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## Religion and the New Politics

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### 6. The New Politics of Religious Freedom

#### Humanitarian Aid and Sanctuary as Religious Mandates

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#### Abstract

Interreligious organizations that provide aid to immigrants are changing the way scholars and the public understand religious freedom in the United States. Members of these organizations draw on laws and ideals of free exercise of religion to challenge policies that limit humanitarian aid to immigrants. At the same time, they create networks across religious difference. In so doing, these groups enter a global debate over the value of borders and boundaries, making a religiously grounded case for building bonds of fellowship across both national borders and the boundary lines that separate people based on identity. The work of these groups provides a window both into legal debates over religious freedom, and postcolonial challenges to modern-era categories of difference.

Keywords: religious freedom, interreligious cooperation, immigration, borders

## **Introduction**

The First Amendment to the United States Constitution guarantees freedom of religious exercise. How to balance this freedom against other constitutional rights and government interests has, of course, been a matter of debate since the Bill of Rights was ratified. With the passage of the Religious Freedom Restoration Act (Pub. L. 103–41, 107 Stat. 1488) (RFRA) of 1993, as well as increased deference in United States courts to legal arguments based on religious freedom, it has become much more common for individuals and groups to successfully claim, on religious grounds, exemptions from laws that are neutral on their face but impact religious practice. While religious freedom claims have been made for a wide diversity of purposes and from a variety of perspectives, some of the most recent cases feature defendants who have broken the law in order to provide humanitarian aid to immigrants.

This essay considers this aspect of the debate over religious freedom in the United States: it examines claims made by those whose religious commitments inspire them to welcome, aid, and advocate for the well-being of immigrants. Members of immigrant-aiding nonprofit organizations sometimes act in ways that skirt along the edge of, or outright break, the law. Once in court, some of these individuals and their organizations seek the protection offered by one federal law and set of rulings – RFRA and court rulings based on it – as they challenge another set of federal laws, namely, laws which punish undocumented immigrants (and sometimes asylum seekers) for their presence in the United States, as well as laws forbidding certain kinds of activities related to provision of humanitarian aid for immigrants.

Individuals and organizations that have made religious freedom claims in court for these purposes are changing the conversation, both around religious freedom and around recent laws that harden national borders and use violence and surveillance against immigrants who cross them. They do this in two ways. The first is their articulation of a religiously inspired mandate to welcome and build fellowship with immigrants entering the United States. Immigrant-aiding religious organizations persist in claiming and promoting this mandate, even in the face of the state's determination to build and reinforce both national borders and social boundaries between citizens and immigrant communities. The second contribution to debate on religious freedom and borders relates to the fact that many of these organizations are not just religious, but specifically interreligious. Religious freedom claims that are made in court are generally based on adherence to a specific religious tradition, since the claimant seeks to articulate how her actions are grounded in a particular set of religious commitments. But those whose claims to freedom of religious exercise revolve around aid to immigrants usually work with organizations that bring together individuals or groups with diverse religious backgrounds. The prevalence of interreligious cooperation among immigrant-aiding organizations points both to a practical impulse toward collaboration, and in many cases to a theological and philosophical commitment to forging community, not only with immigrants, but also among people of different religious traditions. Within interreligious groups, there seems to be a sense, sometimes explicitly stated, that building fellowship across boundaries with members of diverse religious traditions and with new immigrants go hand in hand.

Two religious mandates are thus connected in the thought and practice of these groups: treating the immigrant stranger as part of one's political community in the broad sense – that is, not necessarily a citizen of one's polity but a neighbor whose voice should be heard and

whose needs should be met – and treating the religious stranger as part of one’s moral and activist community. In the United States over the last two or three decades, public debates around religious freedom have often focused on people’s freedom to draw and defend boundaries, especially along lines of sexual orientation or reproductive issues. Within a developing “new politics” of religious freedom, however, immigrant-aiding religious organizations challenge this narrow focus by claiming the freedom to do the opposite: to break down boundaries rather than build them up. Therefore, to fully understand contemporary U.S.-based debates about religious freedom, it is necessary to examine the thought and practice of groups whose free exercise of religion requires defying borders and boundaries, specifically in relation to immigration, in order to create communities of fellowship with various others.

### **Facets of the Immigration Debate in the United States**

Since 2013, when immigration policy reform was attempted and then abandoned by Congress (Chishti and Hipsman 2014), attention to and concerns about immigration issues have grown among the American public. The year 2019 saw a new high in the percentage of Americans who named immigration as the most important issue facing the country (Jones 2019). At the same time, debates over immigration have become more heated, even vitriolic, and rhetoric around immigration more extreme (Anti-Defamation League 2018).

In this context, scholarly and public debates in the United States wrestle with the topic of immigration from several different angles. There is robust scholarly literature, for instance, examining how communitarian versus cosmopolitan principles and ideologies shape people’s viewpoints of what is owed to immigrants and citizens, and how attitudes about immigration relate to ideas about pursuit of a common good both in and outside of a particular polity (Amstutz 2017; Benhabib 2004, 2018; De Wilde et al. 2019; Fukuyama 2018; Sandel 1998; Walzer 1990, 1998). Similarly, the role of race and racial ideologies in attitudes toward immigrants and the making of immigration policy has received important attention (Ignatiev 1995; Ngai 2014; Perry 2016; Wong 2018). And studies have attempted to show as clearly as possible the impact of immigration on economic life, as well as both national and personal security, in the United States (Blau and Mackie 2017; Edo 2019; Ferraro 2014; Gunandi 2019; Reid et al. 2005; Ottaviano and Peri 2012).

Religious thinkers, meanwhile, have tended to focus on questions of how religious communities do or ought to draw on their moral teachings as they welcome immigrants, and especially how religious and moral mandates encourage connection and fellowship (Alexander 2019; Groody 2017, 2015, 2012; Heyer 2012; Snyder 2011; Timani 2019). Less is available from scholars (in religious studies or other fields) on how the increasing prevalence of interreligious cooperation within groups that aid or advocate for immigrants might impact these groups’ understanding of their work and their contribution to public dialogue on immigration, religion, and borders. Specifically, significant scholarly analysis has not yet been conducted on how interreligious groups understand the connections between their commitments to building fellowship among people of diverse religious backgrounds, and between immigrants and citizens/residents.

At the same time, several policy and jurisprudential developments in religious freedom that are used to support arguments made in court by those who aid immigrants are still relatively new. Some of these new policies have arisen within the last 30 years, and some in

only the last decade. Neither scholars, nor immigrant-aiding organizations themselves, have fully explored the intersections between these policies and legal decisions and the moral concerns of religious immigrant-aiding organizations.

This essay, then, seeks to add nuance to the vast scholarship on religious freedom in the United States. It does so by examining the implications of religious freedom claims made by members of interreligious immigrant-aiding organizations on current debates over religious freedom. As stated, my focus will be on the organizations' commitments to building fellowship across boundaries of difference, both religious difference and difference of nationality and immigration status, and on how these groups draw on American ideals and laws regarding religious freedom to challenge *other* sorts of laws that seek to harden boundaries.

### Legal Developments around Religious Freedom in the United States

Religious freedom is having something of a moment in policy and jurisprudence. Within the last thirty years, it has become much more likely that a person whose actions are founded on religious commitments will be granted exemption from broadly applicable laws. Individuals and groups have more leeway than in previous decades to challenge laws when the challenge is based in religious convictions. This is certainly true in court cases, and it may also be true that those who advocate for policy change receive more sympathetic hearings when they ground their positions in religious claims than they would have thirty years ago. This essay is not intended to cover the entire history of the concept of religious freedom in the United States. But for the purposes of understanding the issue as it currently stands, and examining how interreligious immigrant-aiding groups are crafting their own narratives of and claims to religious freedom, it will be helpful to conduct a brief historical overview and then to discuss current law and legal interpretation.

The first part of the First Amendment to the U.S. Constitution reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The parts of the sentence before and after the comma are commonly known, respectively, as the establishment clause and the free exercise clause. Historian Ellis M. West (West 2019, 1–2) has argued that the early American political leaders who wrote the First Amendment, and were the first to apply and interpret it, would have understood both of these clauses as a guarantee of free exercise of religion for all. That is, the First Amendment would have been intended and understood to allow *everyone* to believe and practice according to their own sincerely held religious understanding, without unjustified interference or burden in doing so.

The legal reasoning used by the U.S. Supreme Court to decide cases in which people claim a religiously based exemption to a generally applicable law has changed over time. The actual decisions made by the Court in these sorts of cases – i.e., an exemption is granted or it is not – have also varied in different periods of America history. In 1878, the Supreme Court held in *Reynolds v. United States* (98 U.S. 145, 1878) that "the free exercise clause does not guarantee a right to religion-based exemptions from valid, secular laws" (West 2019, 11). In *Sherbert v. Verner* (374 U.S. 398) in 1963, however, the court held that exemptions *should* be made in many cases. When a person's religious exercise is burdened by a law, the court ruled, the government must demonstrate a compelling interest in enforcing that law *and* must show that the law is narrowly tailored – that is, that no other regulation could achieve the goals the government sought in passing the law.

Things changed again with the 1990 case *Employment Division v. Smith* (494 U.S. 872). In this case, two Native American men who had been fired for ingesting peyote during religious ceremonies of the Native American Church were denied unemployment benefits; the reasoning was that they had been fired for misconduct and were therefore ineligible. The Supreme Court agreed with a lower court ruling, holding that the law against peyote use was “neutral,” in the sense that it applied equally to everyone, and therefore the men could not be exempt from following the law on the basis of the free exercise of religion. This effectively overturned *Sherbert*: the court stated that everyone must follow any neutral law, even if it conflicted with religious principle or practice, and it did not require the government to demonstrate a compelling interest or to show that the law was narrowly tailored.

The (negative) public response to this ruling was quite strong. Multiple religious groups and civil rights organizations, across the spectrum of political perspectives (Drinan and Huffman 1993–94, 531; Patrick and Long 1999, 246; Steinfels 1993), pressed Congress to act. And Congress did: the Religious Freedom Restoration Act (RFRA) was passed almost unanimously on November 16, 1993. Scholars have argued that RFRA, at the time of its passage, reflected a long history of concern, going back to the authors and signers of the U.S. Constitution, that the beliefs and practices of religious minorities should be intentionally protected. That is to say, what is considered an appropriate religious accommodation – or simply what is understood to be an appropriate religious practice – should not be determined by the standards and biases (conscious or not) of the majority (McConnell 1992, 117, 136; Nussbaum 2008, 156; Scott-Railton 2018, 412–13). It is true that in general it has been minority religious groups that have been vulnerable to so-called “neutral” laws that conflicted with their beliefs or practices, and whose members have taken their requests for exemptions to the courts. The petitioners in the three cases above, for instance, were members of the Church of Jesus Christ of Latter-Day Saints, the Seventh Day Adventist Church, and the Native American Church.

Despite strong public support for RFRA, and its roots in at least one strand of American political and legal thought about religious freedom going back to the Constitution, RFRA was declared too far-reaching and its enforcement was significantly limited by the Supreme Court just four years later, with *City of Boerne v. Flores* in 1997 (521 U.S. 507). RFRA was revised in 2003 to comport with the decision (Corbett, Corbett-Hemeyer, and Wilson 2014, 171–73). It is now only at the federal level that the government is required to demonstrate that a law burdening religious exercise both furthers a compelling government interest and uses the least restrictive measures to do so. State and local governments are not so bound.

*Boerne v. Flores* prompted many individual states to pass their own versions of a Religious Freedom Restoration Act, with 23 states passing similar legislation by 2015 (National Conference of State Legislatures 2017). Congress also passed the more narrowly directed Religious Land Use and Institutionalized Persons Act (42 U.S. Code Chapter 21 C) (RLUIPA) in 2000, which specifically requires governments to show both compelling interest and least restrictive measures in cases where a land use regulation burdens religious exercise, or where an incarcerated person’s religious exercise is burdened.<sup>1</sup> For the purposes of this argument, I

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<sup>1</sup> RLUIPA has been upheld as constitutional by the Supreme Court, under the reasoning that imprisoned persons, as well as groups whose religious exercise is tied to land use (mainly Native American tribal nations), are quite

will continue to focus on RFRA as it applies to federal laws, since immigration laws are determined by the federal government and the original 1993 RFRA law therefore continues to apply.

So, since the 1990s, the landscape of religious freedom in the United States has shifted, settling (for now) in a much more religion-friendly place. People who claim that a law violates their religious freedom do have to show that their religious beliefs are sincerely held and that their religious beliefs or practices are substantially burdened by the law in question. Once those facts are established, the responsibility shifts to the government to demonstrate that it has a compelling interest in the outcome the law seeks to achieve and that this particular law is the least restrictive means possible of achieving that outcome (Scott-Railton 2018, 433). Since RFRA, courts have generally refused to weigh in on the question of whether an individual's beliefs are sincere and have likewise tread lightly on the question of substantial burden; conversely, they have turned a more critical eye on governmental claims to compelling interest and least restrictive means (Scott-Railton 2018, 431).

### Post-RFRA Jurisprudence on Religious Freedom

A great deal of public attention paid to religious freedom claims after RFRA has focused on religious objections to laws related to gender or sexuality. This has especially been the case in regard to the Affordable Care Act passed in 2010 and the U.S. Supreme Court decision that legalized same-sex marriage in 2015 (*Obergefell v. Hodges* [576 U.S. 644]). The cases that seem to receive the most attention often relate to a business owner's refusal to follow antidiscrimination laws by providing a product or service for a same-sex marriage,<sup>2</sup> or an organization's refusal to purchase certain types of health insurance for its employees based on objections to paying for insurance that covers specific contraceptives.<sup>3</sup> These can be read as examples of religious freedom claims that seek to draw boundary lines. Claimants hold a sincere religious belief that requires them to draw lines, either against participation in any aspect of same-sex marriage, or against provision of contraceptives. In a sense, although this is generally not directly intended, the lines that are drawn do create separation between people by refusing to engage with the particular rights and needs of certain social groups. And it is these claims that Americans have arguably heard the most about in the early 2010s.

Other sorts of religious freedom cases have certainly come up, however, within the time period we are talking about. To take one example that has garnered some interest, including a documentary feature (Lane 2019), the Satanic Temple has been in court a few times making

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often subject to violations of religious freedom, so that this more narrowly applicable law is responding to actual harms and not proactively instantiating rights (*Cutter v. Wilkinson* [544 U.S. 709, 2005]; see Scott-Railton 2018, 430–31).

<sup>2</sup> One of the better-known examples came to be known as the “Colorado cake baker case” (*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* [584 U.S. \_\_\_\_, 2018]).

<sup>3</sup> The most prominent cases here include *Zubik v. Burwell* (578 U.S. \_\_\_\_, 2016), in which the Little Sisters of the Poor, a Roman Catholic religious order, argued that they should be exempt from the Affordable Care Act's contraceptive mandate, and *Burwell v. Hobby Lobby Stores* (573 U.S. 682, 2014), in which the owners of craft store chain Hobby Lobby made a similar argument rooted in their religious objections to certain kinds of contraception.

religious freedom claims that at root are about the establishment clause. The Satanic Temple was founded in 2013 and makes tongue-in-cheek arguments for its members' freedom to pray at government functions (Fifield and Longhi 2019) or to put up statues on government property (Hayoun 2013). The point is to protest against the affiliation of *any* religious rituals or symbols with government property and functions. Other cases draw on RFRA's cousin RLUIPA to support free exercise claims. *Cutter v. Wilkinson* (544 U.S. 709, 2005) was a Supreme Court case in which a group of prisoners, including members of pagan, Wiccan, and Satanist groups, as well as a white supremacist Christian, successfully argued that prison officials had improperly limited their religious practice. Similarly, rulings under RLUIPA have affirmed rights of Muslim inmates (*Holt v. Hobbs* [574 U.S. \_\_\_, 2015]; *Khatib v. County of Orange* [08-56423]). These cases do not draw boundaries between groups of people exactly, but they are concerned primarily with the rights and freedoms of one particular individual or religious group.

Cases have also reached the courts in which religious people or organizations make claims under RFRA after running afoul of the law by providing aid to those in need (Seeman and Merriam 2013). This includes aid to immigrants, which I explore in the following section.

### Religious Freedom and Aid to Immigrants

The first sustained religious movement in which participants intentionally broke laws in order to challenge restrictive immigration policies was the Sanctuary Movement of the 1980s. The work of this movement is well-documented (Chinchilla, Hamilton, and Loucky 2009; Coutin 1993; Davidson 1988; Crittenden 1988; Perla and Coutin 2012; Scott-Railton 2018, 413–19). Sanctuary Movement workers and churches harbored immigrants who had come to the United States seeking asylum but were turned away for political reasons. When Sanctuary workers were arrested and tried, however, courts rejected the religious freedom claims they offered (Hoyer 1989, 432–33). Specifically, the Fifth Circuit Court held that because the asylum seekers were not designated by the United States government as refugees, the Sanctuary workers could not be exempted from laws that banned harboring them, regardless of whether the workers perceived them as refugees or whether they would normally be designated as refugees by customary international law (Hoyer 1989, 442). Both the Fifth and the Ninth Circuit Courts, meanwhile, held that providing sanctuary to asylum seekers was not mandated or “central” to the workers’ religious beliefs, despite a previous Supreme Court ruling rejecting these sorts of “centrality” tests (Hoyer 1989, 446–47). Both courts also held that the government’s interest in controlling borders and immigration flows was compelling and that no means could be used to advance that interest that were less restrictive than prosecuting the Sanctuary workers (Hoyer 443–44, 451–54).

Since the time of the Sanctuary Movement, the southern border of the United States has become ever more securitized and treacherous for migrants (Massey, Durand, and Prend 2016, 1558). Furthermore, beginning in 2017, the Trump administration’s policies and executive actions regarding immigrants and asylum-seekers led to harsher conditions and worse treatment for those crossing.<sup>4</sup> In this context, individuals and organizations that assist

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<sup>4</sup> For analysis of Trump’s rhetoric, see Demata 2019, 106–10. Changes in policies and practices with regard to immigrants include the “family separation” policy, enacted officially from April to June 2018 but which continued

immigrants have worked to identify immigrants' most pressing needs and to provide basic necessities like food, water, and shelter, as well as advocacy and legal aid. Not all of these organizations are religious, but many are. Examples include No More Deaths (affiliated with a Unitarian Universalist church), Border Servant Corps (affiliated with a Lutheran church), Congregation Albert (a Reform Jewish synagogue), multiple Catholic Charities agencies, and certainly others as well.<sup>5</sup>

These groups and the individuals who work with and support them believe that providing aid and welcome to immigrants is an integral part of their religious practice. Many will say they are religiously mandated to “welcome the stranger” and to give food and shelter to people whose lives may be at stake as they cross an unforgiving border. However, since U.S. law prohibits harboring or transporting people who are not lawfully present in the country, the kinds of actions that immigrant-aid groups undertake can skate along the edge of legality, which gives rise to potential religious freedom claims if group members are charged with a crime. Handing food to an immigrant who crosses your path or taking someone into a shelter if they show up at the door is not normally considered a criminal act, but if an aid worker is thought to have encouraged an undocumented immigrant to cross into the United States or is perceived as transporting that person, they do run the risk of being prosecuted.

Teresa Todd, county attorney in Jeff Davis County, TX, found this out in February 2019 when she allowed three migrants to shelter in her (stopped) car while calling for assistance because one of the migrants was seriously ill. Todd was arrested and her phone was later taken and searched (Matalon 2019). No media source that I can discover reports that she faced an indictment, and as of May 2020 she still is listed as the county attorney on the county's website (Jeff Davis County 2020), so her case seems to be over. But her experience demonstrates that people are indeed arrested and can be prosecuted for bringing in, transporting, or harboring

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unofficially both before and after that time period, as well as the “Remain in Mexico” policy which forced migrants to live in unsanitary and unsafe conditions in northern Mexico while awaiting (often for months) the opportunity to make an asylum claim at a border checkpoint (see Horwitz and Sacchetti 2018; Narea 2019; Lind 2019).

<sup>5</sup> I wish to note that recognition of immigrants' dignity and shared humanity runs along the U.S. political spectrum, and groups that are considered both conservative and progressive aid immigrants in various ways. The U.S. Catholic Church is a particular example here; it is considered to take conservative positions on issues like abortion and same-sex marriage, but its stances on immigrant and refugee issues are very much in line with (what is considered to be) a progressive ideology. Studies have indeed shown that more-conservative religious groups – especially white evangelical Protestants – are more likely to see immigrants as a threat to America culture rather than a strength of American society, yet those who invoke the moral mandate to hospitality can be found across the political spectrum. The Southern Baptist Convention, for instance, which holds conservative positions on most social issues in the United States, has released a statement that includes a couple of phrases about the importance of secure borders but primarily emphasizes the human dignity of immigrants and the call to hospitality (SBC 2018). Likewise, the Church of Jesus Christ of Latter-Day Saints is often perceived as conservative on issues like race relations, abortion, and same-sex marriage, but a majority of Mormons interviewed in 2015 viewed immigrants as strengthening American society. See Cooper et al. 2016, which also shows there are significant generational differences within groups. Specifically, a majority of young white evangelical Protestants view immigrants as strengthening the United States, while a majority of seniors in the same group view immigrants as a threat to American customs and values.

an undocumented immigrant even if their actions seem relatively minor, and it also shows that those who seek to provide humanitarian assistance are not exempt from anti-harboring laws.

The organization No More Deaths has arguably had the most run-ins with immigration authorities over aid to immigrants at the border. No More Deaths, as stated above, is affiliated with a Unitarian Universalist church in Tucson, AZ. Volunteers with the organization hike through the Sonoran Desert in southwestern Arizona and leave food, water, socks, and other supplies for migrants who are attempting the treacherous crossing (see Rose 2012). In January 2018, eight No More Deaths volunteers were arrested on a number of charges related to their humanitarian work. In order to reach areas where migrants would be crossing the desert, the volunteers had broken laws against driving in a wilderness area and entering a wildlife refuge without proper permission. They were also charged with littering: the water bottles, food, and other supplies they provided for migrants were considered by the government to be discarded litter. The most serious charge was levelled against a volunteer named Scott Warren, who was accused of harboring two immigrants to whom he had provided food and water and who he had allowed to stay in a building maintained by No More Deaths (Carroll 2018).

All the volunteers who ultimately went to trial (four volunteers who were charged together, and Warren, whose case was handled separately) claimed that they were providing aid and welcome to people in need, based on sincerely held religious beliefs. The case in which the four volunteers were tried together was allowed to proceed despite their religious freedom claims, and they were convicted of multiple misdemeanors in January 2019 (Ludden 2019). Then in February 2020, a judge reversed their convictions on religious freedom grounds, citing specifically the Religious Freedom Restoration Act as well as *Hobby Lobby v. Burwell* (573 U.S. 682, 2014) as bases for the decision (*United States v. Natalie Renee Hoffman, et al.* [2019 CR-19-00693-001-TUC-RM, §5]).

Warren, meanwhile, requested dismissal of his case on religious freedom grounds at a court hearing in May 2018. The judge refused to dismiss the case entirely, though Warren was not prohibited from arguing at the trial itself that his right to express his religious beliefs through humanitarian work had been violated (Lucas 2018). After an initial trial ended in a mistrial due to a deadlocked jury in June 2019 (Carranza 2019), Warren was acquitted in November 2019 of the two felony harboring charges that had been brought against him, not on religious freedom grounds but simply because the jury determined that harboring had not been proven (Allyn 2019). Interestingly, Warren *was* acquitted on religious freedom grounds of a charge of abandoning property in the wildlife refuge, with the judge finding that a restriction on leaving supplies for migrants unduly burdened religious exercise. He was initially found guilty of driving onto a wildlife refuge, with the judge holding that a restriction on driving in the area was not an undue burden (Schor 2019). But the driving charge was dropped in February 2020 just before sentencing, in a development that may have been related to the successful appeal of the other four volunteers. The U.S. Attorney prosecuting the case stated that the request was made to “ensure consistency” in relation to other cases, while Warren’s lawyer claimed that the government had realized it could not successfully prosecute provision of humanitarian aid (Ingram 2020).

### **Interreligious Organizations and Immigration: Aid, Advocacy, and Challenging Laws**

No More Deaths is affiliated with a particular church in a particular tradition, but it receives volunteers from any religious tradition or none. Most religious organizations that provide aid at the border similarly accept partnership and assistance from anyone willing to do the work. On the other hand, several aid-providing organizations are explicitly interreligious. The Interfaith Welcome Coalition, initially founded in response to the influx of unaccompanied child migrants at the southern U.S. border in 2014, assists migrants at bus stations and airports and provides basic needs as people travel into and through San Antonio, TX. Volunteers for the group also accompany migrants to court hearings and Immigration and Customs Enforcement check-ins (see Boursier 2018, esp. 134–35). In Albuquerque, NM, the organization Albuquerque Interfaith likewise assists at bus stations. This group has also worked with local policymakers to try to develop a sustainable local humanitarian response (West/Southwest IAF 2019).

In addition to providing aid, interreligious groups are heavily involved in activism and advocacy on behalf of immigrants. Some groups, like Albuquerque Interfaith mentioned above, conduct advocacy as part of a range of activities that include humanitarian aid. Others put a stronger focus on advocacy alone. A primary example is the Interfaith Immigration Coalition (IIC), which has 54 member organizations from multiple religious traditions. The coalition lobbies policymakers, puts out press releases, and provides toolkits and letter-writing guidelines for member organizations and others who are interested. It addresses multiple issues related to immigration, including the well-being of asylum seekers, the Deferred Action for Childhood Arrivals program, concerns about treatment of immigrants and inhumane conditions at the U.S./Mexico border, and more. Through the Interfaith Immigration Coalition, religious groups come together to challenge laws in a different way than direct aid groups do: the intent is to persuade policymakers to change laws, to reimagine how immigrants are treated and how the state secures its borders, and to prioritize humanitarian needs over keeping people out.

Another important example is the New Sanctuary Movement, now known simply as the Sanctuary Movement, which began in 2006 and deliberately chose a name that called to mind the Sanctuary Movement of the 1980s. It is a coalition of both interreligious and secular networks across the country. The group views its aid and advocacy work as inextricably intertwined. While members of the Sanctuary Movement claim that they do not intend to act illegally, the coalition's work does challenge immigration laws and their enforcement in a particularly public way, and some of the activities of member churches come close to breaking laws against harboring immigrants. Congregations that provide sanctuary as part of this movement offer shelter and assistance to undocumented immigrants who are at risk of being separated from their families by deportation. This sanctuary is publicized, partly to avoid accusations of harboring immigrants in secret and partly to advocate for immigrants by making their stories known. Representatives of congregations that provide sanctuary draw on longstanding ideas about houses of worship as literal sanctuaries (Marfleet 2011) and speak of a religious calling to take in immigrants – even, and quite intentionally, those who are under

deportation orders (Ecumenical Immigration Alliance statement).<sup>6</sup> So far, no staff or volunteers from sanctuary churches have been charged with immigration-related crimes, so no court cases have yet arisen to test the impact of religious freedom claims related to sanctuary.

### Interreligious Organizations and Boundary-Crossing

For interreligious immigrant-aiding organizations, the choice to work across religious boundaries is often based in practical considerations. There is strength and sometimes efficiency in numbers. Interreligious organizations can draw on the resources of multiple congregations and institutions, thus serving more people and making more of an impression on local civic and political leaders. Working with multiple religious groups may also help organizations gain goodwill more broadly in their communities: as they connect to more groups and congregations, more people will presumably become invested in their work.

At the same time, the individuals and organizations who do this work are inspired specifically by religious and moral commitments to build fellowship across borders of multiple kinds. There is an overlap in how groups conceive of their relationship to national boundaries, and how they conceive of their relationship to boundaries between religious groups. Staff and volunteers for these groups say that exercise of religious beliefs requires providing aid to immigrants, and so they challenge laws that harden and militarize borders between countries. They often *also* perceive a similar call to overcome the boundaries that divide religious groups from each other. The Interfaith Immigration Coalition writes of itself, “our platform is rooted in our interfaith principles, which call us to ensure that our laws promote and protect the dignity of each individual.” The organization cites texts and values from multiple religious traditions in support of hospitality and welcome, so “interfaith principles” could be read to mean simply that these principles are found in many traditions. But the intention seems to go deeper than that. The IIC strongly emphasizes the overlap between teachings from different religious traditions about hospitality to strangers. There is a sense that working together across religious boundaries and recognizing the many similarities between traditions is the proper way to do their work.

Other individuals and groups have expressed the notion that interreligious cooperation between people who view assistance to immigrants as a moral mandate is necessary, both practically and for theological reasons. In July 2019, Bekah McNeel wrote for *Christianity Today*, “Evangelicals Can Help at the Border. They Just Can’t Do it Alone.” The article addresses evangelical Christians who wish to assist immigrants, providing guidance about groups with whom the magazine’s evangelical readers might wish to and feel comfortable collaborating with on aid initiatives. It focuses primarily on humanitarian work but does mention the need for Congress to act on immigration reform. Speaking of her conversation with World Relief president Scott Arbeiter, McNeel (2019) writes, “Now is the time to worry less about who we serve alongside, Arbeiter said, and to worry more whether we will be found faithful in standing

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<sup>6</sup> The Ecumenical Immigration Alliance, a program of the North Carolina Council of Churches, cites passages from the Hebrew Bible, New Testament, and Qur’an in support of welcome, love, and good treatment toward strangers and foreigners. It laments an undue emphasis on enforcement of immigration restrictions as well as the criminalization of aid to immigrants.

with the poor and marginalized. Like Israel, he pointed out, Christians are blessed to be a blessing (Gen. 12:2).”

An article in the *National Catholic Reporter* discusses interreligious efforts at the U.S./Mexico border even more pointedly. The article is from 2013, but the attitudes of the religious leaders it discusses resonate with what others have said more recently. The author quotes a Catholic archbishop who claims in a sermon that the word “pontiff” means “bridge-builder” (Zapor 2013). Aid workers featured in the article, as well as the author herself, intentionally engage in service alongside leaders of other religions groups. They emphasize the need to form interreligious alliances, even as they describe the bridges they attempt to build across the border. Again, there are practical reasons these leaders join together to help and advocate for immigrants, but the ideas of bridge-building among religious communities and across national borders seem intimately connected.

Helen T. Boursier (2019, 140), who has both volunteered with and analyzed the work of Interfaith Welcome Coalition, is very clear that the work of IWC’s clergy and volunteers is rooted in a religiously-inflected openness to difference and vulnerability that shapes their response to immigrants. This way of understanding the group’s aid work resonates with the openness and vulnerability that inform interreligious relationships (Moyaert 2014, 9). Boursier begins by describing volunteers’ “commonality” of love for God, which is “expressed as love for refugees seeking asylum” (2019, 133). This commonality, despite whatever religious differences the volunteers may have, undergirds their shared work of welcoming immigrants through acts of service. Of volunteers’ openness and vulnerability, Boursier writes,

Direct interaction with the refugee other has prioritized crossing borders from “my” space of difference to “your” space of difference. It has not been about expecting or wanting “you” to change or conform to be like “me” (or vice versa); rather, welcoming refugees has embodied a genuine willingness to accept the other, not in spite of the difference, but *because of* the difference – inspired by a volunteer’s love of God and joined by the commonality of mutual humanity created in the *imago Dei* (image of God; Gen. 1:20). (2019, 135)

Here we see an acceptance, even embrace, of differences between people, but one that is grounded in a sense of fundamental commonality. The volunteers Boursier describes view both immigrants and volunteers of diverse religious traditions as fellow human beings who are interconnected (2019, 136). Interreligious bonds are formed, she argues, precisely through vulnerability and through the fellowship that arises when absolute hospitality is extended to those who are on the move (2019, 143).

### **Postcolonial Thought and the Religious Freedom to Challenge Boundaries**

Interreligious organizations provide new insight into current trends in scholarly and public debates in the United States over free exercise of religion. These organizations are made up of staff and volunteers whose religious commitments compel them to welcome and build community with immigrants, despite the strictures of national boundaries. Some risk arrest and trial to do so, giving rise to a new politics of religious freedom in which workers specifically claim, in public speech and in the courtroom, the freedom to provide aid. Interreligious groups who assist and advocate for immigrants, some to the point of possibly breaking laws, are thus

in a way using the law against itself: law and jurisprudence around religious freedom are invoked to call into question immigration laws that tend to reinforce boundaries between U.S. citizens and immigrants.

At the same time, staff and volunteers at these organizations articulate a connection between building fellowship across national borders and across borders of religious difference. Individuals and organizations are specifically claiming the religiously based freedom to form deep connections with all human beings, seeing all others as worthy not simply of pity or certain forms of charity, but of agency, equality, and fellowship. This is not to say that interreligious immigrant-aiding organizations envision a world entirely without boundaries, or that their members do not perhaps form different kinds of relationships with different people. But they defy certain sorts of boundaries, set by policy or by ideology, that restrict how human beings may connect to each other. In doing so, they point specifically to religious mandates to build bridges rather than walls.

To broaden the analysis, the work of these grassroots organizations serves as one example of a more general postcolonial practice of challenging strictly defined modern-era boundaries. Postcolonial thought and practice seek freedom from the rigid political, religious, and even intellectual structures that developed out of the us/them dichotomies of colonization (Kwok 2005, 2–3). Religious organizations, among others, serve as mediating organizations that build community and create networks that are not entirely beholden to the individual nor to the state (Cohen and Arato 1997, 48). Interreligious, immigrant-serving groups specifically mediate the reception immigrants receive when they cross national borders. They act in a different register than the state does, building networks among people and communities with a focus on fellowship across difference. In so doing, they also advocate for new laws and policies. Most will not seek laws that erase borders or render them meaningless, but they do seek the ability to provide basic aid to immigrants and to build fellowship in cross-border communities. At the very least, groups like No More Deaths and Interfaith Welcome Coalition support policies that do not punish the act of crossing a border with death.

In these final few paragraphs, I wish to employ the work of Farid Esack to think just a bit more about the connection between interreligious fellowship and grassroots networks for social change, both of which bridge differences imposed by colonialist ideologies. Esack is a South African, Muslim, postcolonial, interreligious, and liberationist thinker, who founded and participated in grassroots interreligious movements to resist apartheid in South Africa during the 1980s. He writes that the movements in which he took part grew out of the concrete experiences of people who were oppressed and harmed by apartheid – a resonance with the way interreligious humanitarian and advocacy groups have come together around the lived experiences of migrants who flee violence and grinding poverty, risk death at the border, and are separated from family by detention or deportation.

Esack connects the dots between the pursuit of liberation from systems that divide people into “us” and “them,” upholding the well-being of some at the expense of others, and pluralism among those who pursue that liberation and stand against those systems. In the case of anti-apartheid movements, the practical necessity of working with and alongside diverse others to seek social change pushed Esack and his companions to rethink their religious heritage (Esack 1997, 38–39, 42). Members of Esack’s anti-apartheid organization, Call of

Islam, began to see new interpretations in the Qur'an as they studied the holy text, finding a call to pluralism in verses that advocated liberation from injustice. "The fact that this redefinition [of a Qur'anic call to pluralism] took place within a concrete struggle for justice meant that the emerging theology of religious pluralism was intrinsically wedded to one of liberation" (Esack, 1997, 179). As Esack describes his experiences, it was almost inevitable that those who worked to challenge boundaries between favored and disfavored social groups also ended up building fellowship across the boundaries that had once existed between religious communities. The experience of solidarity in pursuit of dismantling apartheid gave rise to interreligious dialogue and practices.

Esack's analysis helps specify what seems to be happening with groups that lay claim to the free exercise of religion as they provide aid to and advocate for immigrants. These groups come together in solidarity around welcoming strangers and neighbors across borders, and as they cooperate they build fellowship across religious lines. In the present legal context around religious freedom in the United States, members of interreligious organizations lay claim, with some success, to free exercise of religion as a challenge to policies that militarize national borders and place limits on the connections U.S. citizens build with immigrants – specifically, by providing aid and shelter. For members of immigrant-aiding organizations, religious teachings mandate that boundaries be broken down in order to build up community and fellowship among fellow human beings, despite immigration status or, for that matter, religious difference. In these cases, ideologies of religious freedom stand in tension, at the very least, with ideologies of secure borders and a national identity that excludes many immigrants in need of aid.

Further analysis is no doubt needed, but the work of these groups echoes national and even global trends: even as some citizens and politicians seek to harden national and other borders that reflect modern-era ideologies – demarcations of religion, race, nationality, and so on – others are moving toward deepened fellowship across those boundaries. Even as nationalism seems to reign in places like Hungary, Poland, India, the United States, and elsewhere, activists are building global networks on issues like climate change (Taylor, Pidd, and Murray 2019), racial justice,<sup>7</sup> women's rights, and even the idea of global solidarity itself (Rafferty 2018).

The intertwining of interreligious action and solidarity with immigrants, seen in the work and the legal arguments of the groups described, sheds light on a tension that seems only to be increasing, both in the United States and globally. The tension is between systems of values that advocate for a hardening of boundaries, and those that advocate building connections despite and across boundaries. In the cases we have discussed, people and groups claim the religious freedom to show hospitality and to press back against laws they perceive as unjust. Religion itself, and religious freedom as an ideal, make space for navigating boundaries and

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<sup>7</sup> As I write this in May 2020, protests against the murder of George Floyd and other African Americans have spread to Berlin, Dublin, Copenhagen, Rome, multiple cities in the United Kingdom, Toronto, and more, and the president of the African Union has made a statement condemning Floyd's killing (Jokic 2020; Suliman, Jaber and Hunter 2020).

fellowship, at a time when assumed categories and distinctions based on identities like religion and nationality are increasingly called into question.

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