

Immigration, moral authority, and the “order of love”

The question of immigration is complicated enough under the best circumstances. But the problem of mass migration, much of it illegal, in a globalized world of radical diversity, is thorny indeed.

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A U.S. Border Patrol truck drives along the border fence with Mexico and passes the Cristo Rey Statue on Mt. Chiricahua in Sunland Park, N.M., June 18. (CNS photo/Mike Blake, Reuters)

In recent days, scathing critiques of the Trump administration’s immigration policies have emanated from the Catholic episcopacy. It seems prudent, at this moment of maximum rhetoric, to step back from the fray and delineate certain first principles that can frame and guide a rational dialogue about immigration, particularly illegal immigration, from a Catholic perspective.

It is worth recognizing from the start that the Church is a truly cosmopolitan society. Its concern is all mankind, considered especially under the aspect of its common origin and end: that is, God. Unsurprisingly, its sensibilities are distinctly, even reflexively, universalist.

This tendency is only magnified by the Church's great antiquity, which engenders a marked indifference to the fate of nations. Over the course of twenty centuries, she has watched many states come and go, many governments rise and fall. Indeed, her perspective is ultimately eternal, and the splendor of eternity, which reveals permanent truths, can sometimes obscure the exigencies of the temporal order.

None of this is meant to call into question the moral authority of the Church as voiced by the bishops: their persons should be revered, their opinions respected. It is rather meant to offer a clear-eyed assessment of the inclinations of the Catholic mind.

Can we then dismiss the Church's approach to immigration as the mere epiphenomenon of its universalist prejudices? Of course not.

Its judgments are informed first by Scripture, which emphasizes the importance of hospitality to strangers. The Law and the Prophets both exhort love of the foreigner, extending to him the rights of the native Israelite, up to and including a stake in the Promised Land (cf. Lev. 19:34, Ez. 47:22-23). Such commandments probably reflect the fact that Israel was from the start a "mixed multitude" (Ex. 12:38), yet they undeniably demonstrate a genuine spirit of xenophilia, predicated at base upon the expansive providential care of God for his image-bearers (cf. Deut. 10:18, Ps. 146:9).

The Church, in her teaching regarding immigration, draws also upon the insights of philosophy, especially the natural law tradition, as illumined by revelation. Here two truths are really pertinent. First, the earth is the common, pre-political inheritance of mankind. This fact, once admitted, effectively denies that the state possesses absolute dominion over its territory: thus it cannot justifiably exclude any and all sojourners without consideration of, and appeal to, other serious factors. Second, and relatedly, man is not only the citizen of a "particular State," but also a citizen of the "world-wide fellowship of men" (*Pacem in Terris*, 25). He must therefore

enjoy, to some degree, freedom of movement within this commonwealth of which he is a part by virtue of his nature.

From time to time, Catholics speak as if the aforementioned points represent all the relevant facts. Yet the Church also understands that the state “corresponds” to man’s nature: it is “necessary to him” (*Catechism*, 1882), for man’s flourishing requires peace, which the state secures by providing for the common defense and welfare. **It therefore has the “right to regulate migration flows and to defend [its] own frontiers”** ([‘One Human Family,’](#) Benedict XVI).

In all her thinking on this matter, the Church links the state’s regulatory authority with its responsibilities for those already under its care (cf. *Catechism*, 2241). But why this default preference for the native over the alien? The answer is contained in a truth of inestimable importance: nature ordains, as it were, an order of love.

It is fitting that we should love some more than others, for we are closer to some than others, insofar as we share more or greater goods in common with some than others. For instance, with some men we share only a nature, while with others we share a nature and a city, while with yet others we share a nature, a city, and a family.

Where there is love, there is community. Where there is community, there is obligation: the obligation to cultivate the goods proper to that particular bond. We are therefore compelled to consider the social, political, and economic interests of our countrymen before considering those of outsiders with whom we have no civic friendship.

Note that although we consider first the interests of our countrymen, we do not consider their interests exclusively, without any concern for the interests of foreigners, who are at very least our fellow men. Note also that the interests of our countrymen are given priority only insofar as they are civic interests: interests conditioned by, arising from, or dependent upon membership in the commonwealth. Obviously, the nature of these interests may be broadly or narrowly construed, depending on ideological orientation. There is also the question of who exactly qualifies as a “countryman”: this, too, is subject to broad or narrow construal.

The question of immigration is complicated enough under the best circumstances. But the problem of mass migration, much of it illegal, in a globalized world of radical diversity, is thorny indeed. In the case of illegal immigration, a decision that is properly bilateral is made unilaterally, with the guest trampling upon the prerogatives of the host.

Recognizing the considerable economic and social strains induced by this phenomenon, St. John Paul II taught that “illegal immigration should be prevented,” ideally by solving the issue at its root through international development ([‘The Church and Illegal Immigration,’](#) 2). In the same document, he concedes that sometimes, the best option for illegal immigrants is to “seek acceptance in other countries, or to return to their own country” (4). That said, he judiciously remarks that for deeply-embedded illegal immigrants, “returning to their country of origin would be tantamount to ... reverse emigration,” a comment worthy of reflection as we reflect upon appropriate criteria for amnesty—and deportation.

What do these principles mean for the hot button policies currently dominating American political discourse? An honest observer must admit that it is not altogether clear at first blush. Plainly, a number of extreme positions, both liberal and conservative, are automatically excluded, but as for specific solutions, they need be teased out through careful deliberation.

The important thing is that these general precepts be identified and elucidated so that they can set the parameters of intelligent discourse and, once absorbed, yield firm conclusions that help achieve a balance between solidarity and sovereignty, attending to the dignity of the desperate without compromising the peace, prosperity, and cohesion of the American nation.

In the final analysis, what are we doing but weighing and measuring and arranging our various loves? Given the nature of this labor, we should hardly expect an easy task.

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NANCY PELOSI'S PHONY OUTRAGE

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by [Dr. Alan Keyes](#) • ChurchMilitant.com • June 20, 2018

She decries separation of children in immigration while defending mothers' choice to kill innocent children in the womb



Dr. Alan Keyes

[Nancy Pelosi appears to be in high dudgeon](#) over "the number of undocumented children being held without their parents in U.S. government custody."

They're doing away with children being with their moms. I just don't even know why there aren't uprisings all over the country, and maybe there will be when people realize that this is a policy that they defend.

I would say, instead, that "I just don't even know why" the Democrats' House minority leader can't see that people all over the country will dismiss her show of outrage as an unbelievable self-contradiction. She pretends to feel that it's too painful to keep the children of would-be immigrants from mothers who have broken our immigration law. But she believes that it's every mother's right to kill innocent children growing in her womb. That mother-child separation lasts forever.

Pelosi's self-contradictory stance abandons our American creed, which says that all human beings are created equal and endowed by the Creator with certain unalienable rights. These words make it clear that God determines the content of the rights essential to our humanity, rights every human power must respect. Since babes in the womb are personally innocent of any lawbreaking, Americans who embrace the understanding that defines our identity as a people must agree that deliberately killing them violates their primordial human right. Since such murder isn't right, it can't be a right.

Why should anyone believe in Nancy Pelosi's self-righteous outrage about separating lawbreakers from their children for a while when she staunchly advocates the self-evidently phony "right" to separate nascent infants from their lives forever?

People like Nancy Pelosi get away with this sort of posturing because Americans who should know better tolerate the absurd notion that "freedom" and "right" are equivalent terms. Every right involves the exercise of freedom. But it ought to be obvious to anyone who bothers to think about it that not every exercise of freedom accords with right, as God endows it. People with sufficient power, skill and cunning may plot the perfect murder and get away with it. They may organize terrorist attacks that take the lives of thousands. They may rape women, interfere with children or, by shrewd dealing, bilk people of their life savings, property or businesses. The fact that they have force,

intelligence and ability enough to overpower others does not give them the right to do so — not according to God and not according to our common sense.



"Might makes right" may have determined the meaning of justice for the ancient Romans and other bullies who rose to so-called greatness. But from its first beginnings, the people of the United States looked beyond human power to the will of our Creator, God — Who carefully provided for our being here when we had neither heart nor mind to care about ourselves. This careful provision is the first meaning of His natural law, from which all others arise in consequence.

So, no matter how superior this or that merely human power may be, the standard of right, according to God, overrules their abuse of it. People utterly powerless and defeated may appeal to that standard, even when they, and all else, fails. As the poet surmised, the torch that illuminates what is right, in God's eyes, may pass from failing hand to hand until the appeal to God enlightens the spirit and emboldens the courage of those who reject the meaning of any defeat where wrong and evil falsely exalt themselves above right and God.

People in the United States were obviously not the first to find in themselves the dauntless spirit infused in all whom no oppression can tempt to disremember the indefeasible quality of right. We were, and perhaps still are, the only people who made this spirit our chief resource of unity, courage, self-discipline and pride. We proved it time and against in ever greater contests against the powerful will-to-evil prevalent in so many of those inordinately ambitious few who long to be as God.

But as we fall prey to the false conflation of licentious freedom with fundamental right, we surrender to the shameless, self-worshipping logic of human power.

But as we fall prey to the false conflation of licentious freedom with fundamental right, we surrender to the shameless, self-worshipping logic of human power. Rejecting the "laws of nature and of Nature's God," we forget the transcendent tribunal that is the only recourse when many, who have thoughtlessly devalued the precious worth of their humanity, are lured into submission by a few, who remember its implications, but only in respect of themselves.

The final stage of that submission is at hand when people, having refused the protection of God's transcendent rule to those more helpless than themselves, realize that it has ceased to be available to them as well. They let short-lived lusts replace the

unifying hunger and thirst for justice that once united them (from time to time, as need be). They succumbed to the tyranny of transient pleasures. So they ceased to nourish the great capacity for self-government that derives from practicing the capacity to overrule them, a little and a little more each day. They eventually come up hard against the hard truth, variously observed: Those who will not be governed by God will be governed by tyrants.

Christ tells us that to them that faithfully care for the little things, God will more and more entrust the great. Thus, when each of us is faithful to the little ones God made us to conceive with such great pleasure, we can become a people capable of governing ourselves and sometimes all humanity. By letting people like Pelosi turn that individual good faith into a shiftless, self-serving pose, we are losing that capability. So, to paraphrase the Lord, "Even that which we have is slipping away." An alarming thought? Then hear it and awake!

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Don't Get Played; Get Woke to the Outrage Scam



[Kurt Schlichter](#)

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So what are we supposed to be outraged about today? There's always something, and it's always the worst thing in the history of ever. And it's almost always a scam designed to manipulate you into obeying the liberal elite.

That's the real outrage.

My friend and fellow Townhall columnist Derek Hunter has a new book out designed to help you detect and defeat this shameless grift, [Outrage, Inc.: How the Liberal Mob Ruined Science, Journalism, and Hollywood](#). It's essential reading because the sooner we can get people woke to the con, the sooner people will stop falling for this nonsense.

What's the latest? Kids in cages, separated from their moms! Oh no! That only happens to every other criminal ever. Well, every American criminal ever. Illegal alien criminals, who drag their kids through scorching deserts to break the law because their own countries are The Term That May Not Be Spoken But Trump Spoke It (which itself created a mini outrage a while ago) are, I guess, supposed to be a special kind of criminal that doesn't get separated from his/her/xer kids upon arrest. Wait, does that sound right? Why would they be treated differently...I don't think...STOP!

Don't think! Get outraged! Let your feelings run free, feelings generated by pictures of kids in cages (under Obama, but shhhhhh!), by super selective Bible readings on MSNBC, and by pious [Fredocons](#) whining about how we're better than that and oh well I never!

That's the thing – when you're caught in an outrage monsoon, you aren't supposed to think. You are supposed to be infuriated, aroused, and activated, like a ravenous running zombie hungering for the virtue signaling lobe of the human brain. You are not supposed to ask questions that interrupt the narrative, like why would this particular subset of criminal get special privileges? Don't we separate families every day when mommy (or daddy) commits a crime? Why don't they just not come here?

Facts are the enemy when it comes to liberal policies, so they don't want you messing with the message by bringing them up. Instead, they want you outraged, and your mind clouded with ginned-up anger, ready to do their bidding.

Someone, oh someone, [please think of the children!](#) But not about how their illegal alien parents put them in that position. Because if you start thinking too much, the truth starts to

become clear. Liberals want illegal aliens in the country because they want to replace intransigent American citizens like you with pliable foreigners who won't be so darn uppity. So, they don't want illegal aliens to be treated like the criminals they are (because entering the country illegally is a crime) because they want to let them stay here – this is all about reinstating catch and release. So, they create a fake outrage about how these criminals are – oh no! – being treated like any other criminal so, they hope, you will demand we go back to catching and releasing them. Before the zero tolerance policy, we caught them and released them on their promise to show up at their hearing, which of course they never, ever did, thereby swelling the ranks of Replacement Americans, which liberals hope to someday amnesty (assisted by the GOP establishment saps) and turn into Democrat voters.

Talk about an outrage.

But kids in cages is only the most recent iteration of the recurring phenomenon. There are hundreds of others. Building up some sort of bogus outrage with the help of the liberal media is now standard operating procedure. [Derek's book](#) chronicles how this obnoxious strategy came into being, tracing such Fauxtrage Classics as the

climate change scam from its cheesy origins as global freezing to global warming and finally global everything.

The idea is to create a crisis, to which – surprise – the liberals hyping it have a solution. And it's inevitably a solution that benefits the liberal elite.

How do you deal with this ploy? How do you resist the tugging of your heartstrings or the pulling at your patriotism (“Everybody hates Russians – let's say Trump loves the Russians. And so does the NRA!”) that they employ to make you fall into line? You get woke to the scam.

Look for the indicators. Is it something that seems unreasonably horrible? Well, like something that sounds too good to be true probably is, something that sounds too bad to be true likewise is probably not true either. Does Trump ordering screaming babies to be wrenched from their innocent mommies' arms and cast into dungeons sound pretty extreme? Yeah, because it is. And it's a lie.

Is it something where the proposed solution benefits the liberal elite? For global warming, the answer they give to this threat **THAT WE MUST ACT UPON RIGHT THIS MINUTE** is to give

liberals more power. Same with global cooling. And same with global staying the same.

Are you allowed to ask questions? If you start pointing out that maybe a good way to avoid being arrested for illegal entry and being separated from Junior is to not enter the U.S. illegally with a kid, is the response that you are a hating hater of hatred and probably a Nazi too? If they are trying to shout you down or browbeat you into silence, that's an indicator that you're in the midst of another Cat 5 outrage.

You can't fool all of the people all of the time, and human beings tend to tire of constant crisis-mongering. Did you notice how most people kind of shrugged about the kids in cages thing? And did you notice how the Trump administration hasn't stopped locking up illegals and recognizing Get Out of Jail Free Kids?

That's how you deal with [Outrage, Inc.](#) You ignore it, and watch it sputter and fade away.

https://www.nationalreview.com/2018/05/illegal-immigration-enforcement-separating-kids-at-border/amp/?__twitter_impression=true

The Truth about Separating Kids

Rich Lowry May 28, 2018 10:37 PM



U.S. Border Patrol agents with illegal immigrants at the U.S.-Mexico border near McAllen, Texas, May 9, 2018. (Loren Elliott/Reuters)

Some economic migrants are using children as chits, but the problem is fixable — if Congress acts.

The latest furor over Trump immigration policy involves the separation of children from parents at the border.

As usual, the outrage obscures more than it illuminates, so it's worth walking through what's happening here.

For the longest time, illegal immigration was driven by single males from Mexico. Over the last decade, the flow has shifted to women, children, and family units from Central America. This poses challenges we haven't confronted before and has made what once were relatively minor wrinkles in the law loom very large.

The Trump administration isn't changing the rules that pertain to separating an adult from the child. Those remain the same. Separation happens only if officials find that the adult is falsely claiming to be the child's parent, or is a threat to the child, or is put into criminal proceedings.

It's the last that is operative here. The past practice had been to give a free pass to an adult who is part of a family unit. The new Trump policy is to prosecute all adults. The idea is to send a signal that we are serious about our laws and to create a deterrent against re-entry. (Illegal entry is a misdemeanor, illegal re-entry a felony.)

When a migrant is prosecuted for illegal entry, he or she is taken into custody by the U.S. Marshals. In no circumstance anywhere in the U.S. do the marshals care for the children of people they take into custody. The child is taken into the custody of HHS, who cares for them at temporary shelters.

The criminal proceedings are exceptionally short, assuming there is no aggravating factor such as a prior illegal entry or another crime. The migrants generally plead guilty, and they are then sentenced to time served, typically all in the same day, although practices vary along the border. After this, they are returned to the custody of ICE.

If the adult then wants to go home, in keeping with the expedited order of removal that is issued as a matter of course, it's relatively simple. The adult should be reunited quickly with his or her child, and the family returned home as a unit. In this scenario, there's only a very brief separation.

Where it becomes much more of an issue is if the adult files an asylum claim. In that scenario, the adults are almost certainly going to be detained longer than the government is allowed to hold their children.

That's because of something called the Flores Consent Decree from 1997. It says that unaccompanied children can be held only 20 days. A ruling by the Ninth Circuit extended this 20-day limit to children who come as part of family units. So even if we want to hold a family unit together, we are forbidden from doing so.

The clock ticking on the time the government can hold a child will almost always run out before an asylum claim is settled. The migrant is allowed ten days to seek an attorney, and there may be continuances or other complications.

This creates the choice of either releasing the adults and children together into the country pending the adjudication of the asylum claim, or holding the adults and releasing the children. If the adult is held, HHS places the child with a responsible party in the U.S., ideally a relative (migrants are likely to have family and friends here).

Even if Flores didn't exist, the government would be very constrained in how many family units it can accommodate. ICE has only about 3,000 family spaces in shelters. It is also limited in its overall space at the border, which is overwhelmed by the ongoing influx. This means that — whatever the Trump administration would prefer to do — many adults are still swiftly released.

Why try to hold adults at all? First of all, if an asylum-seeker is detained, it means that the claim goes through the process much more quickly, a couple of months or less rather than years. Second, if an adult is released while the claim is pending, the chances of ever finding that person again once he or she is in the country are dicey, to say the least. It is tantamount to allowing the migrant to live here, no matter what the merits of the case.

A few points about all this:

1) **Family units can go home quickly.** The option that both honors our laws and keeps family units together is a swift return home after prosecution. But immigrant advocates hate it because they want the migrants to stay in the United States. How you view this question will depend a lot on how you view the motivation of the migrants (and how seriously you take our laws and our border).

2) There's a better way to claim asylum. Every indication is that the migrant flow to the United States is discretionary. It nearly dried up at the beginning of the Trump administration when migrants believed that they had no chance of getting into the United States. Now, it is going in earnest again because the message got out that, despite the rhetoric, the policy at the border hasn't changed. This strongly suggests that the flow overwhelmingly consists of economic migrants who would prefer to live in the United States, rather than victims of persecution in their home country who have no option but to get out.

Children should not be making this journey that is fraught with peril. But there is now a premium on bringing children because of how we have handled these cases.

Even if a migrant does have a credible fear of persecution, there is a legitimate way to pursue that claim, and it does not involve entering the United States illegally. First, such people should make their asylum claim in the first country where they feel safe, i.e., Mexico or some other country they are traversing to get here. Second, if for some reason they are threatened everywhere but the United States, they should show up at a port of entry and make their claim there rather than crossing the border illegally.

3) There is a significant moral cost to not enforcing the border. There is obviously a moral cost to separating a parent from a child and almost everyone would prefer not to do it. But, under current policy and with the current resources, the only practical alternative is letting family units who show up at the border live in the country for the duration. Not only does this make a mockery of our laws, it creates an incentive for people to keep bringing children with them.

Needless to say, children should not be making this journey that is fraught with peril. But there is now a premium on bringing children because of how we have handled these cases. They are considered chits.

____ In April, the *New York Times* reported:

Some migrants have admitted they brought their children not only to remove them from danger in such places as Central America

and Africa, but because they believed it would cause the authorities to release them from custody sooner.

Others have admitted to posing falsely with children who are not their own, and Border Patrol officials say that such instances of fraud are increasing.

According to azcentral.com, it is “common to have parents entrust their children to a smuggler as a favor or for profit.”

If someone is determined to come here illegally, the decent and safest thing would be to leave the child at home with a relative and send money back home. Because we favor family units over single adults, we are creating an incentive to do the opposite and use children to cut deals with smugglers.

4) **Congress can fix this.** Congress can change the rules so the Flores consent decree will no longer apply, and it can appropriate more money for family shelters at the border. This is an obvious thing to do that would eliminate the tension between enforcing our laws and keeping family units together. The Trump administration is throwing as many resources as it can at the border to expedite the process, and it desperately wants the Flores consent decree reversed. Despite some mixed messages, if the administration had its druthers, family units would be kept together and their cases settled quickly.

The missing piece here is Congress, but little outrage will be directed at it, and probably nothing will be done. And so our perverse system will remain in place and the crisis at the border will rumble on.