

Robert W. Heimbürger. *God and the Illegal Alien: United States Immigration Law and a Theology of Politics*. Cambridge [UK]; New York: Cambridge University Press. 238 pp. Hardcover: \$110.00. ISBN 978-1-107-17662-1

Debates regarding immigrants and refugees have often raged through the American political discourse. While we all face difficulty navigating through the fray, the country and the world seem to yearn for a more nuanced and constructive perspective to tackle the immigration challenges we face. Robert W. Heimbürger's *God and the Illegal Alien* responds to this yearning with a thought-provoking book that tracks and analyzes the concept of the illegal alien in federal U.S. law, while exploring Christian ways of understanding how the government should respond to difficult questions. While the presence of many migrants in the United States runs against the law, Heimbürger points to the fact that many arrive in response to the country's demand for cheap labor and stay to contribute to community life. Centrally, however, the author closely analyzes the term "alien" in American immigration, how it came to exist in the first place, how it has evolved, and how it should be treated moving forward. Throughout each of Parts 1, 2, and 3 in the book, Heimbürger establishes an analytical framework in the form of a question, a historical analysis of that question, and finally an answer rooted in Christian theology with a forward-looking perspective. This mechanism presents a powerful lens a reader can use to not only understand issues concerning the American immigration system, but also the broader world's moral, political, and religious questions.

Under this framework, Heimbürger begins Chapter 1 of *God and the Illegal Alien* by posing his first question: how did the immigrant as alien emerge? (25). Here, the author shines light on the evolution of the term not only from American and English common law history, but also from its use in the Bible and other Christian documents. He explains that the term began in American Law as a reference to those individuals who already lived in our society but sought to gain citizenship. The first appearance of the alien in federal U.S. law came in Congress' first year, 1790, when Congress passed a uniform rule for the naturalization of citizens. The rule stated that "any alien, being a free white person," who lived in the United States for at least two years, may apply to the common law court of record and be admitted as a citizen. By the twentieth century, the U.S. legal code had bridged the gap, transitioning the use of the term to not only represent individuals who live in the United States and could become citizens, but to those outside the country. Heimbürger also points to how the term alien was used in the 1608 case of Robert Calvin, a Scotsman seeking full citizenship status under King James I of England, who ruled both the Scottish and English territories. Since these historical examples, he notes that the term alien has changed and now carries an overtone of suspicion.

In Chapter 2, "Coming Near to Distant Neighbors in God's World," Heimbürger looks to answer questions posed in Chapter 1, suggesting that Karl Barth's *Church Dogmatics* gives a "compelling picture [that] offers a framework for situating those from far away within the activity of God, a Christian alternative to the stark terms of federal U.S. law" (53). He illustrates Barth's main thesis by explaining that, "Human beings rightly exercise their place within their people when they are not content to let those far away remain alien, when they seek fellowship and partnership with those far away" (53). He praises Barth's analysis because it defies otherness and draws all peoples near in the body of Christ. He also examines 1 Corinthians 9 and its positive story of migration, suggesting that aliens cannot be accepted in the world because this does not reflect how God's world and God's church are. In contrast, "final belonging lies not in this nation now but in that gathering of every nation and tongue to worship the true Sovereign" (62).

Throughout Chapters 1 and 2, Heimbürger gives a thoughtful analysis of the history of the term alien, a word that, in modern times, connotes otherness. This examination provides a nuanced perspective of individuals seeking (and often obtaining) a legal pathway to accordance with our legal code. Heimbürger thereby guides the reader to the Christian belief that human beings ought to unify under God's light and not accept any finality that renders any person "other". While this answer provides a deeply meaningful and hopeful spiritual reaction to the alien concept, it fails (perhaps deliberately) to move into a legal analysis for why our society should move to a different terminology when referring to undocumented immigrants and those beyond our borders. Indeed, perhaps the spiritual reaction to the term can change hearts and minds more effectively than a campaign to cull it from our legal vocabulary. Heimbürger points to the rather stale definition of the word still in use today: any person not a citizen or national of the United States. It seems unlikely that supplanting the term alien in all aspects of the law with "non-citizen" would change the impact of laws or how lawmakers conceive the principles embedded within them. However, developing one's understanding of the term's history and actively denying its personal finality are incredibly positive suggestions that may even transcend the law and move our country's concept of immigration in the right direction.

Part 2 focuses on the question of how aliens became unlawfully present in the United States in the first place. First, Heimbürger details how important terminology has changed in immigration law throughout our country's history. He points to the fact that 1986 marks the first time the term "illegal immigration" makes its appearance in major Congressional legislation. Today, terminology varies between federal law enforcement and news media outlets, and he explains that the book itself will switch between "aliens who are unlawfully present in the United States" and the simpler term "illegal alien" (69). Next, Part 2 outlines historical legislation that has regulated immigration into the United States. Starting in 1921, the United States placed quotas on the number of immigrants who can enter from each country around the world. But the federal government has vastly more power than the ability to determine who can enter the country—starting in the nineteenth century, the Supreme Court established immigration authority as a matter of sovereignty (p. 72). Two cases are of critical importance: *Chae Chan Ping v. United States*, 130 U.S. 581, 581 (1889) affirmed the right of the government to exclude aliens, and *Fong Yue Ting v. United States*, 149 U.S. 698, 698 (1893) established the government's right to expel aliens. Heimbürger ends the chapter with an examination of self-interest in Vattel and Hobbes versus Grotius, contending that "only the consent of the nation constrains this authority over the whereabouts of aliens. No standard of Right beyond what the nation judges is right for itself holds when it comes to immigration" (94).

Next, Heimbürger explains how government ought to enforce laws declaring certain migrants as unlawfully present in the United States. Using text from Martin Luther, Scripture, readings from a pope and a lawyer, and seven cases of immigration-related offenses, Heimbürger suggests a "more modest approach to punishment than federal United States courts currently take" (95). He argues that Christian teaching agrees on the need to guard places, but it subjects that guarding to God's guarding. He says, "Under divine judgment, human judgment is obligated to protect vulnerable migrants and to respect limits to its powers. By failing in these obligations, federal United States law arrogates to itself sovereign powers reserved for God" (146). He also says that especially when an immigrant has established residence in a new country, there is rarely, if ever, a good reason to remove them from the country (146). Finally, he says the considerations throughout the chapter "suggest that the authority over immigration is best understood modestly and best practiced mercifully" (146).

Throughout Chapters 3 and 4, Heimbürger explains the American story of how illegal aliens came to exist in this country in the first place and how the government solidified its power to both exclude and expel aliens. He then devotes several of Part 2's final pages to an analysis of seven examples where immigration crimes were committed and courts gave punishment, typically deportation, noting that it is difficult to make the argument that removal fits the wrong done in each case. He suspends this suggestion for one of the worst examples where a Mexican national was deported after committing a violent crime on United States soil. His call for mercy and suspension of deportation but for the worst cases falls squarely in line with his arguments throughout the book regarding the teachings of Christ and living out God's mercy. However, each of his separate analyses for the examples focuses on the retributive aspects of the punishment given to the person who committed the immigration violation. The analyses examine the worst consequences of deportation and how that option painfully leaves the migrant with nowhere to turn.

Unfortunately, Heimbürger does not attempt to answer the questions that logically result from the United States suspending its deportation scheme or reducing deportations drastically. Should those who skip the visa application process be granted amnesty and given citizenship? Would this freedom mean all would-be immigrants would skip all formal immigration proceedings? What consequences would this have on migration more broadly and the rule of law? Would these consequences allow us to maintain national security? These questions are some of the most challenging of our time, but they must be answered by those who call for a drastic reduction in undocumented migrant removals from this country. At the very least, answers to these questions may improve the chances of passage of bipartisan immigration legislation from Congress that works to reduce deportations and give migrants a path to citizenship. While his call for a reduction in removal powerfully affects the scales of justice for the individual, it would be better served and founded if it at least partially considered the broader consequences of such a scheme.

Part 3 presents the most challenging question of the book: how did nationals of neighboring countries, primarily Mexico, become illegal aliens in the United States, and how should we deal with this? "Although the 1965 change in immigration law to end discrimination based on national origins made great forward strides, it proved unneighborly. In it, Congress chose an abstract, universal ethic without recognizing U.S. debts to neighboring Mexico" (150). He starts his argument with an explanation of the National Origins Quota System of 1924 and its scientific racism and cultural preservation. He goes on to illustrate the United States' path toward immigration reform which ultimately led to the end of discrimination and the rise of numerical limits on the Western Hemisphere via the Immigration Act of 1965. He contends that unfortunately, these limitations led the United States to "disregard neighboring Mexico, enabling a settled, servile under-class of undocumented workers to grow" (177). From the sixties to the eighties, the United States saw a steady increase in workers coming and going from Mexico, due in large part to the 1965 and 1976 Acts that "sought to end discrimination and give Mexico the same number of visas as Mauritania or Mongolia" (178). Heimbürger ends Chapter 5 by saying that Americans are now tied to these individuals, many of whom work on the black market and provide unskilled labor in a variety of industries: "Americans do not keep slaves anymore, but they have something close" (178).

The final chapter of the book divides into two sections. Section 1 discusses theories of justice from Aristotle and Grotius, using them to analyze the history of U.S. immigration. Section 2 looks to the Bible for guidance, particularly the Parable of the Good Samaritan in Luke's Gospel, a passage from the Bible that was prompted by a legal scholar's question to Jesus: "And who is my neighbor?" (190). He draws four points from the parable: 1) mercy is not just for an in-group; 2)

the parable highlights an encounter with one who by chance comes near; 3) the parable puts the power to act in the hated stranger's hands; 4) the parable situates the love of neighbor within the love of God, in an encounter with Christ. He then relates each of these points to how the United States can become a better neighbor to Mexico and explains the idea that countries can indeed become a good neighbor.

Part 3 presents the book's broadest argument: that American policies throughout the twentieth century made us less than neighborly toward Mexico, and we have an opportunity to change this if we follow God's teaching, along with other theories of justice. Instead of focusing on a particular word, such as he did with "alien" in Part 1, or focusing on a particular action, such as he did with deportation in Part 2, Heimbürger draws us to a more abstract concept of neighborliness. Here, he presents a concept that the reader and all Americans can use when considering policies and actions toward Mexico, our neighboring country. In doing so, he qualifies his argument in important ways: "The United States cannot be as flexible as an individual can in becoming a neighbor, yet it still has the opportunities to become a neighbor. Still, those in authority can regularly ask, 'Who is my neighbor?'" (205). He moves the conversation in this direction in order to steer American leaders and policymakers toward more neighborly policies, and in so doing, he is able to pose an important question: how can we make Mexican immigration more just?

In short, Heimbürger's new book presents a series of challenging questions for readers and the American public. After posing each of these questions, he looks to answer each of them through a historical analysis, find their root principles, and provide an answer undergirded by Christian theology and theories of justice from philosophical literature. In doing so, the author presents an excellent framework that could be used for countless other social, religious, or political concerns. For example, applying the framework to other societal issues may allow government officials to take history into account and to more deeply contemplate justice when addressing the problems of our time. Altogether, Heimbürger presents a text that is both challenging and informative for our path to a more sustainable and just immigration system.

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