

BOISI CENTER INTERVIEWS



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KRISTIN E. HEYER is a professor of theology at Boston College. She spoke with Boisi Center director Mark Massa, S.J., after serving as a panelist at the Boisi Center's September 26, 2018 panel discussion entitled, "Faith and Border Ethics: Immigration and Human Dignity in Trump's America." The following conversation touches on an ethic of immigration, the danger of false narratives in a time of eroded trust, and the problem of American amnesia about the dangerous effects of past immigration and foreign policy. The following conversation has been edited for clarity and content.

MASSA: What was your impression of our conversation on Faith and Border Ethics? You were one of four people in the conversation – what was your sense of how that conversation went?

HEYER: I thought it was a very lively and interdisciplinary conversation, which is one of the best things about universities. Sometimes we can get siloed in our disciplines, so those conversations are one of the things I appreciate about the Boisi Center's offerings, in particular. We had a legal scholar, a political scientist, a practical theologian and an ethicist. We also had some disagreements, which kept it lively and interesting. Immigration is such a hot-button issue, but often it can generate more heat than light, so I thought this was actually an illuminating conversation.

There was also some interesting engagement from the audience afterwards, both community members and current students. I had a number of students from the School of Theology and Ministry afterwards come and ask whether our migration seminar will be offered again. I am delighted to see growing interest on BC's campus in this important topic.

MASSA: I know this is one of your areas of research and teaching, so you are an important presence and voice there. As a theologian and social ethicist, what were the most important issues you wanted to bring to that conversation?

HEYER: I think, as a theologian, one of the lenses that I want to bring to immigration debates is a commitment to



universal human rights that transcend borders. I think sometimes border questions, for understandable reasons, focus on citizenship status as the beginning and end of the story. Yet the Judeo-Christian tradition brings a rich tradition and robust tradition of respecting universal human rights that transcend borders.

I also wanted to steer the conversation beyond crisis management, where I fear our political discourse so often orients us. Take the situation this summer with the zero-tolerance policy--the caging of children and the separation of families that instigated your panel. That's im-

portant in itself. Yet I think a theologian can take a longer view with a restorative justice lens, perhaps, and ask, "how have U.S. foreign policy and economic policy in recent decades contributed to some of the factors pushing migrants out of Northern Triangle countries across our borders?" Rather than deciding, "Let's send troops to the border" - as President Trump has tweeted this past week - and remaining at the levels of crisis management and U.S. amnesia that too often prevail in our conversation.

MASSA: You talked about restorative justice. Could you unpack that term for us?

HEYER: There are a number of relevant notions of justice at play in immigration debates. Certainly, legal justice is not unimportant. I think of commutative justice, too: When I lived in Los Angeles, I talked with a lot of undocumented folks at our parish, Dolores Mission Catholic Church, who were victims of wage theft, a clear violation of fairness and exchange. We could look at distributive justice, since the US-Mexico border bisects the sharpest income divide on our planet.

But I think restorative justice can help us take a longer view to receiving countries' responsibilities and enlarge our perspective on who is "criminal" and "victim." In this case, receiving countries may in fact bear responsibilities in light of contributing to push factors. So, rather than pitting, as happened in the conversation a

few weeks ago, the interests of the goodwill of the border patrol agents against the interests of the goodwill of Guatemalans crossing our border, we would ask, “what are the long-term interests and responsibilities of all players? How can we work toward lasting reform?” Again, moving beyond crisis management alone.

MASSA: Now one of the distinctions that came up at that panel was the difference between refugees and immigrants. Historically, the United States has different policies dealing with immigrants as opposed to refugees. First of all, would you agree that that distinction is actually a pertinent distinction? And, if so, how would you answer somebody who talked about the border issues in terms of making the distinction between immigrants and refugees?

HEYER: I think it’s a legitimate distinction to maintain, but I do think it is a bit limiting and outdated language in terms of what we see today. We talked that evening about categories such as forced migration or, as Alexander Betts writes about, “survival migrants.” Those may better capture the situation we have today, which is no longer marked by clear lines of demarcation between someone migrating for a relatively better standard of living on the one hand, or fleeing war and credible and straightforward-to-prove persecution, on the other.

Today, we have many migrants who are forced from home, be they climate refugees or caravan members making their way through Mexico to the southern border of the United States. They are fleeing the highest murder rates in the world in some of these Central American countries, where gang members act with impunity.

So I think the categories of people facing credible fear and persecution are a bit broader than what the 1951 convention allows for. Existing categories for “refugee” do not capture the full reality today; for example they do not include the category of gender – much of my work is on migrant women.

The other thing is that many people on the move, like in this caravan, are asylum seekers, and whereas they have a right to seek asylum, there are thinner provisions for requiring receiving states to offer asylum. The rate of offering asylee status to people from the Central American countries in recent years has been very low. And as a nation we have just reduced the number of refugees that we will accept to the lowest ceiling since the program began.

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MASSA: Right. So your point would be then that whatever importance that distinction between refugees and immigrants once had half a century ago, the social and cultural situations have changed so much that it’s really no longer a helpful distinction to make in talking about ethical questions about immigration?

HEYER: I would emphasize whereas distinctions need to be maintained, existing categories need to be revisited and expanded.

MASSA: There seems to be a fraying of public trust and a lack of public trust in facing these questions, or weighing these questions with the kind of deliberation and prudence that they deserve. Do you think that is a real concern?

HEYER: I think this is very important. I think this frayed trust is, in part, what allows politicians to frame desperate families walking thousands of miles as “takers” looking for loopholes. I think it is what allows widespread myths about immigrants – that they don’t pay taxes or that they commit crimes at much higher rates or that they truly present a threat to our physical security, not just our nation-

al security – to remain alive and well in our political discourse.

I mentioned at the panel a speaker we have coming to campus in a few weeks, Ali Noorani. He’s an immigration activist who recounts being confused about why his organization initially got this wrong in their legislative advocacy. They thought they could win support for the DREAM Act and immigration reform with data – economic facts, criminal justice facts, and national security facts – and neglected to realize the nation’s really having a debate about identity and a debate about culture. At the Boisi Center event that night, panelists disagreed over whether that is primarily due to feeling left behind economically or if it is primarily due to latent racism and xenophobia or concern about who we are as a nation, given demographic shifts. Yet I don’t think we can bypass addressing this frayed trust if we hope to enact any sustainable legislative solution.

MASSA: That’s interesting. So one of the points you also made at that event was that Hebrew scripture – the scripture that both Jews and Christians accept as revealed in some sense – is very clear about the way that we are supposed to welcome the immigrant and the migrant and the refugee into our land. Do you think that churches and Jewish groups have been vocal enough in putting forth that tradition of Hebrew scripture that bids us in the strongest possible way to welcome the alien into our country? Do you think that religious groups in this country have been strong in putting that forward? And if so, why or why not?

HEYER: I think I would say yes and no. We had Cardinal DiNardo, the head of the US Bishops Conference, come to campus a couple months ago, and I spoke with him about this. He said that immigration is obviously the U.S. bishops’ top priority. I answered, that whereas I read all of their detailed letters to Capitol Hill, I do not know that people in the pews have a felt sense that this is the top priority of the U.S. Catholic Church. I do

think, certainly, that faith-based advocates have been essential to the immigration movement in this country for decades now.

At the same time, another concern I have is that, while the oft-repeated refrain in the Hebrew Bible to care for the stranger is very important, and hospitality and welcome are vital, sometimes this emphasis makes citizens think of the immigration problem in terms of charity and outreach and largesse alone, rather than in the terms of justice, like I referred to earlier. In my experience, there has been relatively little preaching or public framing of regular citizens' complicity, as consumers, as voters, as childcare employers, what have you, in the patterns contributing to exploiting immigrants within our borders.

MASSA: I would agree with you that I think the answer to the question of whether we have been sort of studious in preaching that is yes and no. It depends on where you are. It is the luck of the draw in terms of what church you go to, who your pastor is – that kind of thing.

Our president currently has reiterated in several public speeches that he calls himself a nationalist, which for me raises deeply problematic sort of resonances of Middle Europe in the 1930s. What role has the rise of nationalism as a consciously political issue had on border issues?

HEYER: I think a significant one, and I agree with you – I think this is a troubling turn. We see this not only in our own country: to have our president come out and say “I am a nationalist” with pride gives cover to some rather dangerous, xenophobic tendencies. We have seen the conflation of white nationalism with anti-immigrant sentiment in recent years. As I tried to say at the event, whereas some of these trends were more coded in the recent past, we now see cover being given to overt forms of dangerous, exclusionary nationalism. A rightly ordered patriotism or love of country that is not distorted is not necessarily prob-

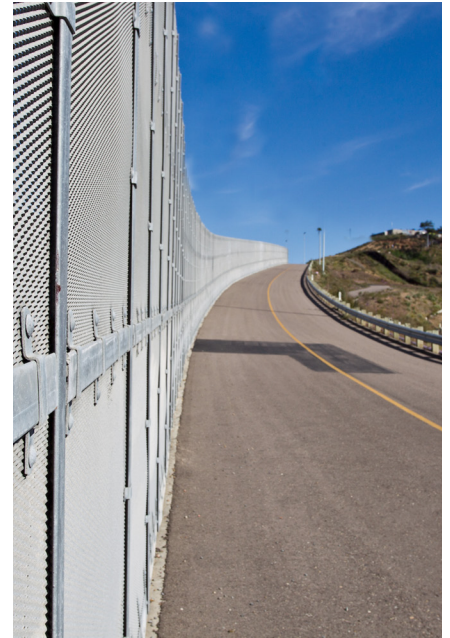
lematic in itself, when wedded to a more universalistic sense of the common good, yet that looks quite different than dangerously narrow or jingoistic nationalism.

MASSA: My sense is that we seem to be playing catch up. We seem to be talking about the crisis of immigration as opposed to dealing with the root causes of this. Do you think this is something new in American foreign or domestic policy, or do you think this reaches back? What can we do to actually address the causes of all these crises at the border, rather than playing catch up with it everyday?

HEYER: I think that tendency is rooted in the amnesia that I mentioned earlier. I think crisis management riles up the base, it is politically effective. Even policy failures on immigration in our country have been quite politically effective, if we look at the history of border fortification.

But I also think, to be blunt, a broken system has worked for the people in power in the United States. From 2000 to 2010, we granted about 5,000 non-agricultural visas for low wage workers to enter annually. Every year of that decade, we willingly employed 800,000 in such positions. So it is not a slight mismatch between labor needs and actual legal avenues or actual visa availability; it is working quite well for folks to underpay, to maintain an underclass who don't have full protections or rights to participation. That is where the status quo remains so clearly out of sync with values in Catholic social thought, for instance. Yet maintaining this underclass has worked quite well for those in power and so it becomes much less politically viable to look at root causes, long-term aid, efforts at helping people not have to migrate to begin with.

I would say that addressing root causes to protect the right not to have to migrate has been the position of the U.S. bishops for a long time. I know that Steve Bannon on *60 Minutes* made the contrary claim, but that is not, in fact, the case. I think doing so is painstakingly slow and, frankly, indicts US contributions to push



factors, in ways politicians do not want to acknowledge.

MASSA: I believe Mr. Bannon made the point that the Catholic bishops wanted more immigrants because it would increase the Catholic population. Do you even want to address that?

HEYER: That has not, in fact, been the case: the bishops and the Catholic Church more broadly affirm the right of all people to migrate, regardless of religion – not just regardless of citizenship status or ethnicity or race or gender. That assumption has become a talking point popular in certain circles and it is important to debunk it.

MASSA: What two things would you pass on to our readers about the most important ethical, religious or philosophical questions that come up when considering border issues – specifically, the border crises that have occurred and are occurring every day in our culture?

HEYER: I think, rather than lift up philosophical or theological claims – there are many: the global common good, universal human rights, hospitality to strangers, restorative justice – I would say two tasks occur to me, given the current situation.

I think the first important task would be to unmask the misleading rhetoric out there. I think of the theology in this mode as truth-telling. The Boisi event focused on the zero-tolerance policy leading to family separation and detention at the border. A narrative continues to be sustained that this approach will serve as an effective deterrent. I think that the untold trauma visited upon these children and their parents, with no decrease in the migration rates of unaccompanied minors or on family units migrating - because there has been no change in the push factors in some of these countries - demands we be vigilant about unmasking harmful rhetoric, whether it's about "making America safe again," whether it is about immigrants as economic threats, or whether it's about an overly narrow interpretation of rule of law, especially for people looking to escape a lack of rule of law at home. I think the first step of an ethics of immigration requires unmasking deceptive rhetoric so that we can have an honest conversation about what is already a thorny, complicated issue.

I think the second ethical task would be to engage in those conversations with people with whom we disagree. I sense that too often the problem is not just that we don't know what to do about immigration, but that we don't know how to talk meaningfully across difference in our country about this issue. You mentioned the fraying of public trust. I also think of echo chambers that we perpetuate, whether by our separate social media feeds or unwillingness to really move outside of our comfortable social circles. I think churches and synagogues may have a significant role to play in this. Few other communities in civil society regularly engage folks both on the right and the left or Border Patrol agents and undocumented immigrants alike, week after week. Yet if we remain too afraid to risk talking openly about these issues - where we are coming from, maybe how our own family histories of immigration shape our outlook - I do not think we are

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going to move beyond the impasse that is paralyzing us today.

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