

From Strangers to Neighbors: Toward an Ethics of Sanctuary Cities

Gary Slater

IN 2010, ALMA HERNANDEZ RODRIGUEZ WAS detained along with her sister at the LaSalle Detention Center, an ICE facility in Jena, Louisiana. They were held for forty-seven days. An undocumented resident of Tucson, Arizona, Rodriguez had been arrested for not possessing papers indicating legal residency in the United States. In describing her arrest and detention, Rodriguez recalled to Margaret Regan, author of *Detained and Deported: Stories of Immigrant Families Under Fire*, “We were like criminals. There were three Border Patrol Cars. Three Pima County Sheriff’s cars.” The children of her sister Norma—ages six, five, and three—were taken to Border Patrol Headquarters. In Rodriguez’s telling: “They were crying. They were scared, asking, ‘What’s going to happen, Mommy?’”¹ Meanwhile, her husband Armando had been expelled under Arizona’s immigration crackdown. He would later go on to make a dangerous trek across the desert to get back to his family.² As Regan sums up the situation, Rodriguez and her family were harmed in every possible way by the mounting political pressure to crack down on illegal immigration in the United States.³ Detention and deportation ripped the family apart. As Rodriguez told Regan: “I cried. I broke down. My only crime is being here with no papers. I didn’t kill nobody. I didn’t do nothing. I always followed the law.”⁴

There are many thousands of individuals like Alma Hernandez Rodriguez; as of 2015, there were more than 31,000 held in some 250 detention centers across the country.⁵ The number of persons who live in fear of this fate is much greater still, their lives made immeasurably worse by the insecurity they face within their communities and everyday lives. In light of this situation, a number of cities have taken steps to protect their undocumented residents. These cities are known as “sanctuary cities.” Yet the legal status of these cities is unclear, their

¹ Margaret Regan, *Detained and Deported: Stories of Immigrant Families Under Fire* (Boston: Beacon Press, 2015), 82.

² Regan, *Detained and Deported*, 80.

³ Regan, *Detained and Deported*, 80.

⁴ Regan, *Detained and Deported*, 84.

⁵ Regan, *Detained and Deported*, xvi.

fate within the nation's courts and legislatures uncertain. Moreover, not only is the *legal* status of these cities unclear, the *ethical* status of these spaces is unclear as well. Would Rodriguez's story be different if Tucson were a sanctuary city? If so, how? If not, what changes—through individual action as well as public policy—would be necessary to make a meaningful difference? This lack of clarity is the basis for this essay, which aims to respond to such questions and point toward an ethics of sanctuary cities.

This task of articulating an ethics of sanctuary cities entails identifying certain values and reflecting on how those values can inform individual action in designated sanctuary spaces. This effort resembles in many ways a more general ethics of migration, yet it is distinguished by its orientation specifically toward those American cities that have adopted sanctuary policies. An ethics of sanctuary cities is a combination of two related projects: (1) evaluating to some extent the morality of these policies, which are to be praised even as they are shown to be insufficient; (2) outlining guiding values for individual action in sanctuary cities, the ultimate goal of which is to transform strangers into neighbors.

The need to develop an ethics of sanctuary cities is evident for at least two reasons. First is the obvious suffering involved, suffering that encompasses the lives of Alma Hernandez Rodriguez and so many untold others. This suffering, quite simply, must be heard, and it demands a response. Second is the fact that sanctuary cities are currently under considerable political pressure. President Trump inveighs repeatedly against them, and Texas, the nation's second largest state, has passed legislation—Senate Bill 4—aimed to deprive such cities of funding and resources. This political pressure comes within a larger moment in which questions of migration and identity are particularly fraught. Kristin Heyer has characterized the present moment as one in which “debates over immigration have ensued amid a fragile sense of public commitment to the common good and diminished institutional capacities for incorporating newcomers.”⁶ Some effort to defend sanctuary cities and explain what can be done within these spaces is therefore appropriate.

The thesis offered here is developed across two parts. The first part is descriptive, showing how and in what ways sanctuary cities are to be understood as ethical. This task also involves examining the arguments by which sanctuary cities can be defended. The second part is prescriptive, prescribing the actions that one should take within a sanctuary city, considering the ends that motivate these actions, and speculating as to the consequences that might result from their enactment. Put otherwise, the first section is about showing how

⁶ Kristin. E. Heyer, *Kinship Across Borders: A Christian Ethic of Immigration* (Washington, D.C.: Georgetown University Press, 2012), 150.

sanctuary cities offer a kind of possibility, and the second is to show how we might fulfill that possibility. My key claims can be summed up as follows. On the descriptive side, sanctuary cities are to be understood as ethical because the retreat of the state they represent creates a negative space that can be filled by ethical action. On the prescriptive side, individuals can seek to engage with individuals different than themselves and invest public spaces with meaning. The result is the turning of strangers into neighbors.

Catholic social teaching provides the resources needed to develop such an ethics. As David Hollenbach has noted in regard to migration more broadly:

Religious communities are perhaps uniquely capable of addressing the ethical dimensions of people on the move. Migration plays a key role in the founding narratives of many world religions. Jews, Christians, and Muslims are all descendants of the Patriarch Abraham, whose experience of God's call led him to migrate from the home of his kinsfolk to the land of Canaan.⁷

Among the more general religious resonance Hollenbach identifies, Catholic tradition stands out as particularly promising. The resources within the tradition include, among many other examples, the values of solidarity and dignity, the notion of integral development articulated in the encyclical *Populorum Progressio*, and the preferential option for the poor. Although no extended Catholic treatment has yet been given of contemporary American sanctuary cities, the Chair of the Committee on Migration for the United States Conference of Catholic Bishops has explicitly defended sanctuary cities against opposition from the Trump Administration.⁸ Moreover, considerable commentary on migration can be found, in addition to Hollenbach, in the work of Kristin Heyer, Daniel Groody, Donald Kerwin, and several others.

Particularly noteworthy as a Catholic statement on migration is the joint pastoral letter *Strangers No Longer: Together on the Journey of Hope*, co-authored in 2003 by the bishops of the United States and Mexico. As Justin Parrish Ashworth has noted, this letter is perhaps "the most important document on the theological ethics of migration in North America. An excellent example of the strivings of Catholic Social Teaching (CST) for conceptual clarity, pastoral sensitivity, and sociopolitical relevance, SNL [*Strangers No Longer*] outlined the

⁷ David Hollenbach, SJ, "Migration as a Challenge for Theological Ethics," *Political Theology* 12, no. 6 (2011): 808.

⁸ Joe Vásquez. "USCCB Committee on Migration Chair Responds to Trump Administration Sanctuary City Executive Order," *United States Conference of Catholic Bishops*, www.usccb.org/news/2017/17-024.cfm.

bases for addressing migration questions from a Christian perspective and generated considerable debate among American Catholics.”⁹ In its recognition of the suffering surrounding migration, its orientation toward all persons of goodwill, its disposition of welcoming the stranger, and its articulation of such Catholic principles as solidarity, dignity, and hospitality, this letter is the most significant single source for developing an ethics of American sanctuary cities.

Yet in spite of the wealth of resources offered by *Strangers No Longer* and other Catholic writings, there are two obstacles that prevent the current task from being the straightforward one of identifying the relevant values and applying them to specific sanctuary contexts. The first obstacle is the tension that exists between sanctuary as a legal or political concept and sanctuary as an ethically relevant space. There is a distinction to be made between what is legal and what is ethical, even if their meanings overlap. For all the prominence of the term “sanctuary cities” in the media and in politics, the reality of sanctuary cities in an ethical sense is, in fact, underwhelming. Although variations in sanctuary policy do exist from one city to the next, the baseline legal meaning of sanctuary is that of non-compliance with federal directives concerning undocumented residents. This guarantees no particular safety for undocumented residents within these cities. Nor does it overcome the reality that many sanctuary cities can in fact be stratified, unequal, and isolated spaces, with little accommodation for their undocumented populations beyond tolerance of their basic physical presence. The upshot of the legal/ethical distinction with respect to sanctuary cities is that of an ethically negative space at the local level, one that can be filled with various forms of religious life in light of turning strangers into neighbors. An ethics of sanctuary cities can build on this necessary but insufficient set of policies to articulate a more robust vision for the fulfillment of sanctuary’s potential.

The second obstacle to deriving an ethics of sanctuary cities from Catholic social teaching is a tension that exists within Catholic writings on migration. This tension concerns the relationship between the right of states to enforce border security and the right of persons to migrate, a tension that is exacerbated by the high level of abstraction in the natural-law terms in which these rights are typically presented. As an important statement on migration, *Strangers No Longer* is an instructive case. For all the largeness of its moral imagination, this document is diminished in its effectiveness by its equivocal language regarding the right of nations to enforce border security and the right of persons to migrate in seeking better lives. If left unexamined, this tension not only poses a challenge to the direct application of Catholic

⁹ Justin Parrish Ashworth, *Electing Citizens and Aliens: A Theology of Migrants, Borders, and Belonging* (Ann Arbor: ProQuest LLC, 2015), 66.

social teaching to sanctuary cities but also cuts against the necessary defense of sanctuary policies. Local sanctuary policies could plausibly be said to be obstructing the state's right to regulate migration even as these policies show compassion for the migrant.

To address these obstacles and articulate ethics of sanctuary cities, this essay proceeds in the following steps. First, it examines more closely the two obstacles just identified. That is, the essay unpacks the legal and political definitions of sanctuary cities in a manner that shows contemporary sanctuary policies to be ethically negative. This move brings the ethical dimension of the issue into clarifying relief. The essay then examines the tension in Catholic statements on migration between the right to regulate migration by the state and the right of migrants to move, with *Strangers No Longer* as the key example. Second, the essay responds to these obstacles by examining an unacknowledged tension in the meaning of sanctuary, one reflected in the etymologies of the terms "sanctuary" and "sacred." The writings of Jim Corbett, a leading figure in the Sanctuary Movement, and Giorgio Agamben, a critical theorist and influential commentator on law, theology, and asylum, are instrumental in this response. The argument I make here is that reading Corbett and Agamben together deepens our understanding of sanctuary in a way that not only overcomes the obstacles mentioned above but also envisions a way to define sanctuary cities as ethically negative spaces that can be infused with values drawn from Catholic tradition. Third, the essay identifies such values, with solidarity, dignity, and neighborliness emerging as a particularly powerful combination.

LEGAL-POLITICAL/ETHICAL MEANINGS OF SANCTUARY

The Congressional Research Service has listed the following policies as characteristics of American sanctuary cities: (1) limiting police investigations into the immigration status of persons with whom they come in contact; (2) declining to honor federal immigration authorities' requests that certain aliens be held until those authorities may assume custody; (3) shielding certain unlawfully present aliens from detection by federal immigration authorities; and (4) amending or applying state criminal laws so as to reduce or eliminate the immigration consequences that might result from an alien's criminal conviction.¹⁰ As a baseline definition, then, a sanctuary city can be understood as a locality whose government does not enforce federal immigration policy nor comply with federal directives in arresting or detaining undocumented residents.

¹⁰ Michael John Garcia and Kate M. Manuel, "State and Local 'Sanctuary' Policies Limiting Participation in Immigration Enforcement," *Congressional Research Service*, CRS Report no. R43457 (2015): 2.

In the legal debate over sanctuary cities, there are several key issues that remain unresolved. A particularly fraught question concerns the right of the federal government to withhold funds from cities declaring sanctuary status, as the Justice Department under Attorney General Jeff Sessions has sought to do. Also at issue is the question of whether undocumented residency constitutes a civil or criminal offense. Defining undocumented residency as a civil matter theoretically prevents the federal government from undertaking particularly harsh or punitive measures against undocumented residents. The courts acknowledge that removing persons from the United States for violating the terms of their continued presence in the country is a civil action. Yet there are exceptions to the notion that undocumented residency is not a criminal offense.

Hanging over these questions is the fundamental issue of how state power is distributed across federal, state, and local jurisdictions. The Tenth Amendment of the United States Constitution provides that powers “not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”¹¹ While the Tenth Amendment restricts the federal government from action against sanctuary cities, it does not protect such cities against laws passed at the state level in such states as Arizona or Texas. Moreover, the exercise of state police powers may be circumscribed by lawful assertions of federal authority.¹² And this is to say nothing of the continued operation of ICE *within* cities of designated sanctuary status. Quite clearly, the legal status of sanctuary cities remains unresolved, as does the status of those cities’ undocumented residents.

These are some of the legal and political questions at issue in the debate over sanctuary cities. However convincing the legal or political arguments surrounding sanctuary cities may be, from an ethical standpoint, neither the arguments for nor those against sanctuary policies are sufficient. Even if it could be somehow proven that sanctuary localities are in full compliance with the law, this in itself is not sufficient to ground a robust ethics of sanctuary cities. As Heyer has noted, “Immigration cannot be reduced to a security or legal issue alone; it also involves economics, trade policy, cultural tolerance, family values, and criminal justice.”¹³ A robust ethics needs to account for the history of sanctuary, the meaning of community, the guidelines for individual and institutional action, and the acknowledgement of the basic experience of migrants.

¹¹ Garcia and Manuel, “State and Local ‘Sanctuary’ Policies Limiting Participation in Immigration Enforcement,” 3.

¹² Garcia and Manuel, “State and Local ‘Sanctuary’ Policies Limiting Participation in Immigration Enforcement,” 3.

¹³ Heyer, *Kinship Across Borders*, 4.

A more holistic approach is clearly needed. Yet the need to go beyond existing policies in developing an ethics of sanctuary cities requires a bit of nuance. On one hand, the existence of sanctuary policies in their current form is to be praised or at least defended. On the other hand, the nominal rather than substantive sanctuary these policies provide demands that individuals and institutions go further—and into areas beyond law or politics exclusively—in rendering sanctuary localities more of what the idea of sanctuary suggests they could be. Heyer articulates this balance nicely in the following claim: “Whereas a Christian immigration ethic requires more than a policy response, it necessarily entails attention to the politically possible in light of the stakes of ongoing suffering.”¹⁴ Such is the support for the first part of this article’s thesis, which is that sanctuary cities emerge as what might be considered ethically negative spaces. To develop its second part, this essay will argue below that such spaces can be filled with ethical action as developed within Catholic tradition.

STATE CONTROL OVER MIGRATION/MIGRATION RIGHTS

In going beyond strict questions of policy to develop an ethics of sanctuary cities, the clear place to start is the pastoral letter *Strangers No Longer: Together on the Journey of Hope*. This document, written in the aftermath of the September 11 attacks, has only become more relevant in the years since its publication. Although the letter does not mention sanctuary cities explicitly, it is nonetheless a landmark document for present purposes. Its relevance is manifested in three ways: in its recognition of pain on the part of the migrant as well as the host, in its orientation to the widest possible audience, and in its expression of many of the relevant principles of Catholic social teaching concerning migration.

Regarding the recognition of suffering, for example, the authors are able to summon deep reserves of empathy in articulating the plight of migrants to the United States. As they note, “Aspects of the migrant experience are far from the vision of the Kingdom of God that Jesus proclaimed: many persons who seek to migrate are suffering, and, in some cases, tragically dying; human rights are abused; families are kept apart; and racist and xenophobic attitudes remain.”¹⁵ Given the etymological as well as theological link between sanctuary and sanctification, the framing of suffering as a lack of proximity to God is powerful. The authors proceed to note the international dimension

¹⁴ Kristin E. Heyer, “Legalization and the Undocumented According to Catholic Social Teaching,” in *On “Strangers No Longer”: Perspectives on the Historic U.S.-Mexican Catholic Bishops’ Pastoral Letter on Migration*, ed. Todd Scribner and J. Kevin Appleby (New York: Paulist Press, 2013), 96.

¹⁵ United States Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, *Strangers No Longer: Together on the Journey of Hope* (Washington, DC: USCCB, 2003), no. 2.

of the situation, “In both our countries, we see much injustice and violence against [migrants] and much suffering and despair among them because civil and church structures are still inadequate to accommodate their basic needs.”¹⁶ So stated, the call for action is clear in a way that infuses the Church with missiological urgency and resonates with Catholic teaching as developed at least since 1967’s *Populorum Progressio*.

Strangers No Longer is also relevant in its orientation toward an appropriately wide range of audiences. Note the following progression of stated recipients to the letter’s message. The first audience mentioned is that of Catholics, along with “persons of good will”:

We seek to measure the interests of all parties in the migration phenomenon against the guidelines of Catholic social teaching and to offer a moral framework for embracing, not rejecting, the reality of migration between our two nations. We invite Catholics and persons of good will in both nations to exercise their faith and to use their resources and gifts to truly welcome the stranger among us (cf. Mt 25:35).¹⁷

The address to Catholics and persons of good will is followed by an address to the migrants themselves:

We speak to the migrants who are forced to leave their lands to provide for their families or to escape persecution. We stand in solidarity with you. We commit ourselves to your pastoral care and to work toward changes in church and societal structures that impede your exercising your dignity and living as children of God.¹⁸

Following this, one finds policy-makers in particular, and government officials in general, as a pivotal audience:

We speak to public officials in both nations, from those who hold the highest offices to those who encounter the migrant on a daily basis. We thank our nations’ presidents for the dialogue they have begun in an effort to humanize the migration phenomenon.¹⁹

The authors also “speak to government personnel of both countries who enforce, implement, and execute the immigration laws.”²⁰ The authors conclude with an address to the “peoples of the United States and Mexico.”²¹ By addressing their letter to such an array of

¹⁶ USCCB, *Strangers No Longer*, no. 5.

¹⁷ USCCB, *Strangers No Longer*, no. 7.

¹⁸ USCCB, *Strangers No Longer*, no. 9.

¹⁹ USCCB, *Strangers No Longer*, no. 10.

²⁰ USCCB, *Strangers No Longer*, no. 11.

²¹ USCCB, *Strangers No Longer*, no. 12.

audiences, the authors of *Strangers No Longer* not only acknowledge the theological, humanitarian, and political dimensions of the problem but also bring together readerships whose participation is essential for the creation of any constructive or viable solution. Applied to sanctuary cities more specifically, the diversity of audiences is no less relevant for the obvious reason that cities are composed of persons who are not themselves Catholic yet who are perfectly capable of being good neighbors, to say nothing of the policy-makers and other individuals whose experiences are touched by this issue.

Strangers No Longer is also noteworthy for its eloquence in delivering perennial principles of Catholic social teaching to the theological ethics of migration. For example, the authors describe the value of solidarity in terms that extol it as a border-transcending virtue.

Our common faith in Jesus Christ moves us to search for ways that favor a spirit of solidarity. It is a faith that transcends borders and bids us to overcome all forms of discrimination and violence so that we may build relationships that are just and loving.²²

The authors further “encourage Catholics and all people of good will to work with the community to address the causes of undocumented migration and to protect the human rights of all migrants.”²³ This is a lovely and embracing response to the exigencies of the situation in a manner that recognizes dignity as a fundamental value. Other themes emerging from the letter include the notion of the church as leader, as well as an ethics of cooperation. As the authors note, “Careful and generous cooperation between dioceses is important to provide priests and religious who are suited for this important ministry.”²⁴ Such an ethics of cooperation can be shifted to reflect the local context of sanctuary cities and endorse cooperation across secular as well as religious spaces.

Yet *Strangers No Longer* also displays a serious drawback, one that detracts from its clarity and its applicability. There is an unresolved tension regarding border security and the right of migrants to seek better lives. The problem is evident in the following passage:

The Church recognizes the right of a sovereign state to control its borders in furtherance of the common good. It also recognizes the right of human persons to migrate so that they can realize their God-given rights. These teachings complement each other. While the sovereign state may impose reasonable limits on immigration, the common good is not served when the basic human rights of the individual are violated. In the current condition of the world, in which

²² USCCB, *Strangers No Longer*, no. 19.

²³ USCCB, *Strangers No Longer*, no. 43.

²⁴ USCCB, *Strangers No Longer*, no. 50.

global poverty and persecution are rampant, the presumption is that persons must migrate in order to support and protect themselves and that nations who are able to receive them should do so whenever possible. It is through this lens that we assess the current migration reality between the United States and Mexico.²⁵

It may seem as though the authors clarify their position at other places within the letter, particularly in their endorsing the view of *Exsul Familia* that the “right of the sovereign state to control its borders” is “not absolute,” which declares a preference for the position of the migrant.²⁶ This is certainly the view taken by Heyer.²⁷ Yet the authors also endorse the view that the “needs of immigrants must be measured against the needs of the receiving countries.”²⁸ This suggests that the prerogatives of the state might place limits on migration, yet the statement offers no criteria for evaluating how such measuring should proceed.

It is important to be clear that Catholic social teaching recognizes the legitimacy of the nation-state, with *Strangers No Longer* being but one example. Catholic social teaching also recognizes limits on the sovereignty of the state. This point is obvious not merely because of the extension of its moral imagination to encompass persons without legal status but also in its foregrounding of transcendent elements expressed in terms of natural law toward all “persons of good will.” Indeed, the very existence of the Church as a transnational entity attests to its recognition of limits on state sovereignty. Yet in the case of *Strangers No Longer*, the issue is not simply that of a tension between these two tendencies, since Catholic social teaching is unequivocal in its preference for the latter. Rather, the tension is how these two tendencies push against each other *as regards sanctuary cities*, which represent less a transnational framework than a subunit within a nation-state and which represent concrete conditions whose relationship to *both* national and transnational frameworks is not always clear.

Other commentators have recognized this tension within *Strangers No Longer*. For example, Gioacchino Campese makes the following observation.

Looking at the situation at the U.S.-Mexico border and at the mortal consequences of the current policy of border enforcement it is not that clear how the right to control the borders and the right to immigrate “complement each other.” The real problem is that the affirmation of the right of a nation to control its borders as one of the main principles

²⁵ USCCB, *Strangers No Longer*, no. 39.

²⁶ USCCB, *Strangers No Longer*, no. 30.

²⁷ Heyer, *Kinship Across Borders*, 113.

²⁸ USCCB, *Strangers No Longer*, no. 30.

of church teaching on migration can be manipulated to justify the continuation of policies that cause the death of migrants.²⁹

An even stronger expression of concern comes from Justin Parrish Ashworth. Ashworth notes that the text emphasizes the following principles: (1) the human dignity of the person; (2) the common good; (3) the universal common good; (4) solidarity.³⁰ In the four places in which the phrase “the common good” is used within *Strangers No Longer*, the term refers to the good in relation to the nation-state. The tension between this framing and the claim that Catholic social teaching supports the right to migrate is palpable.³¹ Ashworth pinpoints the tension in clear terms. On one hand, if people have the right to migrate, then states are obligated to accept them. On the other hand, if states have the right to control their borders, then migrants who cross illegally—no matter how desperate they are—must submit to deportation as an expression of state sovereignty.³²

These critiques of the equivocal language in *Strangers No Longer* are compelling, and their implications affect the present effort to use the letter to draw resources for an ethics of sanctuary cities. The friction between two expressed general principles—the right of migrants to relocate, the right of nations to border security—detracts from the ability to ground the principles of Catholic social teaching within the specific contexts needed. A related problem is that the framing of the question of migration occurs in the document at too general a level, such that the abstract principles it invokes could in fact support either side of this issue. Although one benefit of expressing points abstractly in rights-based terms is the possible appeal to a wide public audience, there are nonetheless drawbacks to such generality when it comes to the problematic tension mentioned above.

This carries unfortunate consequences. In “Migration and Human Dignity: From Policies of Exclusion to Policies Based on Human Rights,” Graziano Battistella observes some of the drawbacks of using rights-based language to advance arguments about migration. Such drawbacks include:

the difficulty to provide real protection for social, economic, and cultural rights; the preoccupation for the protection of individual

²⁹ Gioacchino Campese, “¿Cuántos Más? The Crucified Peoples at the U.S.-Mexico Border,” in *A Promised Land, A Perilous Journey: Theological Perspectives on Migration*, ed. Daniel G. Groody and Gioacchino Campese (Notre Dame: University of Notre Dame Press, 2008), 290.

³⁰ Graziano Battistella, “Migration and Human Dignity: From Policies of Exclusion to Policies Based on Human Rights,” in Groody and Campese, ed., *A Promised Land, A Perilous Journey*, 188.

³¹ Ashworth, *Electing Citizens and Aliens*, 70.

³² Ashworth, *Electing Citizens and Aliens*, 71.

rights without challenging the systems that originate abuse; the ideological use of human rights to maintain advantages in trading and commerce relations; and the recurrent impression that the human rights system protects those who are already protected, rather than the real victims.³³

The equivocation of the language of *Strangers No Longer* almost certainly stands against the intentions of its authors. Yet how can these problems be addressed? When it comes to an ethics of sanctuary cities, part of this problem can be bypassed simply because, in focusing on cities, an ethics of sanctuary cities concerns political units that are already within the border. The statement that the “Church recognizes the right of a sovereign state to control its borders” would therefore not apply to this particular context.³⁴ Yet attempting to bypass the tension in this way is not a particularly satisfying option, since it amounts to ignoring important content from the bishops’ letter. This has the effect of weakening attempts to extract meaningful insights from other points in the text.

A more promising way forward is to ground one’s perspective in the reality of migration. In refocusing one’s perspective onto the concrete reality of the migrant experience, a helpful guide can be found in the work of Jorge Castillo Guerra.³⁵ In “A Theology of Migration: Toward an Intercultural Methodology,” Castillo Guerra calls for a methodology of the theology of migration in terms that resonate with the present project.

A theology of migration emerges as a theology that wants to deal, in a Christian way, with the “in-between” situation of the migrants, situated between the reality of the origin and the reality of the society where they arrive.³⁶

Such a move represents the liberationist turn toward contextual theology within Catholic tradition in a manner that the present effort finds highly congenial. This is because the present effort is oriented from the reality of the migrant—that is, a specific context—even as it comments upon principles—dignity, for example—whose meanings transcend context. This contextual turn comes out of the tradition of integral development expressed in the papal encyclical *Populorum Progressio*, and it continues to find contemporary exponents. For example, as Raul Fornet-Betancourt notes, “The necessary condition

³³ Battistella, “Migration and Human Dignity,” 183.

³⁴ USCCB, *Strangers No Longer*, no. 39.

³⁵ Jorge E. Castillo Guerra, “A Theology of Migration: Toward an Intercultural Methodology,” in Groody and Campese, ed., *A Promised Land, A Perilous Journey*, 260.

³⁶ Castillo Guerra, “A Theology of Migration,” 254.

to experience what is strange does not consist only in the existence of what is strange in general, but above all in the fact that what is strange *makes itself present* to us as some particular ‘strange entity’ that presents itself in this or that form and, that through its presence visible in space, can affect us with a definite and specific form of strangeness.”³⁷ To some extent, the move toward concreteness suggested by Castillo Guerra and Fornet-Betancourt does help one imagine how the rights upheld on the basis of natural law play out in concrete, particular spaces such as those of sanctuary cities.

Yet there remains a difficulty regarding the equivocal language about migration. This difficulty can be addressed by acknowledging that the equivocal language surrounding migration corresponds to a contradiction in the migrant experience itself. This contradiction inherent within migration is expressed by what Fornet-Betancourt calls a “double dimension,” in that “we encounter what is foreign in the concrete figure...that comes from another place and that has its home in another place, but that at the same time irrupts into the context of what we call our own space to transform itself in what is strange, which ‘interferes’ in our order precisely because we can see, listen to, and smell it.”³⁸ This “double dimension” helps us understand some of the equivocation in the language of *Strangers No Longer*. It also speaks specifically to sanctuary cities. As the migrant experience in American sanctuary cities is one of nominal rather than substantial sanctuary, one must ask what it would mean to live up theologically to the potential that the name “sanctuary” suggests. These challenges call for reflection on the history and meaning of that term.

THE ROOTS OF SANCTUARY

Reflection on the etymology of sanctuary suggests a surprising insight. The tension in Catholic language about migration might derive from the fact that there actually *is* a tension in the meaning and experience of migration, especially regarding sanctuary. In this section of the essay, I argue that the roots of this tension can be explicated with respect to a distinction between the Latin *sacer*, the root of “sacred,” and *sanctus*, the root of “sanctuary.”

Two caveats are called for at this point. The first caveat concerns *Strangers No Longer* and its relationship to Catholic tradition as a whole. If this particular document, useful as it may be, is impaired in its relevance by the tension concerning equivocal language about rights then might there not be *other* sources from Catholic tradition to highlight? It may seem as though this single document is being made

³⁷ Raúl Fornet-Betancourt, “Hermeneutics and Politics of Strangers: A Philosophical Contribution on the Challenge of Convivencia in Multicultural Societies,” in Groody and Campese, ed., *A Promised Land, A Perilous Journey*, 211.

³⁸ Fornet-Betancourt, “Hermeneutics and Politics of Strangers,” 211.

to stand for a much wider range of ideas, figures, and texts. The answer here is twofold. First, the fact that *Strangers No Longer* is both useful and also marred by equivocation is actually instructive in that it illustrates directly the possible connection between tension in Catholic language about migration and tension in the migration experience itself. Note, for example, that the specific passage in *Strangers No Longer* that invokes mutually contradictory rights—border security versus migration—also invokes the common good, as well as the sense in which the recognition of suffering provides the “lens” through which the authors view the problem of migration. One of the most problematic passages in the letter is thus also one of its most potentially helpful. Might this close proximity between the instructive and the problematic not reveal some especially significant connection on the present topic? The answer is not certain, but the juxtaposition certainly does help clarify the question. Second, even as *Strangers No Longer* is perhaps uniquely affected by this problematic tension, the difficulties surrounding the rights-based framing of the issue—recall the drawbacks surveyed by Battistella above—is emblematic of a much wider field of relevance within Catholic commentary on migration. How *can* the right to security be shown to relate to the right to migrate? Addressing this tension touches on the deeper question of rights-based arguments for ethical questions.

The second caveat concerns the question of whether the equivocation in *Strangers No Longer* is caused by the etymological roots of sanctuary traced below or simply explained by them. The answer here is that there *may* be a causal connection between the contradictions in the migrant experience, the tension in Catholic language about migration—or at least that of *Strangers No Longer*—and the etymological divide traced below. Setting aside considerations of etymology, it is at least plausible to claim some connection between the migrant reality and the rhetoric. For example, as Castillo Guerra notes in regard to the migrant experience:

On one side the theologian of migration discovers the migrants’ faith, hope, and love, the mysticism of migration, and the practical-sapiential theology of migration. On the other side, she discovers the idolatry, hopelessness, and hate—xenophobia, racism, ethnocentrism, intolerance, and exclusion—that place the migrants in a situation of suffering and marginality.³⁹

This duality between redemption and suffering in migration comes across in the text of *Strangers No Longer*, which speaks of migration as the festering of a wound (no. 31) as it also argues that one can see the face of Christ in the face of the migrant (no. 40). As to the

³⁹ Castillo Guerra, “A Theology of Migration,” 260.

etymologies traced below, more important than any causal connection is the fact that the etymological divide reveals insights that answer the challenges of the respective tensions between the political and ethical and between security and migration raised in this essay's introduction. Although what follows is hardly the only possible response to equivocal language about migration, it is at least one promising way to allow Catholic values to inform an ethics of sanctuary cities.

The terms *sacer* and *sanctus* have a common root, yet their respective historical meanings diverge into an almost diametric opposition. The etymology of the word "sanctuary" connects it to the term *sanctuarium*, from Late Latin. *Sanctuarium* is derived from *sanctus*, meaning distinctly set apart from the world of ordinary existence in a manner that implies sanctity.⁴⁰ *Sanctus*, as the root of sanctuary, is originally the perfect passive participle of the Latin verb *sancire*, meaning "dedicate" or "make inviolable." By contrast, *sacer*, like *sanctus*, also refers to something that is set apart, yet its relationship to divinity takes a different shade. Whereas *sacer* described something set apart and given over to the gods in a manner that implied possession, *sanctus* described something set apart with the gods in a manner that implied protection.

The distinction between "belonging to the gods" (*sacer*) and "under the protection of the gods" (*sanctus*) has had important historical consequences. As Giorgio Agamben notes, in archaic Roman law, a person guilty of certain crimes could be declared *homo sacer*. The person concerned was excluded from human society and could be killed without punishment.⁴¹ Yet in spite of this person's bodily vulnerability, the *homo sacer* could not be sacrificed. As for sanctuary, derived from *sanctus*, the reverse was true, in that sacrifices were made in exchange for bodily protection. A helpful concept to understand this difference is the ritual of *hiketēia*, in which a person—*hikētēs*—seeks acceptance in a new community. *Hiketēia* and *hikētēs* are derived from ἵκω, ἰκνέομαι, meaning "arrive," and therefore the *hikētēs* is "the one who arrives."⁴² As Rob Schumacher has argued, the supplicant shared in the inviolability of the sanctuary: it would have been sacrilege to arrest or harm that person. This required a public ritual whereby the person seeking sanctuary had to kneel "at the altar or at an image of the god holding a certain symbol identifying him as a supplicant."⁴³ The practices associated with ancient sanctuary

⁴⁰ Jennifer Bagelman, *Sanctuary City: A Suspended State* (New York: Palgrave-Macmillan, 2016), 23.

⁴¹ James B. Rives, "Sacer," in *Brill's New Pauly*, ed. Hubert Cancik and Helmuth Schneider, dx.doi.org/10.1163/1574-9347_bnp_e1026790.

⁴² Susanne Gödde, "Hiketēia," in *Brill's New Pauly*, ed. Hubert Cancik and Helmuth Schneider, dx.doi.org/10.1163/1574-9347_bnp_e513480.

⁴³ Bagelman. *Sanctuary City*, 80.

thus involved a sacrificial ritual to bring one's body into a system that protected the body from violence.

The contrast between *sacer* and *sanctus* is instructive. While the *homo sacer* was exposed to violence yet exempt from sacrifice, persons associated with *sanctus*—that is, persons living in sanctuary—underwent sacrifice in order to secure bodily protection from harm. The modern analogues to this ancient split between *sacer* and *sanctus* can be found in the opposition between sanctuary and camp. The camp—which refers to the concentration camp, but which also applies to spaces beyond the law such as characterize the life of the undocumented migrant—is a place “off limits,” in which anything can happen. The sanctuary is the exact opposite of the camp as a place of protection and shelter. Yet both refer to ambiguous territory: the camp is the site of the *homo sacer*, while the sanctuary is the *temenos*, the holy ground and where those who flee from the law, power and violence can find asylum.⁴⁴

Jim Corbett and Giorgio Agamben help elucidate these relationships in a way that relates specifically to contemporary sanctuary cities. It is helpful to identify the context for each thinker. Corbett is a Quaker and Harvard-educated intellectual who led the Sanctuary Movement of the 1980s. Many contemporary sanctuary cities have their roots in the organizing of the Sanctuary Movement. As Jennifer Ridgley has observed, by providing some provisions for the confidentiality of immigration status, the Sanctuary Movement challenged the exclusion of noncitizens from substantive rights such as housing, health care, education, police services, employment and social assistance, advancing alternative ideas of citizenship in the process.⁴⁵ Challenging the inequitable implementation of asylum policies, Corbett called upon the federal government to live up to its obligations under the Constitution and international law.⁴⁶ In his essay, “Sanctuary, Basic Rights, and Humanity’s Fault Lines,” Corbett defines sanctuary as a church-safeguarded practice that emanates from civil society and responds to concrete injustices.⁴⁷ Corbett understands sanctuary within the biblical tradition, noting that

⁴⁴ Michiel Dehaene and Lieven de Cauter, “The space of play: towards a general theory of heterotopia,” in *Heterotopia and the City: Public Space in a Post-Civil Society*, ed. Michiel Dehaene and Lieven de Cauter (Routledge, United Kingdom, 2008), 97.

⁴⁵ Jennifer Ridgley, “Cities of Refuge: Immigration Enforcement, Police, and the Insurgent Genealogies of Citizenship in U.S. Sanctuary Cities,” *Urban Geography* 29, no. 1 (2008): 55.

⁴⁶ Linda Rabben, *Sanctuary & Asylum: A Social and Political History* (Seattle: University of Washington Press, 2016), 147.

⁴⁷ Jim Corbett. “Sanctuary, Basic Rights, and Humanity’s Fault Lines,” *Weber: The Contemporary West* 5, no. 1 (1988), www.weberstudies.weber.edu/archive/archive%20A%20%20Vol.%201-10.3/Vol.%205.1/5.1Corbet.htm.

the ancient Hebrews had allowed temples and even whole cities to declare themselves places of refuge for persons accused of a crime, a practice that allowed those wrongfully accused to escape swift and harsh retribution until the matter could be resolved.⁴⁸ As far as individual action in relation to sanctuary is concerned, the term Corbett uses is “civil initiative,” which refers to the agency that initiates sanctuary practice. Its fundamental value is peace, and it positions itself in opposition to the state. Unlike civil disobedience, civil initiative upholds basic structures of civic order.

As for Agamben, he is among the most important contemporary commenters regarding discussions of refugees.⁴⁹ As Colby Dickinson has noted, Agamben’s work aims to force new arenas of political interaction to emerge, ones not dependent upon a model of sovereign power.⁵⁰ The figure of the *homo sacer* appears prominently in Agamben’s work, highlighted to illustrate the contradictions of contemporary politics in regard to the vulnerabilities of the human body, or what he calls “bare life.” As Agamben sees it, the *homo sacer* offers “the key by which not only the sacred texts of sovereignty but also the very codes of political power will unveil their mysteries.”⁵¹ Agamben also refers in this work to the “state of exception,” which he defines as “what cannot be included in the whole of which it is a member and cannot be a member of the whole in which it is always already included,” thus asserting an irremediable contradiction between membership and inclusion.⁵² Paul James Pope and Terence M. Garrett offer a helpful explanation of this contradiction in their article, “America’s *Homo Sacer*: Examining U.S. Deportation Hearings and the Criminalization of Illegal Immigration.” Pope and Garrett argue that the state of exception and the *homo sacer* interact in that the former “explains the extra space carved out to justify legal exceptions,” while the latter “helps to explain the purpose of the policy of the ‘illegally’ created space.”⁵³ These terms are therefore symbiotically related in addition to being relevant to the study of contemporary migration.

These ideas are relevant to contemporary sanctuary cities, in that sanctuary cities represent a partial state of exception. As Agamben

⁴⁸ Ann Crittenden, *Sanctuary: A Story of American Conscience and the Law in Collision* (New York: Weidenfeld & Nicholson, 1988), 62.

⁴⁹ Patricia Owens, “Reclaiming ‘Bare Life’?: Against Agamben on Refugees,” *International Relations* 23, no.4 (2009): 567.

⁵⁰ Colby Dickinson, *Agamben and Theology* (London: T&T Clark, 2011), 60.

⁵¹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 8.

⁵² Agamben, *Homo Sacer*, 25.

⁵³ Paul James Pope and Terence M. Garrett, “America’s *Homo Sacer*: Examining U.S. Deportation Hearings and the Criminalization of Illegal Immigration,” *Administration & Society* 45, no. 2 (2012): 169.

puts it, “Life under a law that is in force without signifying resembles life in the state of exception, in which the most innocent gesture or the smallest forgetfulness can have most extreme consequences.”⁵⁴ Life in a sanctuary city is in some ways precisely this: that is, life under a “law that is in force without signifying.” In essence, then, it would seem that sanctuary is a kind of intentional *absence* of state power, a retreat of the state from its own sovereign agency. Recall that the legal definition of sanctuary city policies refers to formally abjuring the enforcement of laws, asking about immigration status, or cooperating with various federal agencies. Sanctuary policies thus resemble Agamben’s state of exception, in that they represent a deliberate abjuring of law enforcement.

Other commentators have noted the link between sanctuary policies and Agamben’s ideas. Writing predominantly about church-based sanctuary practices, Agnes Czajka notes the following:

Acts of sanctuary can be interpreted as a challenge to the state’s monopolization of decisions on the right of residence and citizenship ... and thus the right to determine who has the right to have rights.... The refugee, by refusing to be deported and enacting herself as belonging to the territory and political community in contradiction to the determination of the state, challenges not only state sovereignty, but also the state monopoly on the political.⁵⁵

For Agamben, legal and political order is defined by what is deemed exceptional to it. Only the “sovereign” can decide when the law can be suspended because the sovereign is already the lawgiver, deciding the space in which the rule of law has validity.⁵⁶ Enacting sanctuary policies and practices at the urban scale is an even more serious threat to national sovereignty than church sanctuary, because cities provide a territorial legal entity at a different scale at which sovereignty is articulated.⁵⁷

In some ways, however, sanctuary cities reflect Corbett’s ideas more than they reflect those of Agamben. For one thing, in enacting sanctuary policies, the intention for most cities is to uphold rather than suspend laws, reflecting Corbett’s notion of civil initiative. Even more importantly, sanctuary cities represent a link between juridical paradox and the *absence* of bare life—at least in intention—rather than

⁵⁴ Agamben, *Homo Sacer*, 52.

⁵⁵ Agnes Czajka, “The Potential of Sanctuary: Act of Sanctuary through the Lens of Camp,” in *Sanctuary Practices in International Perspectives: Migration, Citizenship, and Social Movements*, ed. R.K. Lippert and S. Rehaag (Abingdon: Routledge, 2013), 51.

⁵⁶ Owens, “Reclaiming ‘Bare Life’?” 571.

⁵⁷ Harald Bauder, “Sanctuary Cities: Policies and Practices in International Perspective,” *International Migration* 55, no. 2 (2017): 182.

its perpetuation. As Juanita Sundberg has commented with regard to sanctuary cities and the US-Mexico border, sanctuary cities work against anything that eliminates or masks forms of identification that exceed citizenship, and, as such, sanctuary cities work against bare life as Agamben understands it.⁵⁸

What is important for present purposes is that, taken together, Agamben and Corbett's challenge to the legal structures that address migration provides a framework for an ethics of sanctuary cities as a constructive response. Each of these thinkers draws from a separate strand of the sacred—*sacer* explicitly for Agamben, *sanctus* implicitly for Corbett—and reading the two together offers rich possibilities in several ways. First, a combined reading provides a link to the many insights on migration localized within each thinker's project. Corbett has been influential on today's sanctuary cities, and Agamben remains perhaps *the* theorist on asylum within contemporary critical theory. Second, using these thinkers to link *sacer* and *sanctus* offers a way to link the full meaning of sanctuary with the challenges and contradictions of migration more broadly. That is, it not only offers a framework to integrate the alienation of *sacer* with the sheltering of *sanctus* and enlist these ideas toward a common purpose; it also connects sanctuary directly with the issues of migration discussed by Castillo Guerra, Fornet-Betancourt, and other thinkers noted above. Third, Corbett and Agamben together provide an ethically relevant vision for civil initiative that fills space left over in the retreat of the state. Such a move upholds a nuanced vision of natural law in relation to civil law and provides a space, unique to sanctuary cities, for the importation of such Catholic values as dignity, solidarity, and others. That is, in the negative space left over by the retreat of the state, direct forms of encounter and neighborliness are made possible.

Linguistically, combining the notions of *sacer* and *sanctus* results in the concept of the "sacrosanct," meaning that which is "hallowed by a sacred rite."⁵⁹ The notion of the sacrosanct connotes joy as well as suffering, and it also recognizes the agency of the migrant. Indeed, migrants are contributors to civic life and to theological activity just as they are recipients of hospitality. As Allan Figueroa Deck has put it:

For much too long there has been a tendency to speak about so-called minority groups and immigrants as persons of need, even victims of injustice and oppression. There is truth to this charge, of course. But this is not the whole truth. In failing to note that they are also human

⁵⁸ Juanita Sundberg, "The State of Exception and the Imperial Way of Life in the United States–Mexico Borderlands," *Environment and Planning D: Society and Space* 33, no. 2 (2015): 223.

⁵⁹ David Wardle, "Sanctus," in *Brill's New Pauly*, ed. Hubert Cancik and Helmuth Schneider, dx.doi.org/10.1163/1574-9347_bnp_e1100680.

beings with agency and actually important contributors to Church and society despite many limitations, including sometimes the lack of proper authorization to be in the country, we disempower and dehumanize them and ignore the fact that they are already assuming roles of service and leadership in a host of ways.⁶⁰

This is to say that the sheltering of those who had previously been marginalized is as much as benefit to the hosts as it is to the migrant. It is as rewarding to allow a stranger to be one's neighbor as it is to be the neighbor oneself. The enriching possibilities of encountering the stranger are well put in the following theological defense of diversity from Oliver O'Donovan:

It is essential to our humanity that there should be always foreigners, human beings from another community who have an alternative way of organising the task and privilege of being human, so that our imaginations are refreshed and our sense of cultural possibilities renewed.⁶¹

In the relation between the alienation of *sacer* and the sheltering of *sanctus*, new and enriching forms of encounter become possible.

It is important to tie these observations to the two obstacles that structure much of this essay. First, on the issue of the tension between sanctuary policies and sanctuary ethics, these observations show that the sanctuary policies employ principles derived from civil law and politics to point *beyond* civil law and politics, calling for direct encounter in a way that is necessary to uphold natural law. In light of this, values connected to natural law—like dignity—can and indeed must be summoned. Second, on the issue of conflicting rights—security versus migration—the right of the state to enforce border security is met by the right of the state to renounce itself, to declare exceptions. Though sanctuary policies represent a limit of civil law and so stand outside the legal realm even as they are inseparable from reference to it, it is possible to argue that a more profound natural law is being upheld. This reflects Catholic teaching. As Daniel Groody has observed, “The ordinances and regulations related to sovereign rights and civil law must be seen alongside the need, duties, and responsibilities proper to human rights and natural law. At the very least, law here must first be understood in light of the protection of human dignity.”⁶² The argument here is that, just as there is more to

⁶⁰ Allan Figueroa Deck, “Pastoral Perspectives on Migration: Immigrants as New Evangelizers,” in Scribner and Appleby, ed., *On “Strangers No Longer,”* 36.

⁶¹ Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: Cambridge University Press, 1999), 268.

⁶² Daniel G. Groody, “A Mission of Reconciliation: Theological Perspectives of Pilgrim People,” in Scribner and Appleby, ed., *On “Strangers No Longer,”* 73.

the debate over sanctuary cities than the legal statutes of any level of American government, so is it possible to consider other forms of law than what can be shown in statutes and ordinances. The vulnerability of *homo sacer*—that is, of the undocumented migrant—is thus incorporated into a framework that accommodates an ethics that extends beyond civil law and politics.

APPLYING VALUES TO SANCTUARY SPACES

Having responded to the deficiencies of *Strangers No Longer* with attention to the roots of sanctuary, it remains to be seen how the values of that text translate into the more specific context of sanctuary cities. This task also involves grappling with the contradictions of sanctuary with respect to the migrant experience, but mostly it concerns reexamining these values as they bear on individual action. The most significant expression of such action is neighborliness, a value whose theological dimension is enriched with reflection on the values of solidarity, dignity, subsidiarity, and integral development. Taken together, these values draw from Catholic tradition and suggest specific ways of being a neighbor within sanctuary spaces.

Solidarity

The first value to discuss is solidarity. In its sanctuary context, solidarity is an antidote to the kind of parochialism that finds residents retreating into their own neighborhoods. Heyer offers a valuable insight in her discussion of incarnational solidarity. As she puts it, “Incarnational solidarity departs from valuable intellectual and institutional dimensions of solidarity to immerse our bodies and expend precious energy in practices of presence and service in the real world.”⁶³ With incarnational solidarity as a theological lodestar, an ethics of sanctuary provides a vision of neighborliness in its cooperative aspect. It also reflects partnerships within sanctuary cities between religious and civic institutions. Corbett extols such a vision:

Institutionally, the church occupies the only place in society that can incorporate individual acts of civil initiative into a persisting effort to establish and protect human rights.⁶⁴

If this seems to assert the church over and above the other institutions of civil society, it must be noted that, for Corbett, the church is understood as a venerable institution within an even deeper tissue of civil society. In this vision, religious participation can drive public action. An instructive example of a public project with theological motivations regarding the ethics of migration is that of Humane

⁶³ Heyer, *Kinship Across Borders*, 117.

⁶⁴ Corbett, “Sanctuary, Basic Rights, and Humanity’s Fault Lines.”

Borders, in that “it can be recognized that theology has the potential to shape and influence public policy and help create a more just and humane community.”⁶⁵ Churches can promote solidarity in public spaces without seeking to control those spaces.

Given the risk of asserting a kind of Christian control of space, it is important to be clear how the solidarity that crosses civil-ecclesial lines is one of cooperation rather than implicit theocracy. As Christine Goodall argues, if sanctuary is to fulfill its potential, we need to think about it not only in relation to the transcendence of state borders but to the transcendence of contained sites—such as churches and temples—more generally.⁶⁶ For as there is solidarity within sanctuary ethics, so too is there diversity. Regarding the sources from which this project is drawing, a particularly relevant vision for diversity within sanctuary spaces is that of *convivencia*, or living together in harmonious difference. For that which is set apart as a sanctuary city does not dissolve differences within that city but rather highlights the difference as part of a common distinctiveness. As Susanna Snyder has noted, facilitating contact between members of established communities and migrants has the potential to break down barriers and debunk false stereotypes.⁶⁷ Difference is not dissolved, but all that is different is nonetheless commonly set apart from what is outside the sanctuary.

This speaks uniquely to the undocumented experience, which is defined by a constant sense of between-ness or lack of belonging. Regarding Catholic tradition, *convivencia* manifests itself in a kind of enhanced civic participation. As Heyer has noted:

It falls to civil society, including NGOs and religious communities, to help cultivate a new civic nationalism that revalues shared identity and articulates community membership in a manner that forges the broadest possible political communities. This approach resists more exclusionary forms of nationalism while fostering a meaningful, democratic form of citizenship that incorporates immigrants into a shared sense of belonging more robust than one based on principles alone.⁶⁸

As with enhanced citizenship, *convivencia* also entails an interdisciplinary methodology that is highly conducive to sanctuary

⁶⁵ Robin Hoover, “The Story of Human Borders,” in Groody and Campese, ed., *A Promised Land, A Perilous Journey*, 165.

⁶⁶ Christine Goodall, “Sanctuary and Solidarity—Urban Community Responses to Refugees and Asylum Seekers on Three Continents,” *UNHCR Research Paper* no. 221 (2011): 33, www.unhcr.org/en-us/research/working/4e79f41e9/sanctuary-solidarity-urban-community-responses-refugees-asylum-seekers.html.

⁶⁷ Susanna Snyder, *Asylum-Seeking, Migration, and Church* (Burlington: Ashgate, 2012), 123.

⁶⁸ Heyer, *Kinship Across Borders*, 151.

space. As Castillo-Guerra puts it, “As an intercultural theology, the theology of migration cannot renounce the contributions of other sciences dedicated to the study or possibility of *convivencia* among human beings with different cultural orientations.”⁶⁹ As such, *convivencia* is inseparable from the analysis of multiple contexts—a pertinent point for urban sanctuary spaces.

Dignity

Dignity is one of the fundamental features of Catholic social teaching, and its relevance to the ethics of sanctuary cities manifests itself in several ways. Most notably, the act of providing hospitality to the stranger—the process by which strangers become neighbors as a whole—is perfused with dignity as a significant reference point. Dignity enters into neighborliness in the recognition that someone possesses the subjectivity to receive as well as enact neighborliness. Dignity attends the transformation from frayed social ties for the undocumented resident and existence within a patina of legal protection to the relatively robust community of a set of neighbors. And—as with the other values to be mentioned—dignity informs the call to respond to the suffering that characterizes the contemporary challenges of migration.

Subsidiarity

Yet dignity in itself is general, and the reality of neighborliness is specific. To concretize the reception, dissemination, and augmentation of dignity within the specific sanctuary context, dignity can be paired with another Catholic principle: subsidiarity. As Donald Kerwin has put it:

Subsidiarity, a Catholic organizing principle akin to the secular notion of devolution, can help to assign responsibility for making migration-related decisions and righting inequities. It provides that decisions should be pushed down to the individual, group, or competent authority that is closest to the issue.⁷⁰

Through subsidiarity, it becomes clearer to speak about the unique power of sanctuary cities to foster and support dignity, as well as their even greater unrealized potential to do so. Significantly, the principle of subsidiarity does not so much obviate more general levels of value as provide a principle for clarifying the relation between general and concrete. As David Hollenbach has put it, “Catholic social thought appeals to the principle of subsidiarity to argue that though there are

⁶⁹ Castillo Guerra, “A Theology of Migration,” 256.

⁷⁰ Donald M. Kerwin, Jr., “Migration, Development, and the Right Not to Have to Migrate,” in Groody and Campese, ed., *On “Strangers No Longer,”* 149.

special duties within smaller and more proximate communities, when there is serious need or when more local communities cannot or will not respond to this need, the universal duty of the larger, international community comes into play.”⁷¹

Integral development

Given the shared relevance of dignity and subsidiarity to the ethics of migration, it is possible to see the intersection of these values as part of a further Catholic principle: integral development. The idea of integral development speaks specifically to what it means to exist in the combination of legal, cultural, political, and economic limbos that is sanctuary. Found prominently in the encyclical *Populorum Progressio*, the notion of integral development has had a critical impact on liberationist theologies of the past half-century. As Allan Figueroa Deck has recognized, *Populorum Progressio* vigorously asserted the connection between Christian faith and the pursuit of economic justice for all. Pope Paul VI took the term *development* in its social and economic sense and sought to link it intimately with a Christian understanding of the human person in community.⁷² The principle of integral development has also manifested itself more recently in Francis’s *Evangelii Gaudium*, which presents principles that develop the ideas of Paul VI and provide still further application to the cultivation of neighborliness in sanctuary settings. These principles—*Evangelii Gaudium*, nos. 217-237—are as follows: time is greater than space, realities are greater than ideas, unity prevails over conflict, and the whole is greater than the part. Moreover, as grounded in a Latin American context, the principles outlined in *Evangelii Gaudium* resonate with cultural reference points of American sanctuary cities. It also bears mentioning that these principles apply to migration-related challenges *within* Latin America, which is to say challenges that concern migration between and within Latin American countries. Examples include Chileans wanting to deport Peruvian workers and Guatemalan migrants crossing Mexico’s southern border. As Barrett Turner notes:

These four principles are a uniquely Latin American contribution born of the Latin and South American struggles to achieve the common good amidst the residue of colonialism, economic ideologies,

⁷¹ Hollenbach, “Migration as a Challenge for Theological Ethics,” 810.

⁷² Allan Figueroa Deck, S.J. “Commentary on *Populorum progressio* (*On the Development of Peoples*),” in *Modern Catholic Social Teaching: Commentaries and Interpretations*, ed. Kenneth R. Himes, O.F.M. (Washington, D.C.: Georgetown University Press, 2005), 292.

violence, and poverty and, while drawing on the classic principles of Catholic social teaching, return to the mode of praxis.⁷³

Along with subsidiarity, Francis's interpretation of *Populorum Progressio's* integral development provides a concrete emphasis that addresses the tension in *Strangers No Longer*.

Neighborliness

The most relevant value with respect to an ethics of sanctuary cities is neighborliness, which connotes interpersonal and spatially immediate relation of the sort that exists within urban settings. Neighborliness is also a form of relation that makes no explicit reference to legal status, though it does imply certain dispositions to help, welcome, and simply exist in some shared experience. It is the combination of relative proximity and warm regard without legal reference that recommends neighborliness so highly as the key ethical value of sanctuary cities. For individual action, neighborliness offers a clear sense of guidance for the sorts of actions that are morally redeeming. Over and above these other aspects of neighborliness comes its theological aspect, which—as with the values mentioned above—has support from Catholic tradition. To understand the theological aspect of neighborliness and to establish a connection with both the deeper meaning of sanctuary and the values of solidarity, dignity, subsidiarity, and integral development cited above, three sources are particularly helpful: Christine Pohl, Kristin Heyer, and Gustavo Gutierrez.

Christine Pohl is the author of *Making Room: Recovering Hospitality as a Christian Tradition*. Although not exclusively Catholic, Pohl's work on hospitality and Christianity is relevant to the current effort for three reasons. First, she successfully grounds an ethic of hospitality within deep currents of Christian life and worship. This leads to claims from Pohl that read as ringing endorsements for sanctuary practices. As she puts it, for instance, "We need a constant, complex interaction between identity-defining, bounded communities and a larger community with minimal boundaries that offers a basic protection of individuals."⁷⁴ Second, Pohl is acute in recognizing a subversive element of such hospitality, promulgating a "radical subversive hospitality" that has been central to the Christian tradition historically as a "way of being the sacrament of God's love in the world."⁷⁵ Given the challenge that sanctuary represents to federal

⁷³ Barrett Turner, "Pacis Progressio: How Francis' Four New Principles Develop Catholic Social Teaching into Catholic Social Praxis," *Journal of Moral Theology* 6, no. 1 (2017): 112.

⁷⁴ Christine D. Pohl, *Making Room: Recovering Hospitality as a Christian Tradition* (Grand Rapids: Eerdmans, 1999), 83.

⁷⁵ Pohl, *Making Room*, 34.

authority as a partial “state of exception,” the subversive quality of Christian hospitality is a congenial point. Third, Pohl is critically aware of the risks that come from a Christian ethics of neighborliness:

Defining anyone in need as our neighbor, as it seems the tradition requires, can elicit two problematic responses. Because it is such a broad claim, it can remain an abstract commitment, something related to an attitude of care or compassion rarely translated into action. Another danger is that our responses to large numbers of “neighbors” can become general, superficial, and less personal. On the other hand, universal claims are an important corrective to personal one-to-one care that, though intense, can also be very limited and private.⁷⁶

Sanctuary policies—and the values that have been shown to connect with such policies—offer a defense against the risks Pohl is identifying. First, these spaces avoid the first pitfall for the same reason that they avoid the abstractions of *Strangers No Longer*: by being grounded in defined spaces and communities. Second, these spaces avoid the retreat into fully private spaces by existing on a large enough scale—the city—to demand public life beyond one’s own family or group. Still, this second risk is serious enough that simply appealing to urban space as common ground is insufficient. More work is clearly needed.

Kristin Heyer connects neighborliness to justice in a manner that helps address Pohl’s second concern. As she puts it, the “centrality of neighbor love does not reduce the immigration paradigm to charity or largesse or move it out of the inclusive civic conversation. Rather, it enjoins justice.”⁷⁷ Heyer not only raises the intrinsic element of justice within neighborliness but also summons resources that orient neighborliness within a Catholic tradition that faces out into the world and deliberately engages all types of people—*convivencia*—in solidarity and with special preference for those who suffer. Heyer further grounds her justice-oriented vision for neighborliness in Catholic tradition.

In *Deus Caritas Est*, Pope Benedict XVI notes that neighbor love enjoined by the Good Samaritan parable can no longer be limited to “the closely knit community of a single country or people.” Rather, “Anyone who needs me, and whom I can help, is my neighbor Love of God and love of neighbor have become one: In the least of the brethren we find Jesus himself, and in Jesus we find God.”

⁷⁶ Pohl, *Making Room*, 76.

⁷⁷ Heyer, “Legalization and the Undocumented According to Catholic Social Teaching,” 90.

Thus who constitute our neighbors does not depend on birthplace or possession of documents.⁷⁸

Finally, Heyer argues that there is a connection between neighborliness and sanctity. As she puts it, “Catholic immigration ethic is grounded not only in a scriptural heritage but also, significantly, in its vision of the person as inherently sacred and made for community.”⁷⁹ To connect justice and sanctity as she does, Heyer points toward the most theologically specific and thematically relevant connection between neighborliness and sanctuary cities.

The neighbor as sacred forms a significant part of Part IV of Gustavo Gutiérrez’s landmark work, *A Theology of Liberation*. In this text, Gutiérrez links an emphasis on justice in neighborliness with divinization in a manner that reflects the etymology of sanctuary traced above. Gutiérrez is direct in his associating divine and interpersonal encounter:

The modes of God’s presence determine the forms of our encounter with God. If humanity, each person, is the living temple of God, we meet God in our encounter with others; we encounter God in the commitment to the historical process of humankind.⁸⁰

The stance here is a radical one. For Gutiérrez, it is not enough to say that “love of God is inseparable from the love of one’s neighbor,” but rather that one must acknowledge that “love for God is unavoidably expressed *through* love of one’s neighbor.”⁸¹ Such is the theology in which Gutiérrez places his discussion of neighborliness. Yet for Gutiérrez, the interpersonal encounter is not, from an ethical standpoint, symmetrical. It requires one to be the neighbor in an active rather than passive manner. As Gutiérrez puts it:

The neighbor was the Samaritan who *approached* the wounded man and *made him his neighbor*. The neighbor, as has been said, is not the one whom I find in my path, but rather the one in whose path I place myself, the one whom I approach and actively seek.⁸²

This claim not only pushes against passivity but also connects with Betancourt’s emphasis on the concrete reality of the migrant. Gutiérrez complements his claims here that the neighbor is

⁷⁸ Heyer, *Kinship Across Border*, 142, citing Benedict XVI, *Deus Caritas Est*, no. 15, www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est_en.html.

⁷⁹ Heyer, “Legalization and the Undocumented According to Catholic Social Teaching,” 92.

⁸⁰ Gustavo Gutiérrez, *A Theology of Liberation*, trans. Sr. Caridad Inda and John Eagleson (Maryknoll: Orbis Books, 1988), 110.

⁸¹ Gutiérrez, *A Theology of Liberation*, 114-115.

⁸² Gutiérrez, *A Theology of Liberation*, 113.

one who respects the subjectivity and integrity of one who is encountered. As he puts it,

The neighbor is not an occasion, an instrument, for becoming closer to God. We are dealing with a real love of persons for their own sake and not “for the love of God,” as the well-intended but ambiguous and ill-used cliché would have it—ambiguous and ill-used because many seem to interpret it in a sense which forgets that the love for God is expressed in a true love for persons themselves. This is the only way to have a true encounter with God. That my action towards another is at the same time an action towards God does not detract from its truth and concreteness, but rather gives it even greater meaning and import.⁸³

So understood, God is encountered in neighborliness, and the meaning of sanctification and its linguistic reference points in *sacer* and *sanctus* are united. Recalling that *sacer* and *sanctus* each means in some sense “setting apart,” their combination in neighborliness suggests a deep capacity for empathy. Such a capacity is suggested by Corbett, who describes an “intuitive awareness that we each exist only by virtue of our relation to all others, that life is among us rather than in us, that one person can be present to another as subject rather than object only by virtue of presence for whom there is no otherness.”⁸⁴ Setting apart can mean harmony and protection by the city for its residents, or maybe for the residents by each other. But it can also mean a shared sense of alienation, of separation, and therefore compassion in the sense of living together.

In extending sanctuary, the *homo sacer* becomes *homo sanctus*: a state in which the migrant is devoid not only of legal status but also of recognition from the community becomes one of protection, security, belonging, and participation. In fact, it is not so much that *sanctus* is the complete result but rather that the two halves of the meaning of the sacred have merged and their drawbacks mitigated within a sacred space of fellowship and empathy. The result affirms the etymology of “Catholic” as being in the presence of the whole.

CONCLUSION

Given the realities of urban life, particularly the increasing inequality and segmentation of space that marks such life, it may sound naïve to invoke such an old-fashioned value as neighborliness as a prescription for a complex ethical problem. Indeed, neighborliness cannot be forced, just as sanctifying one’s city cannot be forced. The hope, rather, is that the vision is attractive enough and

⁸³ Gutiérrez, *A Theology of Liberation*, 116.

⁸⁴ Corbett. “Sanctuary, Basic Rights, and Humanity’s Fault Lines.”

its grounding in Catholic tradition clear enough that the reality compels those inclined to hear this call to join in and build momentum.

Granted, this vision is quite vague. It must be, considering how vast and varied are the different cities across the country. A sketch of ethical prescriptions is just that: a sketch. The hope is that the values invoked in such a sketch are flexible and robust enough to support being filled in with content from one place to the next. This project offers the prospect of extending analysis toward ever more specific communities and contexts, from Tucson to San Francisco to Austin and beyond. There is also the possibility of opening onto more global analyses as to the systemic roots of migration-related suffering, roots without which sanctuary cities cannot be understood or their motivating injustices fully repaired. There is more work that can be done. **M**