REFRAMING DISPLACEMENT AND MEMBERSHIP: ETHICS OF MIGRATION

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The mounting human costs of contemporary displacement challenge dominant interpretations that frame migration in terms of security or economic functionalism alone. Surveying global realities and recent academic and pastoral contributions, the author argues that a migration ethic attentive to transnational human rights, scriptural hospitality, and mutually (re)constituted membership remains well poised to reorient reigning approaches. The analysis suggests that greater attentiveness to the Church's posture toward new migrants and the gender-specific experiences of migration are warranted.

W ITH THE DISPLACEMENT OF PERSONS taking new forms worldwide, the rights and agency conferred by membership remain elusive for many, to the detriment of migrants and communities alike. Dominant interpretive frames frequently serve to distort the motives and experiences of people on the move, and theological ethics is well poised to unmask the urgent dimensions of migrant realities. The phenomenon of intensified migration touches a significant number of global inhabitants: one in nine lives in a country where international migrants comprise one-tenth or more of the total population.[1] Migrants cross borders in increasingly multi-directional ways, not only south to north, but also north-south, south-south, north-north, and east-west.[2]

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[1] Forty years ago, the ratio was 1:29; see Aaron Terrazas, *Migration and Development: Policy Perspectives from the United States* (Washington: Migration Policy Institute, 2011) 1, http://www.migrationpolicy.org/pubs/migdevpolicy-2011.pdf. (This and all other URLs cited herein were accessed November 14, 2011.)

[2] Andrés Solimano, *International Migration in the Age of Crisis and Globalization: Historical and Recent Experiences* (New York: Cambridge University, 2010) 6.

Too frequently, however, dominant perceptions of displacement obscure and diminish the rights and aspirations of the persons involved.[3] Armed conflict and persecution continue to uproot tens of millions of refugees and internally displaced persons (IDPs) from their homes for protracted periods with no end in sight. The United Nations projects 50 million environmental refugees by 2020, cases of human trafficking are on the rise, and the "poaching" of "knowledge workers" continues. Characterizing contemporary migration as both "a consequence and mitigation of income disparities in our global society," Andrés Solimano notes that the multi-directional movement of international migrants is met with policy barriers in wealthy receiving countries (even where demand persists), as well as "benign neglect" in countries of origin, when emigration and remittances help redress unemployment and underemployment in these countries. As a result, advanced economies employ restrictive policies toward less-skilled immigrants while tolerating undocumented migration, which "provides a flexible and low-cost labor pool to domestic firms and households in [most] recipient countries."[4] Detention centers and camps for irregular migrants are proliferating in Europe, North America, North Africa, Australia, and elsewhere.

Archbishop Silvano Tomasi contends that the plight of irregular migrants signals the moral failure of the international community to prevent the circumstances propelling dangerous, unbidden journeys: "From Somalia to Yemen, from Mexico through Arizona into the United States, from West Africa to the Canary Island, from Libya and Morocco to Italy and Spain, from Turkey to the Greek Islands, from Haiti to Florida, on rickety boats and with unscrupulous guides, people escape poverty, failed states, internal conflicts and wars at risk of their lives."[5] Dehumanizing conditions await those who survive treacherous journeys. Fabio Baggio notes that enforcement policies "have revealed worrisome manifestations of xenophobia and racism, raising questions about the international community's commitment to the building of a 'global village' capable of appreciating differences while celebrating the unity of humankind."[6] These trends are profoundly challenged by a Catholic defense of rights to emigrate and immigrate rooted in the tradition's understanding of human rights, the political community, and the universal destination of created

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[3] Silvano Tomasi, "Migration and Catholicism in a Global Context," in *Migration in a Global World*, Concilium 2008/5, ed. Solange Lefebvre and Luiz Carlos Susin (London: SCM, 2008) 13–31, at 12–14.

[4] Ibid. 3–4, 10.

[5] Tomasi, "Migration and Catholicism" 22.

[6] Fabio Baggio, C.S., introduction to *Faith on the Move: Toward a Theology of Migration in Asia*, ed. Fabio Baggio and Agnes M. Brazal (Quezon City: Ateneo de Manila University, 2008) vii–xx, at viii.

goods.[7] The reality for many, however, is that, as Gemma Tulud Cruz puts it, globalization's rhetoric of the increased freedom and interconnection in fact conceals bondage and displacement.[8]

FRAMES FOR MIGRATION: FROM BREAKING THE LAW TO BROKEN BY THE LAW[9]

As transnational migration increases, ongoing debates about cultural cohesion and national identity, the impact of neoliberal economic priorities, and tensions between protectionist and globalizing impulses take on new urgency. Across diverse contexts, the construals of migration that govern public discourse reductively limit and obscure the complex realities of migration. As Dhananjayan Sriskandarajah observes, "At worst, migration is cast as a 'problem' that needs to be solved or kept in check. At best, discussions often oscillate unhelpfully between instrumentalism and obligation: what can migrants do for society and what should society do for migrants?"[10]

One prevailing interpretive frame for migration debates focuses on criminality, casting unauthorized immigrants as willful lawbreakers. This view characterizes permissive immigration policies as posing national security threats, evoking fears of anarchy. A criminal rhetorical frame scapegoats immigrants as threats to the rule of law, without evoking skepticism about root causes or outmoded policies. Related to this understanding are conceptions of justice as legalistic fairness or primarily retributive. By contrast, analyses that frame migration in terms of not only distributive and social justice but also restorative and commutative justice bring into focus violations of migrants' dignity in light of historical memory and the daily, concrete challenges they face.[11]

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[7] Pope Pius XII, *Exsul familia (On the Spiritual Care to Migrants)* (September 30, 1952), in *The Church's Magna Charta for Migrants*, ed. Giulivo Tessarolo, PSCC (Staten Island, N.Y.: St. Charles Seminary, 1962); Pope John XXIII, *Pacem in terris* (April 11, 1963), http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html); Pope Paul VI, *Populorum progressio* (March 26, 1967), http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html.

[8] Gemma Tulud Cruz, "Between Identity and Security: Theological Implications of Migration in the Context of Globalization," *Theological Studies* 69 (2008) 357–75, at 372.

[9] Bishop Thomas Wenski, "U.S. Immigration Policy Outdated and Unjust toward Working Immigrants," Diocese of Orlando, May 13, 2005, http://www.orlandodiocese.org/en/finder-advanced-search?f=2&q=Immigration+Policy.

[10] Dhananjayan Sriskandarajah, "Migration Madness: Five Policy Dilemmas," *Studies in Christian Ethics* 19 (2006) 21–37, at 36.

[11] On violations of commutative justice in asylum seekers' treatment in the UK, see Anna Frances Rowlands, "On the Temptations of Sovereignty: The Task of

Another common paradigm deems newcomers an economic threat, a perception heightened in times of economic downturn. As Solimano points out, the de facto regime of irregular immigration in fact increases efficiency and profit gains of employers by avoiding the bureaucracy of visas, work permits, and authorizations necessary to hire foreign workers.[12] Migrants also contribute economically to their countries of origin through remittances and to countries of destination as producers and consumers. A related frame for understanding the increase in mobility is the perceived threat newcomers pose to a community's identity, as evident in the face of resurgent nationalistic responses to guest workers across diverse regions. In the absence of federal or regional reforms to redress inadequate migration policies, some groups have exerted their power to address matters at local levels with destructive consequences for immigrant families, community safety, constitutional protections, and local economies.

Hence displacement has provoked new fears and resurrected more timeless temptations to power and security; the migration debate has been consequently framed in terms that divert attention from operative motives and human consequences. Rhetoric that highlights scarce resources, scheming lawbreakers, or demographic threats often fails to register the social contexts that compel displacements. Border crossing, displacement, and detention experiences challenge existing economic and political structures as well.[13] Recent contributions to the ethics of migration unmask rhetoric and practices that serve to distort reality, scapegoat victims, and fracture communities.

The security frame has engendered responses that prioritize immigrant control and detention, even where enforcement-first approaches have served as ineffective deterrents. Such modes may serve to appease popular sentiment or serve political ends, yet they fail to address migration's underlying causes and increasingly result in deadly consequences.[14] Henk van Houtum and Freerk Boedeltje cast deaths at the European Union's (EU) borders as "Europe's shame." They report that in recent years tens of thousands of people have come to the Canary Islands by boat from parts of Africa and Asia, with several thousand thought to have died en route. They note Italian authorities annually intercept 20,000 to 30,000 émigrés in the Mediterranean, and the shores of Greece have also seen an increase in

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Catholic Social Teaching and the Challenge of UK Asylum Seeking," *Political Theology* 12 (2011) 843–69. On the claims of undocumented migrants in terms of restorative justice, see William R. O'Neill, S.J., "Anamnestic Solidarity: Immigration from the Perspective of Restorative Justice," paper delivered June 5, 2009, at the Catholic Theological Society of America meeting in Halifax.

[12] Solimano, *International Migration* 194.

[13] Tomasi, "Migration and Catholicism" 23.

[14] Ibid.

the arrival of travelers without papers.[15] Deaths occur due to drowning and hypothermia, suffocation and asphyxiation en route, or suicide in detention or deportation centers. The authors indict this human cost of the installation of EU borders as violating the egalitarian border principles and underscore the lack of outrage and facilitating attitudes: "[Irregular migrants] are regarded as inevitable and acceptable waste in the conveyor belt production of our European prosperity. . . . They are numbered, 'received' in camps, the human dumping sites for the civic dead, and subsequently deported."[16]

Van Houtum and Boedeltje condemn not only the border regime as unjust but also the "subhuman burden and redundancy rhetoric" that results from the politics of difference and masks migrants' contributions. They decry this political function of producing a desirable "us" and undesired "them" to agitate moral panic and gain votes as violating egalitarian principles of equal moral worth. Language from European political discourse and media depictions regarding classifications ("uncivilized, subhuman boatpeople," the *Sans papiers*, the "people without a name," "barbarians") and the perceived scale or manner of arrival ("tsunamis against which embankments have to be erected in order to prevent flooding") betray a moral classification of certain newcomers as threats to European identity, economic well-being, and perceived safety.[17]

These patterns are reflected across the Atlantic, as well. The Inter-American Court of Human Rights ruled that the deaths of nearly 2,000 migrants from Mexico and Central America offer the strongest evidence that the United States continues to violate human rights by employing Operation Gatekeeper.[18] As Gioachhino Campese puts it, despite Border Patrol search-and-rescue operations, "deaths continue to rise because it is the strategy itself—the rerouting of the immigrants toward the most dangerous terrains—that is causing the deaths."[19] The fortification strategy also rests upon collective judgments about the value of certain persons. As Miguel De La Torre writes, "Funneling migrants to the desert was based on a philosophy that the collateral damage of dead brown bodies would deter

[15] Henk van Houtum and Freerk Boedeltje, "Europe's Shame: Death at the Borders of the EU," *Antipode* 40 (2009) 226–30, at 226.

[16] Ibid. 228.

[17] Ibid. 227–29. See also Otto Santa Ana, *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse* (Austin: University of Texas, 2002).

[18] John Fife, "Civil Initiative," in *Trails of Hope and Terror: Testimonies on Immigration*, ed. Miguel A. De La Torre (Maryknoll, N.Y.: Orbis, 2009) 170–75, at 174.

[19] Gioacchino Campese, "¿Cuantos Más? The Crucified Peoples at the U.S.-Mexico Border," in *A Promised Land, A Perilous Journey: Theological Perspectives on Migration*, ed. Daniel Groody and Gioacchino Campese (Notre Dame, Ind.: University of Notre Dame, 2008) 271–98, at 278.

others from crossing. Even after recognizing that few were deterred, we continue to implement policies that lead to death. Not since the days of the Jane and Jim Crow South have governmental policies systematically and brutally targeted a group of non-white people."[20] Indian economist Amiya Kumar Bagchi finds evidence of ethnic bias in anti-immigrant sentiment in the fact that "many undocumented Australian immigrants live and work with immunity in the UK, while the anti-immigration diatribe is almost entirely directed towards immigrants from developing countries." As Southern European countries such as Italy, Spain, and Portugal have received immigrants from the developing countries, they have also pursued increasingly stringent policies of immigration control.[21] Bagchi insists that "a discourse of nation states with closed borders" must "explicitly recognize asymmetries of power between states currently sending out migrants and those receiving them."[22] Hence, reductive rhetoric about certain newcomers not only masks but also facilitates their mistreatment.

Migrant workers who survive their journey remain victim to manipulation even under the ostensible protection of laws directed at their just treatment. The largely Filipino migrant workers employed in Taiwan undergo exploitation that dehumanizes both them and all involved in the migration and employment process. Unscrupulous brokers violate with impunity the "Original Law," established to protect local workers' wage scale, by burdening new migrant workers with so much debt that they are "reduced to at least a semi-slave condition during the first years of work in Taiwan."[23] Other regulations of the migrant labor law entail barring pregnant women from work and cancelling contracts due to marriage.[24] Lou Aldrich decries faulty structures that facilitate such treatment of unofficial laborers, concluding that corruption in both sending and receiving countries abets the problem of brokers' fees.[25]

The growth of profiteering—beyond that of brokers' fees or underpayment—in the detention industry further commodifies irregular migrants and clouds the lens of "economic threat." This element of the "immigration industrial complex" has become a transnational affair.[26] Governments in Britain, the United States, and Australia increasingly employ multinational security

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[20] De La Torre, ed., *Trails of Hope and Terror* 181.
[21] Amiya Kumar Bagchi, "Immigrants, Morality, and Neoliberalism," *Development and Change* 39 (2008) 197–218, at 206.
[22] Ibid. 207.
[23] Lou Aldrich, S.J., "A Critical Evaluation of the Migrant Workers' Situation in Taiwan in Light of the Catholic Social Tradition," in *Faith on the Move* 49–67, at 49.
[24] Ibid. 51–52.
[25] Ibid. 65–66.
[26] See Tanya Golash-Boza, "The Immigration Industrial Complex: Why We Enforce Immigration Policies Destined to Fail," *Sociology Compass* 3 (2009) 295–309.

companies, which have turned immigration enforcement into a growth industry. The upsurge in privatized detention has been accompanied by record profits as well as by lawsuits based on documentation of widespread abuse and neglect. For example, an Indonesian Christian seeking asylum from Islamic persecution was held in and out of solitary confinement for over three years and emerged in very poor health.[27] Human rights groups indicate that detention has neither deterred asylum seekers nor expedited deportation and is becoming a profitable end in itself.

Whereas in the United States private companies control nearly half of total detention beds, and seven of eleven British detention centers are run by for-profit contractors, Australia has, since 1998, entirely outsourced its enforcement to a succession of three publicly traded companies. All three companies now dominate the international business of detaining and transporting unwanted outsiders: the Florida-based prison company GEO Group, the Anglo-Danish security conglomerate G4S, and the multinational Serco. Whereas the improper detention of citizens and legal residents and conditions there led the Liberal Party government to dismantle parts of the system, supporters of privatization confess that the arrangement remains flawed and the global companies wield more power than the governments employing them. The chief executive of G4S reported that its "justice" business in the Netherlands "took off" immediately following the 2002 assassination of an anti-immigrant politician, and GEO posted a 40 percent rise in second-quarter profits in August owing to new immigration business on both sides of the Atlantic.[28] Thus the detention industry conflates not only national security with immigration law enforcement but also public and private sector interests with the criminalization of undocumented migration.[29] As Anna Rowlands points out, such practices also "distance the state from direct responsibility for the moral conduct of [outsourced detention] processes and the conscious use of such mechanisms to prevent assimilation, integration and socialisation of asylum seeker populations with host populations before status is given."[30]

The threats to human life and dignity these examples convey indicate the deficiencies of an immigration paradigm centered on instrumentalist expediency, national security, or economic efficiency. They raise significant questions about how the treatment of outsiders itself affects the identity of the receiving community. Whereas outsiders' threats to national identity more typically frame the discourse, patterns of dehumanization and

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[27] Nina Bernstein, "Companies Use Immigration Crackdown to Turn a Profit," *New York Times*, September 26, 2011.
[28] Ibid.
[29] Golash-Boza, "Immigration Industrial Complex" 295.
[30] Rowlands, "On the Temptations of Sovereignty" 853.

exclusion suggest that nations' core values themselves are compromised by authorized patterns that de facto abet death or dehumanization.

ECCLESIAL REPORTS FROM THE FIELD

Similarly complex realities that confound dominant interpretive frames are evident across the world church. On the African continent roughly 15 million migrants are seeking "a homeland and a place of peace." At their 2009 synod, the Catholic bishops of Africa noted that the exodus phenomenon reveals urgent sociopolitical injustices in some areas of Africa. Seeking educational and work opportunities or greater security, many Africans on the move are met with discrimination by border police, imprisonment, and death. The bishops lament the ensuing destabilization, destruction of families, and "waste of Africa's human capital."[31] At its meeting in Sabah, Malaysia, in 2007, the Federation of Asian Bishops' Conferences (FABC) brought together participants from 18 countries to reflect on realities facing the migrant family across Asia. Executive Secretary Anthony Rogers reflected that even amid domestic helpers and contract workers' accounts of insecurity and personal hardships, the absence of the family emerged as the chief source and cause of concern.[32]

Detention conditions and the diversion of boat arrivals in Australia have evoked pointed responses from that country's bishops, who appeal to religious and civic values to challenge deterrence policies that "misjudge the international context of forced migration."[33] In response to reports of overcrowding, self-harm, and suicide, the Australian Catholic Bishops Conference (ACBC) charges that the arbitrary, prolonged, and remote detention of asylum seekers violates commitments to human and civil rights, which should not end at the nation's borders. They add that the nation flourishes peacefully because of welcome extended to a high volume of newcomers, not in spite of it. The Conference forcefully opposed the 2011 policy of diverting (800) boat arrivals to Malaysia, contending that economically successful nations like Australia have a responsibility to resettle refugees. They contextualize human smuggling as a symptom of

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[31] Propositions of the II Special Assembly for Africa of the Synod of Bishops, "The Church in Africa at the Service of Reconciliation, Justice, and Peace," nos. 15, 28, http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20091023_elenco-prop-finali_en.html (unofficial publication but authorized by Pope Benedict XVI).

[32] Anthony Rogers, F.S.C., "Foreword: Reaching Out and Touching Them," in *The Migrant Family in Asia: Reaching Out and Touching Them*, ed. Anthony Rogers (Manila: FABC, Office of Human Development, 2009).

[33] ACBC, Migrant and Refugee Office, "Statement on Christmas Island Protests regarding Immigration Detention," March 17, 2011, http://www.bathurst.catholic.org.au/INDEX-PDF/acmro.pdf.

global inequality and violence and suggest that its business model would be diminished by more generous policies.[34]

The Catholic bishops of England and Wales decry the "contradictory" attitudes of developed countries toward unskilled migrants: imposition of draconian "deterrence" measures alongside recruitment of skilled migrants from developing countries, which increasingly channels unskilled migrants through human smugglers and traffickers.[35] In the British context, they note, "a shortage of labour in the construction industry, the health service or in the service sector, is a job opportunity for a builder from Poland, a nurse from India, a carer from the Philippines or a waiter from Portugal."[36] Bishops from Mexico, Central America, the Caribbean, the United States, and Canada echo many of these issues, emphasizing matters of particular concern such as increased violence and drug smuggling and calling to account law enforcement efforts as well as those who sustain a market for illegal substances. They underscore connections between rising violence and economic insecurity in the region: "The lack of economic opportunity as well as the lack of a sense of social meaning, especially among younger adults, fuels the resort to underground and illicit activities in many of the countries of the hemisphere."[37] They renew their call to the U.S. Congress for reform of immigration law in a manner that does not criminalize unlawful admittance or separate families and that offers paths to legal protection for those already working in the U.S. labor force.

Religious orders and lay organizations have likewise alleviated the plight of the displaced through humanitarian assistance, scholarly research, political advocacy, and pastoral care. In the twelve years since its establishment, the Scalabrini International Migration Institute, for example, has cosponsored conferences in Tijuana, Mexico, Notre Dame, Indiana, São Paulo, Brazil, and Quezon City, Philippines, on the migration-theology nexus and published a series of reflections on migration.[38] The ministry, scholarship, and advocacy of Catholic (together with many other) international groups witness to the pluriform causes of displacement and its impact

[34] ACBC, Australian Catholic Migrant and Refugee Office, "Reflection on the Malaysian Solution: Fr Maurizio Pettena CS Media Release," May 26, 2011, http://www.acmro.catholic.org.au/index.php?option=com_docman&task=doc_download&gid=94&Itemid=2.
[35] Bishops of England and Wales, "Mission of the Church to Migrants in England and Wales," October 4, 2008, 2, http://www.catholic-ew.org.uk/Catholic-Church/The-Bishops-Work/migration_and_refugees/Mission.
[36] Ibid.
[37] Catholic bishops' Regional Consultation on Migration, "Cooperation among Governments in Region, Economic Development Key Factors: U.S. Should Afford Protection to Foreign Workers," June 4, 2010, http://old.usccb.org/comm/archives/2010/10-118.shtml.
[38] Baggio, introduction to *Faith on the Move* xii.

on migrants and communities. This witness helps reorient an ethic of migration in the service of the common good. The pervasive systems and rhetoric that abet and disguise immigrants' exploitation demand an expansion of the reigning paradigm's scope, beginning with enhanced human rights protections.

TRANSNATIONAL HUMAN RIGHTS: RESPONSIBILITIES TO "NEAR AND DISTANT NEIGHBORS"

Amid ongoing debates about shifting understandings of sovereignty and membership, recent contributions to the ethics of migration offer constructive alternatives that orient existing patterns in terms of human rights. As unwilling migrants become dis-lodged, they confront political boundaries in transitional conditions. Migrants' transnational communities increasingly problematize the notion of state membership, even as they face barriers to reception.[39] Whereas the state continues to play the chief role in immigration policymaking and implementation, the growth of the global economy has affected the state's regulatory role in these regards. The evolving international human rights regime challenges state sovereignty by holding nations accountable to norms transcendent of national interests.[40]

A spectrum of responses marks the altering landscape. For those who subscribe to cosmopolitan approaches on grounds of freedom of movement, equality, or justice, national boundaries require moral justification.[41] Communitarian arguments regarding border control defend membership restrictions via the duties of states to preserve particular cultures or political identities (including democratic deliberation about admissions). Michael Walzer's proposal that "distributive justice presupposes a bounded world" of members and outsiders, such that membership in such a political community is the "primary good that we distribute to one another" continues to hold relevance.[42] Some political philosophers, legal scholars, and theologians challenge the viability of meaningfully protecting the "stateless."[43] William O'Neill proposes a compelling *via media* rooted in a rights-based conception of the common good. He argues that on communitarian accounts,

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[39] Jonathan Seglow, "The Ethics of Immigration," *Political Studies Review* 3 (2005) 317–34, at 318.

[40] See Seyla Benhabib, *Another Cosmopolitanism* (New York: Oxford University, 2008) 27–29; David Hollenbach, S.J., *The Common Good and Christian Ethics* (New York: Cambridge University, 2002) 215.

[41] See Benhabib, *Another Cosmopolitanism*; Arash Abizadeh, "Closed Borders, Human Rights, and Democractic Legitimation," in *Driven from Home: Protecting the Rights of Forced Migrants*, ed. David Hollenbach, S.J. (Washington: Georgetown University, 2010) 147–68, at 150–53; and Seglow, "The Ethics of Immigration."

[42] Walzer, *Spheres of Justice* 31.

[43] See, e.g., Abizadeh, "Closed Borders" 147–68.

undocumented migrants are at best owed forbearance, given that they lack the claim-rights of legal citizenship.[44] On the other hand, a global rights regime likewise restricts migrants' claims, for liberal respect for the "generalized other" fails to generate substantive obligations of provision for migrants or to protect would-be migrants from the systemic deprivation outlined above.[45] He suggests that Catholic social thought's generalized respect for the concrete other—envisioned as "solidarity with near and distant neighbors"—mediates between the communitarian recognition of concrete members and strangers and liberalism's respect for "abstract citizens."[46] He grounds this recognition of the "alien" as neighbor—and thus "a juridical person and claimant"—in the inherent human dignity and rights affirmed across different religious traditions.[47]

Luke Bretherton develops a Christian cosmopolitanism that departs from deonotologist and communitarian arguments alike.[48] His Christian cosmopolitanism contextualizes pursuit of a political society's goods in terms of the ultimate common good.[49] He characterizes this telos as "a movement, via differentiation and development through history, to an eschatological fulfillment of creation," critiquing false patterns of binding and loosing creation, such as nationalism or totalitarian projects of national or global scale.[50] His teleological framework helps integrate citizens' and refugees' moral claims by suggesting the countercultural compatibility between "welcoming refugees and pursuit of the common life of the polity."[51] He shows how refugees unveil the failure of liberal democracies to safeguard rights, and beckons the church to "move beyond the antimonies of humanitarian concern and political exclusion and refuse to link inclusion of the most vulnerable in common life with participation in a nation-state." He identifies the 1980s sanctuary movement as an example of Christians "hallowing bare life" and disrupting "patterns of idolatrous security."[52]

Recent contributions to migration ethics in areas of transnational human rights also forge promising paths. David Hollenbach's edited collection *Driven from Home* stands out as a noteworthy volume treating the range

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[44] William O'Neill, S.J., "Rights of Passage: Ethics of Forced Displacement," *Journal of the Society of Christian Ethics* 27 (2007) 113–36, at 115–16.

[45] O'Neill, "Anamnestic Solidarity."

[46] O'Neill, "Rights of Passage" 123.

[47] Ibid.

[48] Luke Bretherton, *Christianity and Contemporary Politics: The Conditions and Possibilities of Faithful Witness* (West Sussex, UK: Wiley-Blackwell, 2010) chap. 3.

[49] Ibid. 131.

[50] Ibid. 134.

[51] Ibid. 135.

[52] Ibid. 159. See also William T. Cavanaugh, "Migrant, Tourist, Pilgrim, Monk: Mobility and Identity in a Global Age," *Theological Studies* 69 (2008) 340–56, at 352.

of threats to the human rights of forcibly displaced migrants as well as the scope and substance of the international community's duty to protect such rights.[53] Its essays clarify evolving categories of displaced persons and identify gaps in human rights protections.[54] Hollenbach has recently edited another volume that takes up human rights as framework of advocacy for refugees and IDPs deprived of both freedom of movement and minimally humane living conditions.[55] Narratives recounting refugees' struggles in Ethiopia and Kenya contextualize the norms that emerge regarding refugee camp confinement, the protection and participation of women, and the international community's responsibility to intervene where nations and nonstate actors fail in their responsibility to protect. As Hollenbach notes, if the human rights of displaced people entail basic freedoms and are not contingent, "rich countries have a fundamental responsibility to share the burdens of coming to the aid of the displaced"; in practice, impoverished neighboring countries typically serve as first asylum for Africans forced from their homes.[56]

In *And You Welcomed Me*, human rights analyses also recur across interdisciplinary contributions that frame the contours of a Catholic migration ethic.[57] Donald Kerwin helpfully elaborates how, when the present system fails to protect fundamental human rights, it does not itself honor the rule of law.[58] Legal scholars John Hoeffner and Michele Pistone suggest that given U.S. complicity in generating migratory patterns, regularization of undocumented citizens would restore and sustain respect for the general rule of law "by making the specific law of immigration more worthy of respect."[59] The book rightly insists that an approach rooted in Catholic social thought must "include both the reduction of the need to migrate and the protection of those who have little choice but to do so."[60]

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[53] David Hollenbach, ed., *Driven from Home: Protecting the Rights of Forced Migrants* (Washington: Georgetown University, 2010).

[54] Mary M. DeLorey, "Economic and Environmental Displacement: Implications for Durable Solutions," in *Driven from Home* 231–48.

[55] David Hollenbach, S.J., ed., *Refugee Rights: Ethics, Advocacy, and Africa* (Washington: Georgetown University, 2008).

[56] Ibid. 5.

[57] Donald Kerwin and Jill Marie Gerschutz, eds., *And You Welcomed Me: Migration and Catholic Social Teaching* (Lanham, Md.: Lexington, 2009).

[58] Kerwin, "Rights, the Common Good, and Sovereignty in Service of the Human Person," in *And You Welcomed Me* 92–122.

[59] John J. Hoeffner and Michele R. Pistone, "But the Laborers Are . . . Many? Catholic Social Teaching on Business, Labor, and Economic Migration," in *And You Welcomed Me* 55–92, at 74.

[60] Mary DeLorey, "International Migration: Social, Economic, and Humanitarian Considerations," in *And You Welcomed Me* 31–55, at 51.

Reorienting the immigration paradigm in terms of transnational human rights does not readily resolve tensions between conflicting rights or obligations.[61] For example, to which stateless or displaced persons are substantive rights owed, and by whom? Christopher Llanos suggests that like refugees, persons whose political communities fail to secure their basic socioeconomic rights and who have little reasonable hope that their home communities will address the situation make a moral claim on the international community and are owed the support of another political community.[62] Arash Abizadeh argues on humanitarian grounds that the shameful levels of global destitution and inequality marking the contemporary context warrant considerably more open borders in order to accommodate not only political and religious but also economic and environmental refugees.[63] Bretherton prefers to preserve "the political basis of placelessness" as the foundation for refugees' priority in admittance over "destitute economic migrants."[64]

On this question of criteria, Hollenbach invokes the Kew Gardens Principle to aid in determining nations' positive ethical duties when four conditions are met: "(a) there is a critical *need*; (b) the agent has *proximity* to the need; (c) the agent has the *capability* to respond; and (d) the agent is likely the *last resort* from whom help can be expected."[65] Drawing on Walzer, Hollenbach's proposal looks to existing relationships to determine particular responsibilities nations bear to other groups: for example, French and British colonial histories in certain African countries generate special duties, as does U.S. involvement relative to Vietnamese boat people, displaced Iraqis, and Latin American neighbors linked by trade and investment.[66] He argues that such "special historical, political, economic, cultural or geographical relationships can generate particular responsibilities to protect outsiders," particularly if the nation from which the displaced seek protection has contributed to migration factors or benefitted from the

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[61] While affirming the crucial significance of human rights standards as a prerequisite to migration policy, Graziano Battistella, C.S., analyzes their limited effectiveness, in "Migration and Human Dignity: From Policies of Exclusion to Policies Based on Human Rights," in *A Promised Land, A Perilous Journey* 177–91.

[62] Christopher Llanos, "Refugees or Economic Migrants: Catholic Thought on the Moral Roots of the Distinction," in *Driven from Home* 249–69, at 260.

[63] Abizadeh, "Closed Borders" 153, 159. For a discussion of displacement of persons due to economic degradation and climate change, see Mary M. DeLorey, "Economic and Environmental Displacement: Implications for Durable Solutions," in *Driven from Home* 231–48.

[64] Bretherton, *Christianity and Contemporary Politics* 129, 158.

[65] David Hollenbach, "Internally Displaced People, Sovereignty, and the Responsibility to Protect," in *Refugee Rights* 177–94, at 188.

[66] Hollenbach, *Driven from Home* 6–7.

country of origin.[67] Joseph Carens has proposed allowing the passage of time to determine undocumented migrants' entitlement to remain, arguing that deportation of longer-term residents approaches exile.[68]

The recognition of transpolitical human rights suggests the need for more adequate means of protection and enforcement. To this end, Solimano proposes a global social contract to manage international migration. He contends that a framework (and enforcement mechanism) would address both economic fundamentals (e.g., development gaps, regional inequalities) and migration governance. These measures would help ensure that cross-border movement becomes "an inherent, fundamental feature of a truly global and equitable economic order more than an appendix of the economic interests of recipient countries and of neoliberal globalization."[69] Pope Benedict XVI likewise calls for "bold, forward-looking policies" of collaboration between host and sending countries.[70] Whereas concrete proposals for vehicles to ensure a "more humane, equitable, and rational international migration process"[71] are welcome and urgently needed, the question of political will remains an open one, with political and business interests increasingly tied to a divergent agenda.

THEOLOGIES OF MIGRATION: LEAVENING A MIGRATION ETHIC

Theologies of migration that intersect traditionally classified areas (eschatology,[72] ecclesiology, spirituality,[73] practical theology,[74] sacramental theology,[75] faith-based activism[76]) help forge a theological ethic of migration that leavens rights-based considerations. Groody and Campese's *A Promised Land, A Perilous Journey* brings together compelling international contributions from patristic, biblical, liberation, and liturgical theology to

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[67] Ibid. 7.

[68] Joseph H. Carens, *Immigrants and the Right to Stay* (Cambridge, Mass.: MIT, 2010).

[69] Solimano, *International Migration* 190–91.

[70] Benedict XVI, *Caritas in veritate* no. 62.

[71] Solimano, *International Migration* 205.

[72] Anselm Kyongsuk Min, "Migration and Christian Hope: Historical and Eschatological Reflections on Migration," *Faith on the Move* 177–202.

[73] Gloria L. Schaab, "'Which of These Was Neighbour?' Spiritual Dimensions of the US Immigration Question," *International Journal of Public Theology* 2 (2008) 182–202; Daniel G. Groody, "Jesus and the Undocumented: A Spiritual Geography of a Crucified Peoples," *Theological Studies* 70 (2009) 298–316.

[74] Nancy Pineda-Madrid, *Suffering and Salvation in Cuidad Juárez* (Minneapolis: Fortress, 2011).

[75] From Brazil, see, e.g., Cláudio Carvalhaes, "Borders, Globalization, and Eucharistic Hospitality," *Dialog: A Journal of Theology* 49:1 (Spring 2010) 45–55.

[76] Pierrette Hondagneu-Sotelo, *God's Heart Has No Borders: How Religious Activists Are Working for Immigrant Rights* (Berkeley: University of California, 2008).

frame a moral analysis of contemporary migration. The text's treatment of violence against migrants and conflicting rights is deepened by its theological engagement. Groody's other recent work considers migration in the U.S. context in the light of Christology, sacramental theology, and religious experience.[77]

Mining the scriptural heritage to nourish a migration ethic, theologians recall how "natural, religious, socioeconomic and political upheavals" regularly provoke displacement "throughout the biblical saga."[78] Agbonkhianmeghe Orobator notes that the "theological rapproachement suggested in this imagery of a displaced, mobile, or migrant God reinforces the ethical imperatives of hospitality, refuge, finding home and protection for the displaced and migrant peoples."[79] Other authors similarly recount how the mystery of the incarnation enables the human to host God, "becoming a stranger to what hurts authentic communion, respectful of diversity and oriented toward the eschatological fullness of unity."[80] Jean-Pierre Ruiz engages biblical exegesis "around the edges of the canon" to contest the narrow exclusivity of an ethic of hospitality that fails to interrogate power dynamics shaping the construal of the "host" and "stranger" or to account for migrants' contributions.[81]

Biblical narratives that recount humans' experience of God's hospitality and of our own being as gift (and ancestry as immigrant) call Christians to restore the covenant in turn; rather than balancing rights and duties that may appear in tension, Christians are called, in O'Neill's words, to focus upon one's "selving as neighbor." Meditating on Luke's parable of the Good Samaritan, he reflects, "a hermeneutics of hospitality enjoins anamnestic solidarity where care is offered, not to the alien or stranger, but rather to my neighbor, especially my neighbor 'stamped with a special mark by affliction.'"[82] As Gloria Schaab reminds us, gospel hospitality is unqualified and converts lives—a despised tax collector, an estranged Samaritan woman, the exiled blind—even as it provokes animosity and

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[77] Groody, "A Socio-Theological Hermeneutics of Migration: The Eucharist and the Option for the Poor," in *Humanities and Option for the Poor*, ed. Magdalena Holztrattner and Clemens Sedmak (Vienna: Lit, 2005) 97–113; Groody, "Dying to Live: The Undocumented Immigrant and the Paschal Mystery," in *Migration in a Global World* 108–17; Groody, "Crossing the Divide: Foundations of a Theology of Migration and Refugees," *Theological Studies* 70 (2009) 638–67.

[78] Agbonkhianmeghe E. Orobator, "Justice for the Displaced: The Challenge of a Christian Understanding," in *Driven from Home* 37–54, at 40.

[79] Ibid. 41.

[80] Tomasi, "Migration and Catholicism" 25; Donald Senior, "Beloved Aliens and Exiles," in *A Promised Land, A Perilous Journey* 20–34.

[81] Jean-Pierre Ruiz, *Readings from the Edges: The Bible and People on the Move* (Maryknoll, N.Y.: Orbis, 2011).

[82] O'Neill, "Anamnestic Solidarity."

criticism.[83] Christine Pohl connects the recognition of Jesus in the stranger celebrated in *Las Posadas* to a "radical subversive hospitality" that welcomes the "least" as a "way of being the sacrament of God's love in the world."[84] As Ilsup Ahn cautions, the gospel narrative of hospitality as a road toward martyrdom necessitates the renunciation of privileges and "revolutionary displacement of the center."[85]

Extending the responsibility of hospitality, Agnes Brazal provides a framework for respecting migrants' cultures, while allaying fears regarding permanent migrant enclaves or ghettos.[86] Where the new migrant typically possesses less social, economic, and political capital living in "a betwixt and in between" situation, Brazal emphasizes the creativity that accompanies such tension and the duty that a right to cultural expression imposes (antiracism policies beyond benign neglect, e.g.).[87] She posits a trinitarian social model of relationality, equality in diversity, and creativity as a fertile theological foundation for the right to cultural expression, development, and identity: "The Trinity as a community of friends challenges us to be welcoming of 'others' who do not initially belong to our 'circle' as migrants and refugees. Mutuality in the Trinity also calls us to recognize the gifts that migrants bring," in economic, cultural, and social spheres.[88] Raul Fornet-Betancourt's "intercultural *convivencia*" similarly insists that the subjectivity of "strangers" must help constitute the new reality, in contrast to static versions of culture that risk "collective narcissism" on the part of those actually seeking societal control.[89] He appeals to a hermeneutics liberated from the habits of colonial thinking, but concedes that as long as xenophobia is normalized, we should practice "civil courage that . . . welcomes our strangers as 'citizens who must be protected.'"[90] Efforts to

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[83] Schaab, "'Which of These Was Neighbour?'" 192–93.

[84] Christine D. Pohl, *Making Room: Recovering Hospitality as a Christian Tradition* (Grand Rapids, Mich.: Eerdmans, 1999) 34. See also Pohl, "Responding to Strangers: Insights from the Christian Tradition," *Studies in Christian Ethics* 19 (2006) 81–101.

[85] Ilsup Ahn, "Economy of 'Invisible Debt' and Ethics of 'Radical Hospitality': Toward a Paradigm Change of Hospitality from 'Gift' to 'Forgiveness,'" *Journal of Religious Ethics* 38 (2010) 243–67, at 262.

[86] Agnes M. Brazal, "Cultural Rights of Migrants: A Philosophical and Theological Exploration," in *Faith on the Move: Toward a Theology of Migration in Asia*, ed. Fabio Baggio and Agnes M. Brazal (Quezon City: Ateneo de Manila University, 2008) 68–92.

[87] Ibid. 73–74.

[88] Ibid. 82–84.

[89] Raúl Fornet-Betancourt, "Hermeneutics and Politics of Strangers: A Philosophical Contribution on the Challenge of *Convivencia* in Multicultural Societies," in *A Promised Land, A Perilous Journey* 210–24, at 216, 221–22.

[90] Ibid. 217, 222. Charles Taylor also treats democracies' challenge of "sharing identity space" in ways that resist abstracting from historic identities ("Democractic

reframe understandings of hospitality and membership remain essential to the ongoing task of migration ethics.

GROWING EDGES

The Church's pastoral posture toward migrants and its gender sensitivity remain two growing edges in need of further attention. Orobator sounds a warning that evidence from refugees' experiences suggests that a certain "ecclesial marginalization" accompanies their economic and political marginalization, whereby "refugees are considered passive beneficiaries of the Church's charitable services at best, or excluded as a burden to an already impoverished ecclesial community, at worst." He rightly reminds the Church that migrants make moral claims on the Church as sources of theological transformation.[91] Emmanuel Serafica de Guzman maintains that reimagining the Church in migrants' contexts entails departure from such conventional models as shepherd/flock or mother-teacher/children-pupils. He invites the Church to journey toward modes that nurture social difference (and resist utter absorption in community), attend to power dynamics and configurations, and promote the "ambience of city life" marked by an experience of "being together of strangers."[92] To this end, Anthony Rogers recommends that evangelizing culture entail a "process of 'exculturation' when we attempt to extricate those aspects of our cultures that are dehumanizing," and that in so doing we can learn and discover much from migrants and refugees.[93]

Hence calls like Tomasi's for an intercultural, ecumenical, and interreligious approach to migrants whose presence serve as "a frontier of innovation for the ecclesial community, a context for creative theological reflection where new concepts are tested on the ground and where the Gospel is incarnated anew" are welcome, yet in many quarters it remains aspirational.[94] In its efforts moving forward, the Church must continue to guard against a missionary or charitable stance toward migrants; its witness and welcome will be better served by a stance of genuine mutuality.[95]

Exclusion [and Its Remedies?]," in *Dilemmas and Connections: Selected Essays* [Cambridge, Mass.: Harvard University, 2011] 124–45, at 144).

[91] Orobator, "Justice for the Displaced" 43.

[92] For this final mode de Guzman draws on Iris Marion Young's vision of an inclusive participatory polity ("The Church as 'Imagined Communities,' among Differentiated Social Bodies," in *Faith on the Move* 118–54).

[93] Anthony Rogers, F.S.C., "Globalizing Solidarity through Faith Encounters in Asia," in *Faith on the Move* 203–18, at 215.

[94] Tomasi, "Migration and Catholicism" 26.

[95] Several authors mine the category of catholicity: Robert Schreiter, "Catholicity as a Framework for Addressing Migration," in *Migration in a Global World* 32–48; Vincent J. Miller, "Where Is the Church? Globalization and Catholicity,"

Moreover, an increasing number of women on the move face particular threats; early literature on migration has too often neglected gender differences. In 2010 fully half of the 215 million international migrants and of those of concern to the United Nations' refugee agency were female. Women are less likely to fit existing visa and asylum categories, and to date no gender-specific categories exist.[96] "Global cities" have witnessed shifts from manufacturing to service-dominated economies, and women figure prominently in the relocation of standardized work arrangements to more informal settings.[97] Shawn Copeland powerfully details how globalization "cannibalizes the bodies, the labor and creativity, and the sexuality and generativity of global 'others.'"[98] Many upper- and middle-class women in developed countries have been liberated from the labor of social reproduction by relying on migrant workers, reinforcing gendered divisions of labor.[99] The global job market exacerbates the unjust treatment of women by "overlay[ing] 'female' roles defined in terms of sexuality, reproduction, and domesticity with a market ethos of commodification, moral relativism, and the dominance of those who already possess resources."[100]

In widespread instances of sexual harassment and assault, migrant women are victimized both by individuals' debasing actions and by harmful facilitating attitudes. Mexican anthropologist Olivia Ruiz Marrujo's research reveals how gender relations heighten susceptibility to sexual misconduct on the move: "an undocumented Central American woman for whom sexual relations has rarely, if ever, been consensual, may consider a coyote or supervisor's demand for sex expected male behavior."[101] Nancy Pineda-Madrid's recent analysis of the Juárez, Mexico, femicide in light of social dimensions of suffering and salvation likewise provides a counterforce to

Theological Studies 69 (2008) 412–32; Emmanuel Serafica de Guzman, "Church as 'Imagined Communities,' among Differentiated Social Bodies," in *Faith on the Move* 137–38.

[96] Talia Inlender, "Status Quo or Sixth Ground? Adjudicating Gender Asylum Claims," in *Migration and Mobilities*, ed. Seyla Benhabib and Judith Resnik (New York: New York University, 2009) 356–57.

[97] Saskia Sassen, "Global Cities and Survival Circuits," in *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, ed. Barbara Ehrenreich and Arlie Russell Hochschild (New York: Metropolitan, 2002) 254–73, at 261.

[98] Shawn Copeland, *Enfleshing Freedom: Body, Race, and Being* (Minneapolis: Fortress, 2009) 66.

[99] Linda Bosniak, "Citizenship, Noncitizenship, and the Transnationalism of Domestic Work," in *Migration and Mobilities* 127–56, at 133.

[100] Cruz, "Between Identity and Security" 366–67.

[101] Olivia Ruiz Marrujo, "The Gender of Risk: Sexual Violence against Undocumented Women," in *A Promised Land, A Perilous Journey* 225–42, at 228, 232.

the tendency to reduce migration issues—including border violence—to individual acts isolated from their social contexts.[102]

Several signs of hope have emerged, including the 2010 Caritas Internationalis conference in Senegal and the University of Delhi's recent international conference on "Women and Migration in Asia." The former conference focused on migration's female face, and the latter conference yielded five volumes covering issues such as gendered trauma, the feminization of the labor force, and how migrant women's labor and relationships in new contexts (re)shape gender relations.[103] Much work remains to be done in political, ecclesial, and scholarly arenas to integrate gender-specific dimensions of migration. Ongoing efforts should bear in mind that migrant women frequently act as significant agents of change in the face of constraints.

Cultivating migrants' agency will be essential for adequate humanitarian, legislative, and cultural responses. The stakes for the ethics of migration are high: failure to frame just and sustainable immigration and integration policies could issue "permanent social exclusion for some groups of migrants, strains on social cohesion, and increasing global inequality."[104] In light of the deceptive and dehumanizing signs of the times, those free to border-cross bear grave responsibilities. As Frank Brennan puts it, "We must advocate their [migrants' and refugees'] cause so that borders might be made sufficiently porous for their voices to be heard alongside ours in determining what is fair and decent treatment at those borders."[105] The subversive hospitality invited by a migrant God demands not only a reorientation of operative frameworks but also a concrete praxis of kinship with those displaced.

[102] Nancy Pineda-Madrid, *Suffering and Salvation in Cuidad Juárez* (Minneapolis: Fortress, 2011). My "Social Sin and Immigration: Good Fences Make Bad Neighbors," *Theological Studies* 71 (2010) 410–36, also draws attention to structural and ideological factors at play and models for redress in response to the multileveled indignities that undocumented migrants face in the U.S. context.

[103] Meenakshi Thapan, "Series Introduction," *Poverty, Gender, David and Migration*, Women and Migration in Asia 2, ed. Sadhna Arya and Anupama Roy (London: SAGE, 2006) 14–15.

[104] Dhananjayan Sriskandarajah, "Migration Madness: Five Policy Dilemmas," *Studies in Christian Ethics* 19 (2006) 21–37, at 37.

[105] Frank Brennan, "Human Rights as a Challenge to National Policies That Exclude Refugees: Two Case Studies from Southeast Asia," in *Driven from Home* 97–114, at 112.