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# THE ROLE OF GOVERNMENT AND THE IMMIGRATION ISSUE: A CHRISTIAN ETHICS PERSPECTIVE

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***Abstract:*** *Immigration is one of the most volatile and divisive social issues of our time. Despite the complexity surrounding immigration, and particularly the public policy dimensions, Scripture and theological reflection can speak into this issue by providing, not technical solutions, but frameworks for addressing it. In particular, this article argues for three purposes of government that should be held together in creative tension: order, freedom and justice. Any policy solutions for immigration should seek then to embody order, freedom, and justice, including three differing definitions of justice. This framework will not produce immediate or simplistic answers to the probing technical questions, but will provide wise ethical guidance that can speak into one of the polarizing issues we face today.*

***Key words:*** *immigration, ethics, complexity, order, freedom, justice*

With immigration, we face one of the most contentious and volatile issues of our time. While there is a worldwide crisis with over 70 million refugees or forcibly displaced persons around the world,[1] Americans have tended to falsely think that they are the primary carriers of this "burden." And though we are a nation of immigrants (except, of course, for Native Americans), we have frequently and especially recently been filled with fear and animosity towards "the other" in our midst. As immigration scholar Aristide Zolberg notes, we have been beset by glaring contradictions in our response, for, "Immigration and Naturalization policies are boldly inclusive, in that membership in the American collectivity was open to members of all European nations, regardless of faith or inheritance, but simultaneously brutally exclusive."[2] As just one example, in 1878 the United States Supreme Court ruled Chinese ineligible for naturalized citizenship, and four years later Congress passed the Chinese Exclusion Act prohibiting Chinese immigration for ten years. It was then renewed and not repealed until 1942.[3]

The Christian church has unfortunately reflected the same contradictions in their response to immigrants and refugees. Christian political scientists Ruth Melkonian-Hoover and Lyman Kellstadt state, "Protestant responses to immigra-

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[1] United Nations High Commission on Refugees, https://www.unhcr.org/en-us/figures-at-a-glance.html.

[2] Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Boston: Harvard University Press, 2008), 432.

[3] See for example, Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge: Harvard University Press, 2018).

tion and immigration policies during US history have … been both inclusive and exclusive, driven at times by values of mercy and a broad-minded concept of justice, and frankly, sometimes by greed, insecurity, and/or prejudice, along with concerns with the rule of law."[4] Their recent study finds that while a number of evangelical elites and advocacy groups have favored immigration reform, as a whole "white evangelicals hold the most conservative views of immigration of any religious group in the United States with Mainline Protestants and Anglo-Catholics not far behind. If you will, we have found a 'white phalanx' in opposition to immigration in the mass public."[5]

As we face this issue, we of course quickly discover that it is highly complex. For example, every ethical issue has an empirical or factual judgment dimension, so that the empirical assumptions frequently determine the ethical outcome. With immigration, polar positions present differing factual scenarios regarding the numbers and the potential challenge to social realities such as economics or violence. The empirical realities sometimes become muddled in defining the multiple subjects such as refugees, immigrants, migrants, and asylum seekers. It must be remembered in assessing the empirical side of the issue that our judgments are often influenced by ideologies, vested interests and personal dispositions.[6] But as Christians committed to truth and authenticity, we are obligated to find the most truthful accounts of what is happening in both our own society and the world.

Immigration, like other social issues, is also complex because the move from Christian ethical norms to public policy is not always clear. The biblical and theological norms regarding immigration are clear from multiple texts using various terms translated stranger, sojourner, alien and guest. Among the many texts with admonition to treat the stranger/alien with justice and mercy are:

- Lev 19:33–34: "When a stranger sojourns with you in your lands, you shall not do him wrong. You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God."[7]
- Deut 24:17: "You shall not pervert the justice due to the sojourner or to the fatherless …, but you shall remember that you were a slave in Egypt [as immigrants] and the Lord your God redeemed you from there."
- Ezek 47:21–22: "You shall divide this land among you according to the tribes of Israel. You shall allot it as an inheritance for yourselves and for the sojourners who reside among you and have had children among you. They shall be to you as native-born children of Israel … allotted an inheritance among the tribes of Israel."

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[4] Ruth Melkonian-Hoover and Lyman A. Kellstadt, *Evangelicals and Immigration: Fault Lines Among the Faithful* (New York: Palgrove, 2019), 14.

[5] Ibid., 113.

[6] For further discussion of this reality, see Dennis P. Hollinger, *Choosing the Good: Christian Ethics in a Complex World* (Grand Rapids: Baker, 2002), 174–86.

[7] The ESV is used throughout unless noted otherwise.

- Matt 25:35, 38, 40: "I was a stranger and you welcomed me. … When did we see you a Stanger and welcome you, or naked and clothe you? … Truly I say to you as you did it to one of the least of these my brothers, you did it to me."

This is, of course, a small sampling of biblical directives along with the reminders that most of the patriarchs, our Savior himself, and even the church are all strangers and aliens. Though in the ancient world, the empire and political boundaries were not as clear as they are in today's nation-state structures, the Christian ethical norm is fairly clear. But how then should these biblical commands and paradigms guide specific public policy in societies with different boundary structures than the ancient world, and where Scripture and a Christian worldview carries little authority?

Complexity is further compounded by the competing claims surrounding immigration debate. Which claims or values should be uppermost in our ethical and policy advocacy: love for the stranger or the push of civil law? Justice or order? Family solidarity or personal responsibility for one's actions? Which of these claims we prioritize will impact where we land on the issue? Then, too, complexity emerges over the multi-faceted nature of immigration. The issue involves judgments over border controls, debates about the source of laws (federal branches versus the state), paths to work and citizenship for various sectors of immigrants, violation policies and procedures, deportation mechanisms for non-documented immigrants, issues surrounding family solidarity and the protection of children, and potential amnesty or restitution programs. Immigration is not a single issue. Adding to these factors engendering complexity is our society's current politicization in which the ideological sides are so polarized that it renders immigration reform almost impossible.

Though the issue is complex, we have Christian ethical mandates to respond, and as members of given societies we should carry out our role as salt, light, and leaven by commending wise public policy stances. In this article, I will suggest a public policy paradigm with reference to the purposes or roles of government from biblical and theological perspectives. My intent is not to provide technical solutions to the multi-faceted, complex issue of immigration, but to suggest a framework in which prudential policy judgments can be made. Specifically, I want to argue that there are three main purposes of governments: order, freedom, and justice. A healthy government is one that holds these three together in a creative tension.[8] Thus, with regard to immigration public policy, wise courses of action should embody order, freedom, and justice, holding them together. An emphasis on one to the neglect of others will lead to regrettable policies. This framework draws on both direct teachings of Scripture and more indirect or derived uses of Scripture. As Richard Bauckham wisely articulated, "Without discounting any part of the

[8] For a more detailed analysis of these purposes see Dennis P. Hollinger, "The Purpose of Government: A Theological Perspective," in *Politics and Public Policy: A Christian Response* (ed. Timothy J. Demy and Gary P. Stewart; Grand Rapids: Kregel, 2000), 23–36.

scriptural witness, judgments will have to be made about what is central and what is peripheral … what is provisional and what is enduring. In some cases it will be important not only to report the actual positions reached by particular biblical writings, but to discern the direction in which biblical thinking is moving."[9] It should also be noted that in public discourse where appeal to Scripture and theology may be limited, one can make a natural law case for this paradigm by employing reason, history, and human experience.

## I. ORDER

The role of government in preserving order is explicitly stated in Scripture. Paul argues that believers are subject to governing authorities because they have been instituted by God (Rom 13:1). Evidently early Christians were wrestling with how their ultimate allegiance to the Kingdom of God interfaced with the kingdoms of this world. He reminds them that they are to obey and not undermine human government, "For rulers are not a terror to good conduct, but to bad. … For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer" (Rom 13:3–4). As John Stott points out, this "cannot be taken to mean that all the Caligulas, Herods, Neros and Domitians of the New Testament times were personally appointed by God, that God is responsible for their behavior, or that their authority is in no circumstances to be resisted."[10] After all, the early apostles disobeyed local governing authorities' edict to stop evangelizing with the retort, "We must obey God rather than men" (Acts 5:9); and Revelation 13 in the face of persecution describes the state as beast rather than the servant of Romans 13.

The overall intent of this text is to grant human government a role in the world, including for Christians in the world, and that role can be summed up as maintaining order. This function is also echoed by Peter, "Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good" (1 Pet 2:13–14). Order, as the punishment of evil and the rewarding of good, is essential due to the fallenness of humanity and the social order. Because of sinfulness in both individuals and social structures, disorder and conflicts between individuals, groups and nations are bound to emerge, and order is essential for a civil, peaceful society and for human flourishing.

The state with its governing authorities maintains order in two ways, through the enactment and enforcing of laws and through coercion or physical power as a last resort.

The enactment of human civil laws serves as both a positive guide and as a negative restraint within society. Civil law is not identical to divine imperatives in special revelation (Christ and Scripture) and cannot produce in humans what the presence of the Holy Spirit can. Nevertheless, civil law serves as a kind of common grace in guiding and limiting human and societal behavior.

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[9] Richard Bauckham, *The Bible in Politics: How to Read the Bible Politically* (London: SPCK, 1989), 103.
[10] John Stott, *Romans: God's Good News for the World* (Downers Grove, IL: InterVarsity, 1994), 340.

The other means of maintaining order is through coercion, as the state has the ultimate power in society to subdue threats to its order, civility, and even existence. But it is precisely at this point that many of the thorniest ethical issues emerge for a society, in that having final power means that power can sometimes be misused in curbing threats to peace and order. Christians who undergo persecution have particularly known the sharp blunt of state power and violence in states' attempts to enforce a particular social ideology or because the church's allegiance to another Kingdom with even greater power is a perceived threat. Moreover, the state has at times wrongly and unjustly deemed particular races, ethnic groups or interest groups as a threat to social harmony or the social good.

The major problem comes when power is made the primary or even exclusive role of government. Historically, one major school of political philosophy has been a philosophy of order as evidenced in Niccolo Machiavelli and Thomas Hobbes. Machiavelli's *Prince* written during the Renaissance assumes that human nature is so corrupt and self-centered that rulers must use coercive and even unscrupulous means of governing and preserving order. He believed that rulers ideally should be both feared and loved, but frequently the former must take precedence over the latter. "A prince, therefore, must not mind incurring the charge of cruelty for the purpose of keeping his subjects united and faithful; for, with a very few examples, he will be more merciful than those who from excess of tenderness, allow disorder to arise, from whence spring bloodshed and rapine."[11]

In the seventeenth century the British philosopher Thomas Hobbes developed a political philosophy based on self-interest and the predatory nature of humans. In the *Leviathan*, Hobbes portrays human nature as bestial and in need of state control, for, "The laws of nature, as justice, equity, modesty, mercy and in sum, doing to others as we would be done to, of themselves, without the terror of some power to cause them to be observed, are contrary to our natural passions." Thus, for a nation to maintain order it must "confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will."[12] Order must take priority over all other virtues, which themselves must frequently be sacrificed to maintain tranquility and peace.

How do we assess all of this? States focused on order alone have historically been despotic and tyrannical, usually ending up in military dictatorships. They have denigrated non-conforming groups, rejected fundamental rights of humans, and frequently misused power for the gain of one individual or group. Freedom and justice are severely compromised in societies focused primarily or exclusively on order. They may be safe and secure places for people in power or closely aligned with power, but they are a threat to those on the margins of that society. Theologically, the fundamental problems with states of order is their one-sided view of human nature. They rightly assert the fallenness of human nature but neglect the in-

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[11] Niccolo Machiavelli, *The Prince* (trans. Luigi Ricci; London: Oxford University Press, 1921), 65 (XII).

[12] Thomas Hobbes, *Leviathan: The Matter, Form and Power of a Commonwealth Ecclesiastical and Civil* (London: Andrews Crooke, 1651), 103, 106 [book 2, chap. 17].

trinsic dignity and worth of human beings flowing from creation in God's image (Gen 1:26–28; 9:6). The significant contribution of Christian thought to political philosophy is the dual verdict on human nature: that we are wonderfully made and terribly fallen. Moreover, the denigration of freedom and justice with an overemphasis on order means these states do not accord with the primary purposes of government that need to be held together in creative tension.

When it comes to immigration, clearly order must be one factor in seeking good policies, but it is not the only one. Order in immigration pertains to adequate border controls, clear laws for a pathway to staying in the country, and mechanisms for denying certain individuals the right of staying in that country when they violate the prescribed procedures. Without attention to order in immigration policies, a society can be vulnerable to chaos and the denigration of law. But an order-only approach will fail to recognize the factors precipitating immigrant and refugee waves (primarily violence and economic deprivation) and will treat immigrants and their families as pawns for the sake of order. Order alone will not address human need and justice, which are invariably part of the immigration crisis.

The recently released statement by the Evangelical Immigration Round Table affirms the need for order but rightly asserts other virtues and commitments:

> We believe that each person is made in God's image and so should be treated humanely; that God has ordained the role of civil government, including the responsibility to protect the safety of citizens, maintain order and respect the rule of law, which is diminished when laws are violated without consequence; that because God created the family unit, governments should not violate the unity of the family except in the rarest of circumstances; that God is concerned with the wellbeing of those who are vulnerable, including the orphan, the widow and the foreigner, and it is appropriate for citizens to encourage our government to treat these vulnerable groups with fairness and compassion; and that God delights in redemption, when those who have violated the law are able to be restored.[13]

Thus, while order is essential for healthy societies and must be included in any immigration reform, order alone will overlook other God-ordained virtues which states ought to implement. Without the other virtues, namely freedom and justice, injustices and despotism are sure to follow.

## II. FREEDOM

A second role of government is the enablement of individual freedom. When notions of political freedom began to emerge during the Enlightenment, Christians were not always sure how to respond. On the one hand, they noticed that renditions of freedom had become secularized and focused primarily on a "freedom from" paradigm, rather than a "freedom for." Such a framework was built on hu-

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[13] Evangelical Immigration Table, "Evangelical Call for Restitution-Based Immigration Reform," https://evangelicalimmigrationtable.com/evangelical-call-for-restitution-based-immigration-reform/ (2019).

man autonomy rather than an anthropology of human community and interdependence. Moreover, the secular versions were contrary to biblical conceptions such as freedom from sin being paramount, and Jesus's statement, "If you hold to my teaching, you are really my disciples. Then you will know the truth, and the truth will set you free" (John 8:31).

Early defenders of modern notions so emphasized freedom and autonomy that they frequently neglected order and sometimes even justice that was necessary to procure true freedom. Jean-Jacques Rousseau, the eighteenth-century *philosophe*, contended that social institutions had corrupted humans by removing them from their primitive state of individuality. He declared, "Man is born free, and yet we see him everywhere in chains."[14] Government should exist only to be a social contract that enables liberty and the freely desired pursuits of human beings. A person's "first law is that of self-preservation, his first cares those which he owes to himself."[15] In similar fashion, John Stuart Mill a century later wrote, "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs. … The principle requires liberty of tastes and pursuits, of framing the plan of our life to suit our own character; of doing as we like,"[16] as long as we do not harm others.

While these modern notions of political freedom were built on questionable assumptions from a biblical/theological perspective, there clearly is a necessary role for freedom in human life and as a major purpose of the state. Enabling freedom as a function of the state can be affirmed by indirect biblical teachings or what we would term theological foundations. First, civil freedom is affirmed by the reality that the church in its very existence establishes a dimension in society that is distinct from the state and by its very nature can place challenges to the state in its misuse of power. In totalitarian societies of order, the church has been heavily persecuted precisely because it was an entity separate from and sometimes a challenge to the powers. Thus, the church in its very existence and mission has contributed to notions of civic freedom, which ought to be ensured by the state. The fact that God has ordained other dimensions of human existence (i.e. family, church, work, or economy), points to a limitation of the state, and this reality implies concepts of human freedom that the state ought to protect.

Another theological grounding for civic freedom is humanity's creation in the image of God. While theologians have long debated the exact nature of the *imago Dei*, two implications are clear. First it implies an intrinsic dignity and worth to all human beings, whatever their choices in life may be, and therein is an implication of human freedom. And, second, in the *imago Dei* creation text, humans are given a personal responsibility to care for the world which entails a freedom to act, determine, and make responsible decisions (Gen 1:26–28). This particularly implies a freedom not from something but a freedom to serve the world and others with the

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[14] Jean Jacques Rousseau, *The Social Contract and the First and Second Discourses* (New Haven: Yale University Press, 2002), 156 [book 1, chap. 1].

[15] Ibid., book 1, chap. 2.

[16] John Stuart Mill, *On Liberty* (New York: F. S. Crofts, 1947), 12.

mandate to be stewards of God's good world. In the fallen world, humans will badly misuse this stewardly freedom, but freedom is inherent in the role God gives to his image bearers.

A third foundation for political freedom is the biblical story of the exodus. The oppressive enslavement and subsequent liberation of the Hebrew people formed a divine pattern for the treatment of others. God mandated, "Because the Israelites are my servants, whom I brought out of Egypt, they must not be sold as slaves" (Lev 25:42). Though slavery continued in Israel for a time and was allowed in the Hebrew civil laws with temporary residents and other nations (Lev 25:44–46), there is a trajectory instituted by God which would eventually reject slavery universally.[17] God instituted a mechanism for freedom from slavery for Hebrew people after six years (Exod 21:2) and with economic provisions following their release (Deut 15:13–15). In Deut.23:15–16, escaped slaves are not to be returned to their masters, and no limitation is mentioned with regards to being Hebrew or a sojourner. In the NT, a paradigm of freedom is implied in the reminder that in Christ "there is neither … slave nor freed" (Gal. 3:28). And in dealing with a runaway slave, Onesimus, Paul instructed Philemon the former master to accept him back, "no longer as a slave, but better than a slave, as a dear brother" (Phlm 16). The exodus paradigm then serves as an impetus not only for spiritual freedom from sin and the forces of spiritual darkness, but also for freedom from human bondages in a society.

But, of course, in a political system freedom is never alone. Freedom without order leads to chaos and anarchy, as was to some degree evidenced in the aftermath of the French Revolution, in which freedom became for some the primary watchword.[18] Moreover, freedom without justice will not place limits on human autonomy when it becomes a threat to others' wellbeing. Yet, without freedom, order becomes coercive and justice becomes unmerciful.

As we apply all of this to immigration, we must note that immigration and refugee movements are precipitated by various forms of human bondage or limitations.[19] Contributing factors include those that are political (i.e. pervasive corruption), demographic (i.e. population growth and limited access to education), environmental (i.e. drought and natural disasters), economic (i.e. high unemployment and malnutrition), and related to conflict/violence (i.e. inter-ethnic conflicts, domestic violence, and war). Cindy Wu adds to this list persecution, meaning, "Dis-

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[17] See, e.g., William J. Webb, *Slaves, Women & Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, IL: InterVarsity, 2001), who applies a redemptive-spirit approach that utilizes a concept of trajectory in dealing with difficult texts such as those surrounding slavery.

[18] See, e.g., G. van Gisteren, "Anarchism and the French Revolution," *History of European Ideas* 11.1–6 (1989): 3–9.

[19] United Nations High Commission on Refugees, "Briefing Paper: Understanding the Root Causes of Displacement: Towards a Comprehensive Approach to Preventions and Solutions, December 8, 2015." https://www.unhcr.org/en-us/protection/operations/56684ce89/briefing-paper-understanding-root-causes-displacement-idmc-2015.html

crimination or ill-treatment based on a person's identity, religion, or affiliation."[20] In each of these causes, human beings lack the freedom to purse the basic necessities of life or particular goals that enable human flourishing. Refugees find themselves "enslaved" or severely limited by factors outside of their control and thus seek freedom from the precipitating factors in a new place.

One way to work at freedom for refugees is for receiving countries to address these causal factors with forms of foreign aid or sometimes even gentle pressure upon the countries with high displacement rates. Ideally, we would hope that people forced into migration patterns could stay in their own country with their family, community, and other networks in place, for they provide security and identity to humans, especially in trying times. Where that is impossible, the receiving countries do provide a freedom from the violence, poverty, and repression causing them to migrate. Among American immigrants over the past several centuries, freedom from economic deprivation and war/violence have been the main pushers of the waves of immigration. The Emma Lazarus words in the Statue of Liberty were a source of hope for many, "Give me your tired, your poor, your huddled masses yearning to be free."

Providing freedom, then, is a purpose of government and should be a guiding principle in immigration reform. But, of course, unbounded freedom without geographical boundaries, clear laws, and procedures, would actually work against freedom. Freedom is always essential to a healthy society, but freedom without order and justice is a negation of freedom.

## III. JUSTICE

Justice is about what is owed people, and with political justice we are asking what the state owes its citizens and its other inhabitants. In regard to immigration the question is what the state and society owes the varied people who have come to its shores: some by proper channels, some by improper channels, and some through no fault of their own. There are three spheres or dimensions of justice. Retributive justice asks what is owed persons when they have broken the law or engaged in a wrong that harms others or the society. I will not deal with this sphere of justice in that it relates in part to the order function of government. Distributive justice is the positive owing of certain rights, privileges, and goods to people in society. And restorative justice, which some might make part of retributive justice, is the repairing of relationships and restoring from injury and harm that which was done by a wrong. It asks what is owed a victim or society that would facilitate restoration and move forward toward peace and reconciliation between the offended and the offender.[21]

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[20] Cindy M. Wu, *A Better Country: Embracing the Refugees in our Midst* (Pasadena, CA: William Carey Library, 2017), 2.

[21] This is a more recent rendition of justice, finding some traction in certain quarters over the past several decades. This form of justice, says advocate Daniel Philpott, "involves the active participation of victims, offenders, and members of the community through dialogue, narrative and negotiation." Daniel

Much of how we apply distributive justice to social issues such as immigration hinges on which of three primary definitions we embrace: merit, equality, or need. Merit justice defines what is owed a person on the basis of what they merit by particular actions and efforts. Aiming at actual outcomes is minimized, with a strong emphasis on impartiality in rewarding a person for what they have earned in a given sphere of life. The libertarian philosopher Robert Nozick was a prime defender of this approach, calling for minimal state action to achieve perceived just outcomes, but instead focusing on impartial mechanisms that would reward the effort and expertise of the person.[22]

Second is egalitarian justice which argues that what is owed a person is determined by a principle of equality. While some egalitarians have pushed for equal outcomes, most advocate for equal access. Government's role is to ensure that all people have equal opportunity to access jobs, fair pay, rights, housing, and other opportunities within a society. This liberal democratic theory, as frequently labeled, was espoused by John Rawls when he stated, "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all."[23]

Third is need justice, which emphasizes that what is owed a person is determined by their needs in a given sphere of life. Egalitarian justice alone is deemed to not redress certain past wrongs and harms, and thus there must sometimes be a partial treatment of individuals to achieve just impartiality. Karl Marx clearly defended this definition with his classic statement, "From each according to his ability to each according to his need."[24] And John Rawls believed that need justice should accompany his egalitarian theory, for "Social and economic inequalities … are just only if they result in compensating benefits for everyone, and in particular for the least advantaged member of society."[25]

How we apply justice as a role of government to immigration will depend on which of the three definitions of justice we embrace. I would suggest that there is ample biblical and theological support for all three definitions, with particular definitions being operative in appropriate spheres. Some spheres and issues will call for merit, others for egalitarian, and still others for need versions of justice.

There is clearly biblical support for people being owed rewards for the merits of their actions. Examples include 2 Thess 3:10, "If anyone is not willing to work, let him not eat," and Jesus's parable of the talents in Matt 25:14–30 in which the servants who managed their resources well are rewarded and the one who neglects is rebuked. As we apply the merit dimension of justice to immigration, it certainly implies that there should be reward for those who play by the rules of the game over those who breach borders and circumvent the laws and procedures of a coun-

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Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (New York: Oxford University Press, 2012), 67.

[22] Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974).

[23] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 302.

[24] Karl Marx, *Critique of the Gotha Programme* (Peking: Foreign Language Press, 1972), 18.

[25] Rawls, *Theory of Justice*, 15.

try. But, of course, reality is never quite so simple, and thus the two other definitions of justice need to accompany merit in the adjudication of this complex issue.

Egalitarian justice finds biblical support in Lev 19:15, "Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly" (NIV). Jesus points to an unbiased divine allocation of natural resources in Matt 5:45, "He makes his sun rise on the evil and on the good and sends rain on the just and on the unjust." Undergirding these kinds of biblical directives is our creation in God's image with its implication of equal value and dignity before God. Egalitarian justice is also implied in Jesus's second great commandment, "Love your neighbor as you love yourself" (Mark 12:31). While love and justice are not identical, Nicholas Wolterstorff rightly notes, "Treating the neighbor justly is an example of loving him, a way of loving him. Love is not justice-indifferent benevolence."[26] Applying this to immigration policies implies that fair standards should be put in place so that people are not impartially judged on the basis of their nationality, religion, race, sex, or standing in society. A principle of fairness for all, equality, must attend just immigration policies.

But there is a third definition of justice which must also be operative, bringing special concern to the oppressed, downtrodden, and victims of inhumane actions—namely, need justice. In Scripture God shows a special care for such persons: "The Lord works righteousness and justice for all who are oppressed" (Ps 103:6), and "I know that the Lord will maintain the cause of the afflicted, and will execute justice for the needy" (Ps 140:12). And the OT law employs need in its directives, "You shall not pervert the justice due to the sojourner or to the fatherless, or take a widow's garment in pledge, but you shall remember that you were a slave in Egypt and the Lord your God redeemed you from there; therefore I command you to do this" (Deut 24:17–18). Need justice in immigration then will take special consideration of those coming from extreme contexts of poverty, oppression, and violence. It will take into consideration those who through no fault of their own ended up in this country, and it will consider the special needs of children and family solidarity.

But justice without attention to order and freedom will not in the end produce real justice. And as Donald Tinder notes, "From the time of Lenin to the present day, those who hunger and thirst after perfect justice have almost always become, in action if not in principle, enemies of liberty."[27] But unless justice is in the mix, freedom and order will mean little for the masses of people yearning to be free.

Applying merit, equality, and need justice together into the complexities of immigration policy will not be easy, but each deserves to be operative in particular spheres of immigration reform. In addition, the restorative sphere of justice has application to this issue as well with its emphasis on restoring not just the victim but the persons who have violated laws and policies by providing and even requir-

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[26] Nicholas Wolterstorff, *Justice in Love* (Grand Rapids: Eerdmans, 2011), 83.

[27] Donald Tinder, *The Political Meaning of Christianity: The Prophetic Stance* (New York: HarperCollins, 1989), 113.

ing for them new constructive courses of action.[28] This would imply not an amnesty program, but rather developing clear and fair mechanisms for a pathway to legal status. It is well captured by the recent evangelical Immigration Statement:

> We support a process of restitution (not amnesty) where violation of law is admitted to and significant fines/penalties are paid by immigrants (in installments over a period of seven years) who came illegally (or overstayed a visa) as adults, leading to a pathway to Legal Permanent Residency if qualifications are met. Immigrants who were brought to the US unlawfully or overstayed a visa as children (Dreamers) would go through a process where they can get onto a pathway to Legal Permanent Residency if qualifications are met.[29]

Justice always comes with rewards as well as responsibilities.

## IV. CONCLUSION

As followers of Christ, we have no choice on this matter of immigration. In our churches and personal lives, we are called to love, show mercy, and bear witness to the Gospel for the immigrant sojourners in our midst. Because we are called to be salt, light, and leaven we should also advocate for policy measures that will not impose biblical standards on an unbelieving society but will reflect the kind of principles I have outlined. In this essay, I have suggested a framework for immigration policy measures, namely holding order, freedom, and justice together in creative tension; and with justice combining three definitions together: merit, equality, and need.

This framework will not yield easy or immediate answers to the complex immigration questions. For example, one current issue is whether Christians can or should engage in civil disobedience by protecting undocumented immigrants in their churches, to protect them from deportation to violent or unjust situations. There are currently more than 1,100 places of worship serving as sanctuary sites in the United States.[30] Many have reminded us that during the holocaust numerous "confessing churches" became places of refuge for Jewish people who were facing death, and many more lives would have been saved had more churches responded, despite the unjust Nazi government's mandates against such actions. As we noted earlier, there are biblical examples of civil disobedience, but when to engage involves much wisdom and prayer on the part of believers and churches.[31] Again, the

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[28] For a theological rationale of this, see Chris Marshall, "Divine Justice as Restorative Justice," https://www.baylor.edu/content/services/document.php/163072.pdf. He writes, "While it contains retributive components, God's justice is fundamentally a restoring and renewing justice. Knowing this, the Church is obliged to practice restorative justice in its own ranks and to summon society to move in the same direction" (1).

[29] Evangelical Immigration Table, "Evangelical Call for Restitution-Based Immigration Reform." https://evangelicalimmigrationtable.com/restitution/

[30] https://www.sanctuarynotdeportation.org/uploads/7/6/9/1/76912017/sanctuary_in_the_age_of_trump_january _2018.pdf.

[31] For helpful Christin ethics analyses on civil disobedience, see Stephen Charles Mott, *Biblical Ethics and Social Change* (2nd ed.; New York: Oxford University Press, 2011), 123–42; and James F. Childress,

decision should be made within the creative tension framework of order, freedom, and justice.

A policy that both reflects our deepest Christian values and will enable our society to carry on and even enhance the best in our national heritage on immigration, should seek to embody these three primary commitments. Holding these together in creative tension is not easy, especially when we as a society lack a common framework for core values and worldview commitments. But this is the messy, broken world to which God has called us. And heralding order, freedom, and justice together just might serve as a common grace core that all people can both understand and embrace. Moreover, it holds hope for moving us beyond the ugly morass in which we find ourselves today.

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*Civil Disobedience and Political Obligation: A Study in Christian Social Ethics* (New Haven: Yale University Press, 1971).