism, neoliberal economics, and virulent individualism. This scope shifts the narrative we might say, offering a welcome reorientation to discussions that often focus on states' rights or on border crossers alone. As O'Neill emphasized, Francis stresses the humanity of migrants and the gifts they bring. But Francis's broader emphases reveal how barriers to reception and humane policy are not limited to matters of border fortification and refugee policies alone, but include pervasive tendencies toward isolationism. So whereas Halle rightly indicated obligations in conscience according to the *Catechism*, Francis has been focusing on what shapes (or often malforms) our conscience and hardens our hearts.

The Christian story that insists we fundamentally belong to one another. This can serve as an antidote to the individualism and indifference that harm persons on the move. In contrast to standard models that tend to address rights to individual freedom of movement, or the self-determination of political communities, these relational commitments underscore social dimensions of justice and sinful complicity alike. The universal destination of created goods in the Catholic tradition similarly accents social constraints on market freedom (unlike the double standard Engelmann highlighted).

I am glad to see attention here today to these broader emphases that our book and the present pope emphasize, revealing how barriers to reception include pervasive tendencies toward isolationism and populist ideologies. Recent years have witnessed a rise in nativist populism fueled, in part, by anxieties about the impact of globalization. In the U.S. context, our immigration debates have long been framed by narratives emphasizing security threats and social costs, despite rhetoric about liberty and hospitality.<sup>i</sup> The last administration's more than 400 executive actions on immigration (from border and interior enforcement, to the asylum system, to DACA) to ostensibly "Make America Safe Again" followed from its law-and-order mantle, even as studies regularly indicate higher rates of immigration correlate with lower rates of violent and property crime.<sup>ii</sup> Migrants from the Northern Triangle countries in Central America flee homes with the world's highest number of homicides per capita, where gang members murder with impunity—the threat driving many

such migrants is precisely the breakdown of the rule of law at home. Another populist script casts newcomers as economic threats, a perception historically fueled in times of economic downturn. Beyond studies that show that immigrant laborers provide a net benefit to the U.S. economy, the detention industry profits from irregular migrants, further confounding the frame of economic threat. The multibillion dollar, transnational “immigrant industrial complex” raises serious questions about the financial stakes in the broken immigration system, diminished public oversight, and accountability. These are all themes that Engelmann works out very well in his paper.

Finally, tapping into anti-immigrant sentiment provokes the demonization of racial, ethnic, and religious minorities. Representations of the outsider as a social menace signal the function of racism and xenophobia in the national imaginary. We have continued to see high rates of anti-immigrant/anti-Asian hate crimes in recent years that are reflect and shape attitudes toward migrants. Hence fear-mongering scripts that mislead to consolidate power (like Brewster showed), making people more susceptible to the predominant crisis-management approaches to migration.

These tactics ignore structural relationships impacting migration. Reducing immigration matters to the locus of border crossers in the Mediterranean or our desert Southwest eclipses transnational actors from view, much less blame—it refuses to consider those responsible for “push factors” like violent conflict, economic instability, or climate change. And whereas Christian migration ethics regularly emphasizes the humanity of migrants in this vein, renewed attention to *social* dimensions of Christian ethics can expand consideration beyond the dignity of individuals who cross borders to consider the global contexts and operative interests that compel migration.

As Halle discussed, Christian migration ethics draws on traditions of biblical hospitality, social doctrine, and human rights, focusing on the plight and agency of migrants and relative duties of reception. The tradition establishes persons’ rights not to migrate—to fulfill human rights in their homeland—or to migrate if they cannot support themselves or their families in their country of origin. Hence, in situations where individuals face pervasive gang violence or desperate poverty, as Engelmann highlighted, the Catholic tradition supports the right to freedom of movement so that persons can live free from credible fears of violence or severe want. I would add to today’s reflections that the impact of Pope John Paul II is

rooted in his labor legacy: he condemned the exploitation of migrant workers based on the principle that “. . . capital should be at the service of labor and not labor at the service of capital.” This idea that the economy should serve the person raises serious concerns not only about the freedom of markets compared to people, but also about the significant financial stakes in the broken immigration system—detained immigrants fill beds, deportations fill private buses.

Yet becoming a neighbor to the migrant through a social vision of the person and the good requires meeting basic responsibilities of justice, not charity or hospitality alone, particularly given the role that receiving nations play in shaping conditions that directly contribute to irregular migration.<sup>iii</sup> A global vision of social responsibilities helps re-contextualize migration in the face of tendencies to locate responsibility solely with a migrant’s choice to cross borders.

The Christian category of social sin explicitly connects these structural relationships with their harmful consequences and abetting ideologies.<sup>iv</sup> Distinct elements of social sin—dehumanizing trends, unjust structures, and harmful attitudes—shape complex dynamics that perpetuate inequalities and influence receptivity. Whether in forms of cultural superiority or profiteering, social inducements to personal sin in the immigration context abound.

*Fratelli Tutti*, Pope Francis’s recent encyclical on human fraternity, repeatedly underscores other pervasive ideological threats to our social instincts, as well, convincingly indicating how self-absorption fuels both apathy and hardened insulation or group preservation. Francis elaborates how a culture of consumerist comfort abetted by social media distractions incubate false ideologies that can manipulate consciences and insulate them from different perspectives. (During the lockdown, we watched *The Social Dilemma* docudrama on Netflix—offering an eerie window into the complex manipulations of social media and surveillance capitalism along these lines!). Migration discourse often focuses on political and economic considerations alone, yet social sins like racism or a sense of invulnerability tempt us to exclude. So the concept of social sin offers a framework for critiquing histories of unequal relationships between countries, such as proxy wars, as well as harmful ideologies, from xenophobia to meritocracy. And it orients us toward shared accountability with and across borders.

Reflecting on Engelmann's focus on the *anawim*, we see Francis drawing near to migrants, whether on the island of Lampedusa in that first trip as Pope, bringing home refugees from Lesbos, or his mass in Ciudad Juárez. This week, he sent Cardinal Michael Czerny, S.J., to the Ukraine-Slovakian border to express his closeness to the people fleeing Ukraine, reiterating the pope's words that the border should be "a place of encounter and not of division." His attentiveness to the forces that marginalize the *anawim* as well as his willingness to go to the peripheries stands in sharp contrast to politicization of cherry picked scripture passages that Brewster profiles. Keeping the whole picture in view—our complicity in pushing and pulling folks across borders—and drawing near to the *anawim* not withdrawing to cultures of comfort, are key.

This attention to community and to ritual are key not only to sustaining connections to countries and cultures of origin but also reshaping harmful mindsets on immigration. Cisneros's reflections on Guelaguezta remind me of the community-building rituals that give life to migrant and diaspora communities and those who accompany them, whether liturgies at the border fence, reimagined *posadas*, or parish-based cultural festivals. Moreover, it is precisely because of religious commitments (reaffirmed through rituals) that some citizens take risks to accompany migrants: we profile the work of Scott Warren (arrested for "harboring and transporting undocumented migrants" via his No More Deaths work offering them food, water and medical aid in the Sonoran desert) in two chapters of the volume in this regard.

In light of these complex influences on moral agency, formulating human rights arguments remains necessary but insufficient. Art can function similarly—those of you who saw the Angels Unawares statue that visited our campus last year may recall how Sculptor Timothy Schmalz incorporates Muslims escaping Syria beside Jews escaping Nazi Germany beside an Irish boy escaping the potato famine; one could be an Eritrean attempting Lampedusa. When I took my students, several instantly recognized their own family histories, their very identities. Like art, religious practices, narratives, and symbols hold potential to (re)shape moral imagination—book calls attention to the urgency of this formation task, which is distinct from humanitarian outreach or advocacy.

Finally, we need only turn on the news to see the urgency of justice for migrants and refugees. Some three million refugees have already been forced to flee Ukraine, while an

additional 1.85 million people have been displaced internally within the country. The escalation of conflict has triggered a steep rise in humanitarian needs, both within the country as well as in the neighboring countries receiving refugees. Seven years after the 2015 refugee crisis, Europe still lacks an agreed-upon approach both for taking in its share of refugees and for processing asylum seekers who make it onto the continent. I fear that without major efforts to receive/integrate the millions who have already fled, we face not only a human rights crisis for the refugees themselves but also the risk of repressive nationalistic responses like we witnessed in 2015. At the same time, the coverage of Ukraine reminds us of another theme of the book, the racism and xenophobia so often operative in migration and refugee contexts. Already we hear descriptions of “real refugees,” characterizing Ukrainians as “just like us” evoking contrasts to Syrian refugees or Latin Americans at the southern border. I hope the day’s reflections help us think about responses marked by justice and hospitality in Europe as well as at the US-Mexico border as well as new ways of imagining belonging in our current contexts.

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<sup>i</sup> For a further elaboration of these narratives and their impact, see Kristin E. Heyer, “Internalized Borders: Immigration Ethics in an Age of Trump,” *Theological Studies* 79/1 (March 2018): 146–64. The discussion of social sin in this chapter also draws in part from “Internalized Borders.”

<sup>ii</sup> Walter Ewing, Daniel E. Martínez, and Rubén G. Rumbaut, “The Criminalization of Immigration in the United States,” *American Immigration Council*, July 13, 2015, <https://www.americanimmigrationcouncil.org/research/criminalization-immigration-united-states>.

<sup>iii</sup> John J. Hoeffner and Michele R. Pistone, “But the Laborers Are . . . Many? Catholic Social Teaching on Business, Labor and Economic Migration,” in Kerwin and Gerschutz, *And You Welcomed Me*, 55–92, at 74.

<sup>iv</sup> I further elaborate connections between social anthropology, social sin, and global solidarity in *Kinship Across Borders: A Christian Ethic of Immigration* (Washington, D.C.: Georgetown University Press, 2012).