

A REPORT OF THE COMMISSION ON THEOLOGY AND CHURCH RELATIONS

IMMIGRANTS AMONG US

A Lutheran
Framework
for Addressing
Immigration Issues



THE LUTHERAN CHURCH—MISSOURI SYNOD

NOVEMBER 2012

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Immigrants Among Us: Abbreviations

AE	<i>Luther's Works</i> . American ed. 55 vols. St. Louis: Concordia and Philadelphia: Fortress, 1955–1986
Ap	Apology of the Augsburg Confession
KW	<i>The Book of Concord: The Confessions of the Evangelical Lutheran Church</i> , Edited by Robert Kolb and Timothy J. Wengert. Minneapolis: Fortress Press, 2000.
LC	The Large Catechism
SA	Smalcald Articles
SC	Small Catechism

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Immigrants Among Us

A Lutheran Framework for Addressing Immigration Issues

Preface

The following report is no more or less than the subtitle suggests: a *Lutheran framework* for considering the complex and challenging topic of immigration in the United States. To be clear, the document does not present the “official position” of The Lutheran Church—Missouri Synod on current debates in the United States regarding immigration. This is true for several reasons: (1) The Commission on Theology and Church Relations (CTCR) does not determine the official position of the Synod. Our reports are published for the purpose of study and discussion, not as a final statement on doctrine and practice. (2) The Synod did not ask for a perspective on immigration that would attempt to settle all discussions or end debate in the LCMS (much less the U.S. itself!). (3) In taking on an assignment from the Synod, the CTCR attempts to address the assigned issue(s) on the basis of scriptural and confessional truths that are not limited to the fluid, constantly changing realities of particular social, political, legal, or cultural circumstances. A document that was determined, above all, to be “relevant” to current debates on this issue would quickly become irrelevant. (4) As the document itself seeks to explain, there are social, political, and legal issues that are not decisively addressed by the Word of God and about which, therefore, Christians committed to the same understanding of scriptural authority may disagree.

At the same time, the Commission does seek to provide here a helpful resource for Christians—particularly Lutherans—to consider the challenging issue of immigration. One of our goals is to help individuals with very strong opinions to consider how and why there are conscientious, thoughtful Christians who have come to different conclusions about immigration. Above all, the Commission wishes to remind readers that both the immigrant and the fellow citizen are our neighbors—individuals we are called to love. Therefore, the following report includes not only a theological discussion of some of the questions raised by Christian citizens regarding immigration, but also two Appendices. Appendix I provides a series of case studies. Appendix II consists of two brief lists of terms, the first legal and the second theological, explaining how these terms are used in the document. The “immigration terms” occur frequently in national debates, while the listed “theological terms” are important for understanding the theological perspective of this document. You may wish to review Appendix II before reading the report.

Purpose of the Study

The increasing migration of peoples across international borders is a global reality of our times that has significantly impacted the United States in recent years. Broadly speaking, the growing presence of immigrants among us has increased the church's awareness of the need for her witness among people of all nations through ministries of mission and mercy. The church has also had to consider her attitude towards immigrants, how she should respond to their needs, struggles, treatment, well-being, and hopes.¹ In particular, the presence of immigrants who live in the U.S. illegally or without proper legal documentation has raised further questions for workers and congregations of The Lutheran Church—Missouri Synod (LCMS) concerning the church's response to immigration issues in our day.

In June 2006, the President of the LCMS and the Executive Director of LCMS World Relief and Human Care issued a joint memorandum titled *A Statement Regarding Immigration Concerns* that affirmed "the right, responsibility, and authority of the government to act as God's agent, according to what is reasonable and just, in the creation and enforcement of laws (Rom. 13:1-7)."² The document also reminded a Synod with historic immigrant roots that, in spite of the complexity of the national immigration debate and the diverse positions Lutherans might take on the issue, "God, in His Word, consistently shows His loving concern for 'the stranger in our midst' and directs His people to do the same."³ Furthermore, the statement declared that, "in order to fulfill our Christian obligation, we also request that the charitable act of providing assistance to undocumented aliens not otherwise engaged in illegal activity not be criminalized *ipso facto*."⁴ In short, *SRIC* upheld the need for Christians to be both obedient to the government authorities on matters concerning immigration and compassionate towards our immigrant neighbors.

In 2007, the LCMS Blue Ribbon Task Force on Hispanic Ministry (BRT-FHM), appointed in 2006 by the President of the LCMS "to study and determine the best methodology for the Synod to move aggressively in its

¹ Statements on the topic of immigration have been issued by various Christian groups. We note here only two: (1) *Strangers No Longer*, a Joint Pastoral Letter of the Mexican and U.S. bishops issued in 2003 and (2) "Evangelical Statement of Principles for Immigration Reform," a document prepared by a number of prominent Evangelical leaders in 2012.

² Dr. Gerald B. Kieschnick and Rev. Matthew Harrison, *A Statement Regarding Immigration Concerns* [hereafter *SRIC*] (June 2, 2006).

³ Ibid.

⁴ Ibid. In 2007, the LCMS in convention expressed thanks for *SRIC* in Res. 6-04A ("To Encourage and Assist Congregations to Respond to the Ministry Needs of the Immigrants in their Midst") and encouraged government officials to exercise "compassionate mercy" towards the immigrant. For a brief summary of Synodical resolutions and statements on immigration issues dating back to 1965, see "Immigration," in *This We Believe: Selected Topics of Faith and Practice in The Lutheran Church—Missouri Synod* [hereafter *This We Believe*], 28-29.

mission to Hispanics (Latinos),”⁵ agreed with *SRIC*’s endorsement of “both governmental authority and Christian responsibility” in dealing with immigration concerns.⁶ The *BRTFHM* report also noted that “professional church workers and laity need a theological guide for responding as individuals and through their congregations” to immigration issues, and in one of its final recommendations requested that the Commission on Theology and Church Relations (CTCR) of the LCMS “prepare a position paper on immigration” dealing with “the Christian’s legal and biblical responsibilities for ‘welcoming the stranger.’”⁷

As a result of the aforementioned efforts, Resolution 6-05 titled “To Petition CTCR To Provide Guidance Re Immigration and Ministry to Immigrants” was prepared in 2007 for consideration at the 63rd Regular Convention of the LCMS. The resolution asked the LCMS in convention “to direct the CTCR to research thoroughly the historical and theological foundations relevant to this crisis issue affecting LCMS congregations across the country, where many immigrants attend,” to “address the issues of church and state that impact Christian response to neighbors who find themselves in ambiguous legal circumstances,” and to present the study’s “theological and practical directions and guidelines” to the 2010 convention. Although time constraints prevented the resolution from consideration during the convention, in a 2008 memorandum the President of the LCMS formally requested the CTCR to complete the study.⁸

⁵ *Report of the Blue Ribbon Task Force on Hispanic Ministry Report: One Mission, One Message, One People/ Una Misión, Un Mensaje, Un Pueblo* (2007), 2. The document is available online at <http://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CDMQFjAA&url=http%3A%2F%2Fseminary.csl.edu%2Ffacultypubs%2FLinkClick.aspx%3Flink%3DBRTFHM%2BDraft%2B5%252C%2Brev%2Bb%2B-%2Bno%2Bcover%2Bletter.doc%26tabid%3D110%26mid%3D684&ei=EvCkUNHJJ4Xq8gTl7IHwBw&usg=AFQjCNHqie9xzhiF7jjozf5ip6zhJk8i0Q&sig2=GGNC1FDsB2enDG95e9n1lg>. The document is also available in Spanish as *Reporte del Comité Cinta Azul sobre los Ministerios Hispanos: One Mission, One Message, One People/ Una Misión, Un Mensaje, Un Pueblo* (2007) online at <http://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&sqi=2&ved=0CDcQFjAB&url=http%3A%2F%2Fseminary.csl.edu%2Ffacultypubs%2FLinkClick.aspx%3Flink%3DBRTFHM-En%2BEspanol%2Brev.doc%26tabid%3D155%26mid%3D685&ei=sfCkUPTuDIe69QTwiYCABA&usg=AFQjCNGSCVE7WW2Cxl1r12la2dAsXmMurXnA&sig2=cUwWwd-bYyYVs5djWOtOFg>.

⁶ *Ibid.*, 11 (Spanish version, p. 12).

⁷ *Ibid.*, 11-12 (Spanish version, pp. 12-13). While the *BRTFHM* understandably included a representative group of Hispanic Lutheran church workers and lay leaders from across the U.S., it should be noted that a significant number of participants from various boards of the LCMS at the time, as well as church workers and lay leaders from various non-Anglo and non-Hispanic ethnic groups in the Synod, also contributed to the deliberations of the task force that led to its final recommendations to the LCMS.

⁸ Dr. Gerald B. Kieschnick, Memorandum “To Petition CTCR To Provide Guidance Re Immigration and Ministry to Immigrants” (March 10, 2008). The present report of the CTCR focuses primarily on issues related to the particular reality of immigration into the U.S. by individuals from Latin American countries. At the same time, the theological concerns of the report have a wider application, for the report discusses the general idea of immigration on the basis of Scripture’s teachings. The CTCR wishes to stress that the theological emphases of the report have validity for immigration in general and are not limited to immigration from Latin America alone.

A Lutheran response to immigration issues is too broad a task to undertake from a comprehensive U.S. historical perspective or in light of the complex and ever changing nature of political and legal factors in the contemporary U.S. immigration landscape. The goal of this document, therefore, is to offer neither a comprehensive history of the lives, struggles, and reception of Lutheran immigrants in the U.S. nor a detailed historical account of the diversity of Lutheran attitudes towards other immigrant groups in the U.S. over time.⁹ Suffice it to say that, in the last century, the LCMS has shown significant interest regarding immigration issues. A number of past LCMS resolutions have urged members to study and consider endorsing immigration proposals that seek to protect “the basic family unit,” allow the resettling of a “proper share” of refugees, promote the entry of immigrants to the U.S. with “special skills,” serve “the total needs” of migrant workers, and sponsor refugee families.¹⁰

The current study seeks neither to promote or endorse a specific type of immigration policy or legislation all LCMS Lutherans should normatively adhere to or support, nor to offer individual Christians or congregations specific legal advice on immigration issues. Rather, the main goal of the present study is to offer some biblical and confessional principles and guidelines to LCMS lay members, congregations, and church workers as they reflect—individually or corporately either as members of the church, or as citizens or residents¹¹ of the nation—on their Christian responsibilities towards their immigrant neighbors. The study is addressed especially, although not exclusively, to Lutherans who are asking how they can engage in mission, mercy work, and spiritual care among immigrants who live in their midst—whether documented or not—while also upholding their responsibility to obey the

⁹ For a brief historical account, see Stephen Bouman and Ralston Deffenbaugh, *They Are Us: Lutherans and Immigration* (Minneapolis: Augsburg Fortress, 2009), 24-53; while an in-depth historical study would be worthwhile, *SRIC* succinctly captures both the struggles of Lutheran immigrants and their overall reception of other immigrants over time by reminding us that “... our founding fathers were immigrants. Many of them came to this country to escape religious oppression with the hope of living in a land where one would have the freedom to worship according to one’s convictions. Many others came to these shores to improve the economic lot of their families. With this as part of its history, the LCMS has been sensitive to the needs of immigrants across its 159-year history. In the early decades, the LCMS welcomed many more immigrants, largely of European descent, into its congregations... Through social ministry organizations and a partnership with Lutheran Immigration and Refugee Service (LIRS), many immigrant and refugee communities have been and continue to be served... African, Asian, Hispanic, and other immigrant ministries are springing up and flourishing in our midst.”

¹⁰ The resolutions are the following: 1965 Res. 9-20, “To Urge Our People to Study Immigration Proposals Before Congress”; 1969 Res. 9-20, “To Give Attention to Plight of Migrant Farm Workers”; and 1977 Res. 8-15, “To Encourage Congregations to Sponsor Refugee Families”, with similar resolutions on sponsorship following in 1979 (Res. 8-02), 1981 (Res. 8-01), 1983 (Res. 1-11A), 1986 (Res. 7-13A), 1989 (Res. 7-01), 1992 (Res. 7-15, Res. 7-16), 2001 (Res. 6-11), and 2004 (Res. 6-06). See “Immigration,” in *This We Believe*, 28.

¹¹ Throughout the document, the term “resident” is used to refer to a “lawful permanent resident” (see Appendix II A.3 below).

government authorities and the immigration laws they enact.¹² Since the study focuses on theological and pastoral responses to immigration concerns, including the particular issue of illegal immigration, references to historical, political, legal, and other factors are only touched upon when and if they relate to this overall focus.

structure of the document

The study lays out a theological and pastoral response to immigration issues in seven parts. Each of the first four parts presents a Lutheran theological approach or framework for engaging immigration issues, which includes some practical implications for dealing with immigrant neighbors. Parts I and II deal with the Christian's twofold responsibility to love the neighbor and obey the civil authorities, highlighting the tension between these two equally valid demands of the law of love in the life of the Christian. Parts III and IV deal with God's work of preservation in the world through the two realms or kingdoms, focusing on how Christians approach their responsibilities in both realms through the exercise of particular vocations on behalf of the specific neighbors God has placed into our lives. The discussion on vocation ends with a brief exhortation on the need for repentance and forgiveness among Christians, who are often on different sides of a frequently heated debate, as they seek to serve various neighbors faithfully through their distinct God-given vocations.

The last three parts of the document focus on further practical issues. While not answering all questions or presenting all possible cases that may arise, Part V offers some guidelines for church workers. The guidelines seek to clarify some issues related to the church's response to undocumented immigrants in certain situations or direct them to other resources for further consultation. However, these guidelines in particular, and the whole document in general, should neither be construed as nor take the place of legal counsel. Two appendices conclude the document. Appendix I allows for further application of the theological and pastoral framework presented earlier through a case-study approach to situations involving immigration issues. Appendix II provides basic definitions for some important immigration and theological terms, many of which are used throughout this document.

¹² The document is not addressed specifically to members of LCMS congregations who are immigrants, whether they live in the U.S. legally or illegally. More broadly, the study is addressed to LCMS church workers and members of congregations—some of whom, of course, may be immigrants themselves—who are seeking guidance as they reflect on immigration issues. It is expected, therefore, that LCMS church workers and congregations who work most closely among and with immigrants will benefit the most from reading and studying the document.

I. Immigrant Neighbors Past and Present:

How Should Scripture Inform Attitudes Towards Immigrants Today?

When dealing with the narrow topic of illegal immigration, we must come to terms with a basic problem of interpretation, namely, that Scripture does not deal specifically with the narrow question of the church's attitude towards "illegal" or "undocumented" immigrants. Scripture deals with the church's basic attitude towards immigrants (aliens, sojourners, strangers) who live in the midst of God's people without qualifying its teachings on the basis of the legal or illegal status of these immigrants. While this problem might puzzle us at first, its recognition allows us, on the one hand, to avoid giving absolute biblical answers to an issue Scripture does not address directly, and, on the other, to appreciate fully the foundational biblical values that, as a starting point, must inform the church's actions among immigrants regardless of their status in society.

Immigrants are, quite simply, neighbors. As neighbors, immigrants fall under the law of God, which calls us to love our neighbor as ourselves. While the Hebrew word Hebrew *rea* (רֵעַ) in God's mandate to love the "neighbor" applies first and most immediately to the people of Israel, the term also includes those outside of the covenant community—including the *ger* (גֵּר) or stranger.¹³

Lev. 19.18
"When a stranger sojourns with you in the land, you shall not do him wrong. You shall treat the stranger who sojourns with you as the native among you, and *you shall love him as yourself*, for you were strangers in the land of Egypt: I am the Lord your God" (Lev. 19:33-34, cf. Lev. 19:18, italics added).

This representative text offers the basic narrative and guide in the Old Testament for a biblical consensus on God-pleasing attitudes towards immigrants, aliens, or sojourners as "neighbors" whom we ought to love as ourselves. The New Testament assumes the Old Testament teaching and values in this regard, highlighting the broader use of the term *plesion* (πλησίον) to include relationships characterized by a concern for the well-being of those who stand outside of the religious, cultic, political, and ethnic ties that bind the people of Israel to one another (e.g., enemies, Samaritans).¹⁴

¹³ "According to Lev. 19:18 the command to love one's neighbor applies unequivocally towards members of the covenant of Yahweh and not self-evidently towards all men. It is true... that Lev. 19:34 also imposes an obligation towards the *ger* who dwells in the land (cf. Dt. 10:19), and the same words are used in this connection as Lev. 19:18 uses [them] with reference to Israelites... The commandment is thus given a decisive extension." Johannes Fichtner, *πλησίον*, in *Theological Dictionary of the New Testament* [hereafter TDNT], vol. 6 (Grand Rapids, Mich.: Eerdmans, 1968), 315.

¹⁴ In Mt. 22:39 and Mk. 12:31 ("You shall love your neighbor as yourself"), Jesus makes reference to Lev. 19:18. Making *πλησίον* a term that includes love of one's enemies and persecutors (Mt. 5:43-48), or a Jew helped by an unlikely good Samaritan (Lk. 10:25-37), Jesus defines "neighbor" more universally or in a way that transcends relationships among the people of

The Hebrew word *ger* can be translated in any number of ways: alien, foreigner, immigrant, sojourner, or stranger.¹⁵ When looking at these texts and their call to love the sojourner or alien, however, one must be careful not to transfer to them a contemporary interpretation or read them in an anachronistic manner. A common approach to such scriptural texts today would tend to argue that love for the immigrant neighbor in Scripture trumps important concerns related to immigration law.¹⁶ It must be noted, however, that immigrants in Old Testament times did not live in our modern era of sovereign nation-states where immigration of foreign nationals is arguably much more regulated according to state law.¹⁷ While biblical mandates to love and welcome the stranger in our midst as our neighbor stand as God's law, we cannot ignore the demands that civil laws place upon citizens and immigrants alike in the contemporary U.S. and international contexts. Moreover, we must affirm the right of the state to establish laws and policies concerning a matter such as immigration, including laws that limit immigration in various ways for the protection and welfare of its citizens. Matters such as national security and human trafficking, for example, are legitimate and necessary areas of governance, which seeks to restrain evil and promote good (Rom. 13:3-4).

It must also be acknowledged that in Old Testament times the law of God governed both the spiritual and temporal affairs of the people of Israel. In such a state of affairs, aliens were not *ipso facto* or automatically the recipients of the spiritual *and* temporal benefits of God's people. A more comprehensive look

Israel—seen as a people sharing either a common religion or a common political identity—in order to include all kinds of neighbors who need our prayers and help. See Heinrich Greeven, *πλησίον*, in *TDNT*, vol. 6 (1968), 316-317; Fichtner notes that, already in the choice of the Greek Old Testament (Septuagint) to translate עֲרֵךְ as *πλησίον*, we have the use of “a term so broad and general, and which is not in any way restricted to the fellow-member of the covenant.” *Ibid.*, 315.

¹⁵ See also Ex. 22:21, 23:9, Dt. 10:18-19, 24:14-15, 24:17-22, Ps. 146:9, Jer. 7:5-7, Zec. 7:8-10, Mal. 3:5.

¹⁶ Amstutz and Meilaender argue that many high-profile public church statements on immigration, which stress love for the immigrant over against the concern for the rule of law, typically do not deal adequately with “middle” level considerations such as “the purposes of politics, relationships between insiders and outsiders, and the foundations of international order.” Mark Amstutz and Peter Meilaender, “Public Policy & the Church: Spiritual Priorities,” *The City* (Spring 2011), 13. The authors offer as examples of a “one-sided” view the 2009 resolution on immigration issues of the National Association of Evangelicals (NAE), the 2003 joint pastoral letter issued by the Catholic Bishops of Mexico and the United States concerning migration, and the 2009 social policy resolution of the Evangelical Lutheran Church in America (ELCA) on immigration reform (pp. 4-5).

¹⁷ “Unlike either the world of Exodus and Leviticus, or that in which Joseph and Mary fled to Egypt, the contemporary world consists of independent nation-states, recognized as sovereign entities under modern international law, among whose sovereign rights (and duties) are to control the flow of persons across international borders and regulate the distribution of national citizenship.” “Public Policy & the Church,” 8-9; Hoffmeier argues, on the other hand, that “nation states large and small in the biblical world were clearly delineated by borders and were often defended by large forts and military outposts.” See James K. Hoffmeier, *The Immigration Crisis: Immigrants, Aliens, and the Bible* (Wheaton, IL.: Crossway, 2009), 153. His argument is laid out in the second chapter of his book (pp. 39-57).

at the use of *ger* in Deuteronomy shows a mixed picture concerning the relationship of sojourners to Israel. While the representative text from Leviticus 19:33-34 and other similar texts show God's consistent call to Israel to love and care for the strangers in their midst, other texts can be read as showing that not all foreigners have the same status as Israelites.¹⁸

This state of affairs, where strangers are not full recipients of the temporal benefits held by members of an established group, is due partly to the link between kinship and the inheritance and ownership of land that characterized Israelite and other Near Eastern societies—a network no longer available to immigrants who moved to Israel and thus depended in part on the mercy of God's people.¹⁹ Yet another reason for not incorporating sojourners into the temporal (and even spiritual) benefits of God's people at times may simply lie in the hardness of Israel's heart towards vulnerable and disadvantaged neighbors even among their own people—a problem not unheard of in the history of God's people and one condemned in Scripture.²⁰

Even by Old Testament standards, God's call to Israel for welcoming and loving the alien does not necessarily translate into equal temporal privileges for the alien under the laws that govern the affairs of God's people. Similarly, lack of equal status is assumed in the present context of nation-states where responsibilities towards citizens have a higher priority than those towards foreign nationals.²¹ We know, for example, that a foreign national on a tourist visa is allowed to visit the U.S. for a limited time, but may not seek gainful

¹⁸ See Luis R. Rivera Rodríguez for an example of an author who overstates the significance of the biblical distinction in status between Israelites and foreigners. He views the laws of Deuteronomy as biased and harmful to the foreigner; "Immigration and the Bible: Comments by a Diasporic Theologian," *Perspectivas: Occasional Papers* 10 (2009): 23-36, especially 31. For a more positive approach in general to Israel's ways of dealing with sojourners in their midst, compare the comment by M. Daniel Carroll R.: "Help for the needy had to occur at several levels: individual families (giving rest on the Sabbath, including sojourners in celebrations), the community (gleaning laws), workplaces of whatever kind (payment of wages), religious centers (collecting the tithe), and at the city gate with the elders or other legal gatherings (fairness in legal matters)." See *Christians at the Border: Immigration, the Church, and the Bible* (Grand Rapids: Baker, 2008), 105.

¹⁹ "The challenge that sojourners—those immigrants or refugees who had moved to Israel—faced when arriving in the land was that they had left behind their kinship network. As a result, they were without the help that only an extended family could offer. As foreigners, they were also excluded from the land tenure system. Sojourners, therefore, could be particularly vulnerable to the unexpected and sometimes harsh vicissitudes of life. Without land and kin, many sojourners would be dependent on the Israelites for work, provision, and protection.... Apparently, a few became successful, but these seem to be the exception to the rule (Lev. 25:47)." *Christians at the Border*, 103.

 ²⁰ "The prophets thundered against those Israelites who did not accept responsibility to care for these folk. It was a breach of their faith in the Lord, and he would not tolerate this disobedience (Jer. 22:3; Ezek. 22:7; Mal. 3:5; cf. Ps. 94:6). True religion was inseparable from an ethic of charity toward the disadvantaged (Jer. 7:4-8; Zech. 7:8-10)." *Christians at the Border*, 103-104.

²¹ Mark Amstutz and Peter Meilaender argue that, in a representative democracy, the very existence of immigration laws assumes "a preference for the interests of our fellow citizens over those of outsiders"; "Public Policy & the Church," *The City* 4 (2011): 8.

employment in the country. Moreover, a lawful permanent resident²² of the U.S. is given the privilege to work and make a living in the land, but may not vote in state and national elections or serve in juries. However, should we assume that these distinctions made in our day and age between citizens and foreign nationals ultimately find their biblical basis in Old Testament distinctions between Israel and the strangers in their midst? Just as there is a danger in using the Old Testament data anachronistically to argue for love of the stranger without concern for civil law today, there is also a danger of using distinctions between Israel and sojourners in the Old Testament to defend similar distinctions in immigration law and enforcement of borders today.

 Given the context of the New Testament era, where “Israel” refers to the church and not to a particular political entity, we must be careful not to use the temporal and political laws of Israel as “a” or “the” biblical blueprint for defending or designing modern nation-state policies or laws.²³ In the New Testament era, for instance, it is quite possible to speak of Christian immigrants as belonging to spiritual “Israel,” and therefore, as our brothers and sisters in Christ and as heirs of all the spiritual rights and benefits of being children of God. At the same time, in terms of the temporal state today, we can acknowledge that these same immigrants may reside in the nation legally or illegally. On the one hand, as spiritual Israel, Christian immigrants participate in all the spiritual blessings of God’s people through faith in Christ. At the same time, one can admit that under the temporal state and its laws these same brothers and sisters do not share with Christian citizens of the state the same temporal rights and privileges under the civil law in every case.²⁴

As stated above, when using biblical mandates in the church to love and welcome the stranger, we cannot ignore the distinction between spiritual and temporal realms. It is also the case that, in drawing distinctions between Israel and sojourners, the Old Testament does not offer binding positions or policies on immigration law broadly speaking or “illegal” immigration narrowly speaking. Some approaches to the scriptural texts dealing with immigrants might attempt to use the biblical data to defend or justify particular forms of

²² See Appendix II for a legal definition of this term.

²³ For a representative example of a discussion concerning Old Testament Israel as a type of Jesus (New Israel reduced to one) and the Christian church (New Israel through faith in Christ), as well as of the spiritual (and thus non-temporal) nature of the church in the New Testament, see CTCR, *The “End Times”: A Study on Eschatology and Millennialism* (1989), 13-17; online in English and Spanish at <http://www.lcms.org/page.aspx?pid=683>.

²⁴ Drawing on the distinction between the two kingdoms, Amstutz and Meilaender offer examples where biblical ethics and state policies are not synonymous: “All persons, for example, bear the image of God and therefore possess equal and innate human dignity. But this equal dignity does not automatically create membership entitlements. The colleges where we teach admit only some students out of a large pool of applicants. A person may wish to work for a particular company, but the decision on whether to offer him a job rests with the employer, not the applicant. Membership in states is carefully regulated, requiring passports, visas, and other documentation before an alien may cross national borders” (“Public Policy & the Church,” 11-12).

summary of the main point(s) above

immigration enforcement today.²⁵ Christians should not use the Old Testament, however, to argue for love of the immigrant in ways that diminish the significance of the rule of law as it functions in nation-states today. Similarly, Christians must be cautious about using particular distinctions between Israel and aliens made in the Old Testament to advocate for particular forms of immigration law or law enforcement today, or to argue that such ancient biblical distinctions can or must be replicated in terms of the relationship between citizens and foreign nationals in contemporary nation-states.

How then should the Scriptures inform our attitude towards immigrants today? The biblical data invites us to see immigrants as our neighbors. Scripture tells us what motivates Israel's love for its immigrant neighbor, and what such love concretely entails at this or that time in the history of God's people. For instance, the people of God are to love the alien because they, too, were aliens in Egypt (Ex. 22:21, 23:9, Lev. 19:34, Dt. 10:19, 24:17-22) and thus truly "know the heart of a sojourner" in a way that should naturally lead to compassion for him or her (Ex. 23:9). Above all, the people of God are to love the alien because this is the will of the LORD, who loves, provides for, watches over, and hears in heaven the cry of the alien (Ps. 146:9, Dt. 24:15). God's command to Israel to love the sojourners "as yourself" may also be seen as a divine call to practice justice towards those who are often the victims of oppression and wrongdoing, or evil schemes (Lev. 19:33-34, Jer. 7:5-7, Zec. 7:8-10).

Such love for the alien becomes concrete, among other things, by attending to basic needs for food and clothing (Dt. 10:18-19), showing fairness in dealings with workers' wages (Dt. 24:14-15, Mal. 3:5), and being generous with one's abundance (Dt. 24:19-22). Those in Israel who are tempted not to follow God's command to love the alien neighbor "as yourself" are warned not "to

²⁵ This is the general thrust of James K. Hoffmeier, *The Immigration Crisis*, where the author uses Old Testament data to argue for a regulated border today. The claim is advanced by the argument that the only sense of the Old Testament noun *ger* "corresponds to a legal alien today," and therefore must be distinguished from the meaning of the term "foreigner" (*nekhar* and *zar*) which would arguably correspond today to "an illegal immigrant" (p. 156, cf. p. 57); Carroll, however, has taken Hoffmeier to task for "adding" to his study of the lexical use of *ger* "an element, which I believe is impossible to prove," namely, that *ger* "'was a person who entered Israel and followed legal procedures to obtain recognized standing as a resident alien'" (p. 52, emphasis mine). Carroll argues that, while this may be true in some cases, Hoffmeier's absolute claim says more than the biblical data allows one to hold: "The Law never mentions some sort of legal entry requirement. What is expected is that these individuals obey the laws and participate in the religious life of Israel; in turn, the Law was generous to them." Moreover, Carroll points to the case of Ruth whose "entry and assimilation process" into the community of Israel "does not deal at all with 'legal procedures'" but rather with "cultural ones" (cf. chapters 1 and 4), and to Jacob's purchase of land in Shechem (Gen. 33) as an instance where no explicit mention is made in the text of legal permission of entry into the land prior to purchase—an assumption made by Hoffmeier—but "only that he bought property after moving into the region" (Gen. 33:18-20). Carroll concludes his critique of Hoffmeier by stating that "the verb *gwr* [*ger*] has the broad term meaning 'to reside,' irrespective of legal standing (e.g., Judg. 5:17; Ps. 15:1; Jer. 49:18, 33; 50:4)." See M. Daniel Carroll R., Review of James K. Hoffmeier, "The Immigration Crisis: Immigrants, Aliens, and the Bible," *The Denver Journal: An Online Review of Current Biblical and Theological Studies* 13 (January 2010). Online: <http://www.denverseminary.edu/article/the-immigration-crisis-immigrants-aliens-and-the-bible/>.

pervert the justice due the sojourner” lest they become “guilty of sin” (Dt. 24:15, 17) and the objects of “swift witness against...those who thrust aside the sojourner” (Mal. 3:5). God’s concern for the well-being of aliens is typically placed alongside His compassion for the widow, the fatherless, and the poor (Dt. 10:18, 24:17, 19-21, Ps. 146:9, Jer. 7:6, Zec. 7:10, Mal. 3:5). Aliens in the midst of Israel are thus seen as neighbors who, for the most part, are among the most vulnerable and disadvantaged members of society.

The New Testament assumes the Old Testament’s command to love our neighbors as ourselves, whoever they are. But the New Testament also assumes the Old Testament’s witness to Yahweh’s compassion for the stranger in our Lord Jesus Christ’s own self-identification with the stranger and in His reaching out to those outside of the house of Israel during His ministry, whether or not they are foreigners. In the final judgment scene, the Son of Man welcomes into His Father’s kingdom those who have reached out to Him by helping “one of the least of these.” Our Lord desires to identify Himself with the stranger so that we might see Him in the stranger: “For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me” (Matthew 25:35, italics added). Notwithstanding the various interpretations of the identity of “one of the least of these” in Matthew 25,²⁶ Martin Luther uses the text in his explanation of the fifth commandment in his *Large Catechism* to identify Christ with “those in need and peril of body and life.”²⁷ While the biblical teaching can function specifically as a warning against the rejection of the disciples (“one of the least of these my brothers”) and therefore of the Lord who sent them into the world,²⁸ such teaching has also functioned more broadly in Lutheran catechesis to promote God’s command to look after the neighbor’s well-being. In either case, the biblical and catechetical teachings assume the Old Testament’s broader and more fundamental affirmation of the virtue of welcoming the stranger in our midst.

Our Lord’s compassion for the stranger, for those outside of the house of Israel, which is evident in His ministry, is consistent with Yahweh’s concern for the strangers around and among the people of Israel. In the Old Testa-

²⁶ “Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me” (Matthew 25:40, cf. 45). For the diversity of interpretive options on this point, see W. D. Davies and Dale C. Allison, *The Gospel According to Saint Matthew*, vol. 3 (Edinburgh: T & T Clark, 1997), 428-30, cf. 421-23.

²⁷ “Therefore God rightly calls all persons murderers who do not offer counsel or assistance to those in need and peril of body and life. He will pass a most terrible sentence upon them at the Last Day, as Christ himself says. He will say: ‘I was hungry and you gave me no food, I was thirsty and you gave me nothing to drink, I was a stranger and you did not welcome me, naked and you did not give me clothing, sick and in prison and you did not visit me.’ That is to say, ‘You would have permitted me and my family to die of hunger, thirst, and cold, to be torn to pieces by wild beasts, to rot in prison or perish from want.’” *The Large Catechism* (LC), Ten Commandments, 191, in Robert Kolb and Timothy Wengert, ed. [abbreviated as KW], *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress, 2000), 412.

²⁸ See Jeffrey A. Gibbs, *Jerusalem and Parousia: Jesus’ Eschatological Discourse in Matthew’s Gospel* (St. Louis: Concordia Publishing House, 2000).

ment, such concern for the sojourners includes not only the call for justice on their behalf but also the desire to bring them into the house of Israel to share in the spiritual blessings accorded to the children of God.²⁹ Similarly, our Lord reaches out with His mercy to the demon-possessed daughter of a Canaanite or Syrophoenician woman (Mt. 15:21-28, Mk. 7:24-30), making these Gentiles participants in the blessings of His Father's kingdom. Jesus praises the faith of the Canaanite woman, affirming implicitly that Gentiles too are spiritually hungry, can put their trust in the Son whom God has sent, and are able to become children of God the Father. Moreover, Jesus meets the Gentile's daughter's physical need by delivering her from bondage to Satan. He reaches out to strangers in their spiritual and bodily needs.

Our Lord's compassion for those considered to be outside of the house of Israel also becomes evident in His encounter with a Samaritan woman (Jn. 4:3-42), whom He makes by promise an heir of "the gift of God" and "living water" (references to the gift of the Spirit who comes from the Son, cf. Jn. 7:37-39). The extent of our Lord's compassion for a Samaritan—despised by Jews—teaches us that the gift of the Spirit, access to God through worship "in spirit and truth," and the privilege to become a witness to the Messiah are available even to strangers outside of the house of Israel and, through their witness, to their towns or communities. In Jesus' ministry of proclamation and healing, therefore, we see the continuation of Yahweh's concern for the strangers, attending to their temporal (bodily) and spiritual needs and extending His mercy to their family members and communities.³⁰

The Old Testament's witness to Yahweh's compassion for the stranger also comes through in St. Paul's apostolic teaching on hospitality.³¹ The early

²⁹ Even though Carroll and Hoffmeier differ significantly in their approaches to reading the Old Testament data on sojourners, they both speak of the possibility of aliens participating in the spiritual blessings of the people of Israel in accordance with the Old Testament. Hoffmeier, however, argues that such spiritual participation was contingent upon their prior acceptance as "legal immigrants" in the land. See Hoffmeier, *The Immigration Crisis*, 89-96; Carroll sees Hoffmeier's view, based on a narrow interpretation of *ger* as referring exclusively to "legal" aliens, as problematic when applied in an absolute manner (see his critique of Hoffmeier in n. 25 above). Notwithstanding these readings of the Old Testament data, it remains still problematic in the New Testament era to argue that for immigrants to participate in the blessings of the church or spiritual Israel in the U.S. today, they must first become legal residents or citizens of the temporal nation-state. The New Testament places no such temporal conditions for becoming children of God through faith in Christ.

³⁰ We recognize, of course, that our Lord also gives a certain priority to the household of Israel (Mt 15:24) and the biblical dictum that concern for the well-being of others must always begin with those whom God has placed nearest to us in our earthly lives (Mark 7:10-12; Gal 6:10).

³¹ For a contemporary attempt at describing the moral life using the biblical value of hospitality to the stranger as an "overarching metaphor," see Thomas W. Ogletree, *Hospitality to the Stranger: Dimensions of Moral Understanding* (Louisville: Westminster/John Knox, 2003). Drawing in part from *Resident Aliens* by Stanley Hauerwas and William H. Willimon (Nashville: Abingdon, 1989), Castelo argues that many Hispanics in the U.S. qualify as "aliens twice-over," both as Christians in a land hostile to the Gospel and as illegal aliens in the political realm. This reality is a constant reminder to the church of her duty to discern critically what it means to be a Christian in an alien land. This implies in part the duty of Christians both to discern whether

Christians' concern for the needy neighbor extended beyond the confines of the community of faith. Calling the church in Galatia to "do good to everyone," the apostle teaches that the church serves "especially" though not exclusively "those who are of the household of faith" (Gal. 6:10). The apostle instructs the Christian church in Rome to "contribute to the needs of the saints and seek to show hospitality [to strangers]" (Rom. 12:13). These apostolic exhortations to the Christian churches to show hospitality to all strangers mirror and are consistent with Yahweh's own command to Israel to reflect His love for the strangers.

To sum up, we must acknowledge that, while the prophetic and apostolic Scriptures give ample evidence of Yahweh's will for His people to love the strangers and aliens by attending to their bodily and spiritual needs, the Scriptures do not speak directly to questions about how the church today should think about or deal with contemporary immigration law in general or "illegal immigration" in particular. Scriptural teaching on immigrants, therefore, cannot be directly translated into current immigration laws or policies.

While the Scriptures do not provide "proof-texts" that give simple or direct answers to all the various legal and political questions about immigration issues today, they do provide an interpretive framework that helps us to reflect on and address such questions. Moreover, we dare not minimize the biblical evidence presented thus far concerning God's call for the church to reflect in her life His own love for the strangers in her midst. This cannot be seen merely as a culturally bound concern, but must be viewed more concretely as God's will and command for His people at all times and in all places. We are bound by Scripture to love our neighbor, including the immigrant in our midst. Therefore, even as Christians struggle to address legal and political questions on the narrow issue of legality, the broad and consistent biblical teaching on God's love for the aliens who live and move amidst His people must be taken with utmost seriousness.

Otherwise stated, Scripture offers us a consensus on basic values that, as a point of departure, should inform the attitudes of God's people towards all immigrants or aliens regardless of their status in society. Although immigrants did not always share in the same temporal and spiritual blessings as God's people in the Old Testament, the divine command to love the alien as our neighbor remains valid and is not fundamentally tied to the fulfillment of any specific obligations on the part of the alien. This suggests that legal or illegal status cannot be a prerequisite for the church's concern about the basic dignity of aliens and their families as God's creatures, or for their need for food and clothing and a fuller life for their families, their fair and just treatment in society, and their need to hear the Gospel and receive the sacraments.

civil laws and political entities of the day promote a just state of affairs and to extend hospitality to strangers. See Daniel Castelo, "Resident and Illegal Aliens," *Apuntes: Reflexiones teológicas desde el margen hispano* 23/2 (Summer 2003): 65-77.

Even as love for God and neighbor directs all Christian moral deliberation, so also do the Ten Commandments, for they give shape and substance to that love. The aforementioned concerns for our immigrant neighbors' physical, social, economic, and spiritual needs are examples of the shape love takes as guided by the commandments. Flowing from love for God, Christian love for our neighbors seeks their spiritual well-being and also seeks "to help and support" them in every need, to help improve their economic well-being ("property and income"), and to explain their actions "in the best possible light."³² As we will see in the next section, the fourth commandment—"Honor your father and your mother"—also has direct relevance. It speaks not only of the shape love takes in the home as children "honor, serve, love, and respect" their parents, but also to what Luther called another "category of 'fatherhood,'" civil authority.³³ Christian love recognizes an obligation to honor and support governing authorities so that our daily life might be decent and orderly and chaos might be constrained (see 1 Tim. 2:2).

By serving as a point of departure for shaping the church's basic attitude towards immigrants today, the biblical teachings on loving the immigrant neighbor as ourselves and on showing hospitality to the strangers in our midst also serve as a good deterrent against the development of any attitudes towards aliens, whether documented or undocumented, that are not driven by a legitimate concern for the law and the neighbor. Faith and charity compel all Christians not to form their final judgments concerning aliens on the basis of discourse and opinions that are fueled by unfounded fears or myths concerning immigrants and/or racist or discriminatory attitudes against people of other ethnic groups and nationalities.³⁴ The remembrance of the LCMS's own immigrant past, including the fears and prejudices endured by many of our Lutheran fathers and mothers in the faith upon arrival to the United States, should help us to foster a charitable disposition towards immigrants today. However, beyond appeals to our own historic immigrant identity, stands the clear and timeless will and command of God in the Scriptures concerning the church's need to remember and care for the immigrant neighbor.

³² See the explanations to the fifth, seventh, and eighth commandments SC I, 9-10, 13-16 (KW, 352-353).

³³ See LC I, 149-150 (KW, 407). "Through civil rulers, as through our own parents, God gives us food, house and home, protection and security, and he preserves us through them. Therefore, because they bear this name and title with all honor as their chief distinction, it is also our duty to honor and respect them as the most precious treasure and most priceless jewel on earth."

³⁴ See, for example, Patricia Fernández-Kelly, "To Welcome the Stranger: The Myths and Realities of Illegal Immigration," *Perspectivas: Occasional Papers* 10 (2006): 9-22; see also Lutheran Immigration & Refugee Service (LIRS), "Immigration Myths and Facts." Website: <http://www.lirs.org/mythbusters>; for an example of a booklet fueled by subtle discriminatory remarks against new immigrants, see John C. Vinson, *Immigration and Nation, a Biblical View* (Monterey, Virginia: American Immigration Control Foundation, 1997), where he argues that God's division of the nations since Babel and the distinction of Israel from the surrounding nations supports immigration control for the sake of maintaining the traditional European White ethnocultural make-up of the U.S.

II. God's Law, Civil Law,³⁵ and the Neighbor:

On Christian Obedience to God's Commands

While the Scriptures consistently teach the church to love the strangers in her midst as a foundational value for all times and places, the Scriptures also instruct Christians to obey or submit to the authorities whom God has sent, instituted, and appointed for our good (Rom. 13:1-7, 1 Pet. 2:13-17). The one in authority is to be honored and feared as “God’s servant” and minister, for he bears the “sword” in order “to punish those who do evil and to praise those who do good.” Submission to the authorities concretely means obedience to the laws these servants and ministers are called to create, implement, and enforce (e.g., paying taxes, cf. Rom. 13:6-7). While Scripture does not offer a specific position on immigration law, it does bind Christians to obey the civil authorities, including laws dealing with immigration.³⁶

While Martin Luther includes the promotion of our neighbor’s life (including that of the stranger) under the fifth commandment (“You are not to kill”), he also clearly teaches submission to the authorities God has placed in our midst (including, civil servants) under the fourth commandment (“You are to honor your father and your mother”).³⁷ Both are the will of God and, therefore, must be carried out. This means concretely that we must love immigrants, show fairness to them, and promote their lives and well-being regardless of their legal status in society and, at the same time, submit to the temporal authorities and thus obey the civil laws they enact, promote, and enforce in society (including those laws that deal with immigrants and their legal status). Given these equally valid demands that God’s commandments place on Christians, it is not uncommon for brothers and sisters in Christ to struggle with and argue among themselves about the best ways to be faithful to what God desires of His people.

The popular debate over whether immigrants without a valid visa should be referred to as “illegal” or “undocumented” immigrants illustrates what happens when we attempt to resolve the inherent tension between the demand to preserve the immigrants’ well-being *regardless of legal status* with the demand to obey the laws of the land *regulating their legal status*.³⁸ On the one hand, Christians who prefer to speak of “undocumented” immigrants

³⁵ “Civil law” is used in this document in a theological sense to refer to all humanly instituted law, enforced by earthly authorities, and intended to maintain order and justice. (See Appendix II B.2.)

³⁶ We want to emphasize that immigration law as such is not inherently bad. A government’s efforts to provide secure borders and clear standards for managing immigration is a necessary aspect of its responsibility to provide for the well-being of its citizens—the very vocation that God gives to civil authorities. See Amstutz and Meilaender, *Public Policy & the Church*, 4-17.

³⁷ *LC*, Ten Commandments, 141-142, 150-151.

³⁸ On the use of the modifiers “illegal” and “undocumented,” see Leopoldo Sánchez, “Immigrants Among Us: What Are Confessional Lutherans to Do?” *LOGIA* 19/1 (2010): 57-58.

"Elevating" certain commandments (higher priority)
The language we use reflects the commandment(s)!

might desire to affirm the basic dignity of immigrants (along the lines of the fifth and eighth commandments), showing sensitivity to their plight and the need for promoting their well-being. Consequently, they might appear to give less weight in their use of language to current demands of the civil law regarding legality or illegality without ultimately denying the need for the rule of law. These brothers and sisters in Christ generally tend to be in disagreement with those aspects of current immigration law that they consider inadequate to address the fair treatment of immigrants. On the other hand, Christians who speak more readily of "illegal" immigrants might focus on the need for obedience to the civil law (a fourth commandment concern) as it applies to current immigration law, but in doing so might appear to come across as insensitive to the plight of immigrants and as somewhat uncritical concerning certain potentially problematic aspects of current immigration law that might not address adequately their fair treatment.

These popular uses of language to refer to immigrants in our midst, even within church circles, are instructive. They reveal to some extent how Christian conversation about immigrants today can be shaped significantly or at least in part by Christian attitudes and priorities concerning what it means to be faithful to God's commandments.³⁹ Some acknowledgment of the basic assumptions underlying our discourses about immigrants helps us to recognize that brothers and sisters in Christ with an equal desire to be faithful to God's commands may actually disagree on how best to carry them out when it comes to dealing with their immigrant neighbor.

Acknowledgment of genuine and legitimate Christian disagreements about the application of God's commands to reflection on and attitudes toward aliens also serves as a deterrent against caricatures of each other's positions on a delicate issue. On the one hand, Christians who tend to give priority to obedience to the civil authorities (fourth commandment) in their approach to immigration are not necessarily insensitive to the plight of immigrants and their families. On the other hand, Christians who tend to give higher priority to the well-being and fair treatment of immigrants and their families (fifth

³⁹ It is interesting to note, for instance, within the Evangelical tradition, how Hoffmeier's and Carroll's differing starting points in their studies on immigrants in the Bible give their assessments of contemporary illegal immigration a different tone. Hoffmeier takes as his starting point and overall framework obedience to the law, which leads him to stress the distinction between a legal alien and a foreigner and thus the need for border enforcement today. This leads to a strong focus on obedience to the law with minimal concern with whether contemporary U.S. immigration law actually promotes a just state of affairs or not for our immigrant neighbors. See *The Immigration Crisis*, 29-57, 153-160. Carroll, on the other hand, starts with the immigrant as a human being created in God's image and then highlights his identity as a stranger who is to be shown hospitality. This leads to a strong focus on the Christian's disposition to see the immigrant as a neighbor in need and, while the command to obey the law is affirmed, the focus is given to the Christian's duty to be a responsible and well-informed citizen on the matter of current immigration law and the forms of injustice it arguably promotes. See *Christians at the Border*, 63-134.

commandment) in their approach to immigration are not necessarily insensitive to the need for obedience to the civil authorities and the laws of the land.

Although adjectives such as “illegal” and “undocumented,” when referring to immigrants, assume and manifest to some degree different yet legitimate Christian attitudes on what it means to be faithful to God’s commandments when dealing with immigrants, Christians must also remember that the use of such terms has limitations. Since such adjectives are neither forbidden nor commanded in Scripture, Christians are free to use them. At the same time, while Christians can use them as they see fit, they should do so critically and with charity. For example, when used in the presence of immigrants or people who work to advocate for their fair treatment, the adjective “illegal” will likely be seen or heard as uncharitable and become an unnecessary obstacle to further Gospel proclamation to the immigrant or dialogue with those whose vocation is to advocate for them. Similarly, when used in the presence of some legislators, border patrol agents, or citizens who want to honor the rule of law, the otherwise valid use of the adjective “undocumented” may be interpreted as a lack of proper concern either for the rule of law or proper appreciation of the work of those who enact and enforce the particular laws of the land.

Furthermore, Christians must exercise good judgment in their use of extra-biblical terms such as “illegal” and “undocumented” because these adjectives are also limited in their scope. Such terms clearly operate within the narrow confines of legality. Precisely because of this focus on legal status alone, they offer neither a comprehensive picture of our immigrant neighbors nor an accurate portrait of the complexity of the immigration problem.

On the one hand, recognition of the intended scope of these popular terms prevents Christians from reducing the alien or immigrant neighbor to a legal category, label, or problem. Immigrants are, much more basically, human beings, God’s creatures, and sinners just like each one of us. Their physical and spiritual needs must at the very least be taken into account in any discussions about the role of the individual Christian and the church in dealing with them. When applied to the alien, for instance, the term “illegal” fails to distinguish properly between the immigrant person and the specific act he or she has committed that is contrary to the law.

On the other hand, and not least importantly, recognition of the narrow legal scope of the terms “illegal” and “undocumented” allows Christians to consider seriously a broader and more comprehensive range of factors related to civil law in the immigration issue. Such factors may include but are not limited to family unification, labor demand, economic need, law enforcement, national or border security, workers’ rights, human rights, and earned paths to legalization.⁴⁰ In dealing with aspects of civil law that may be considered

⁴⁰ SRIC reads: “As corporate citizens of this nation, we recognize that solutions to the problem of illegal immigration are complex. There are many factors that deserve consideration, each

by some as inadequate or unjust, “Christians have the right and duty to work for the repeal of unjust laws and the proper enforcement of just laws through due process of law.”⁴¹

At the same time, because it is not always clear when due process has actually been exhausted in any particular case, Christians will likely differ on the degree to which a call for more adequate legislation seems likely or unlikely in a particular political climate. They will therefore respond differently to cases where they believe a particular aspect of civil law is unjust or inadequate. As conscientious citizens and residents of the state, for example, some Christians may simply determine that immigration law, while not perfect, is nevertheless sufficiently fair and reasonable as it currently stands. Other conscientious Christians, while acknowledging that ordinarily “the rights of individuals and proper standards of justice must be established by the government through legislative processes,” may “in the evident failure of due process... in good conscience participate in public demonstrations to dramatize the injustice” they feel a particular law promotes.⁴² Yet others who are not content with the current state of the law may choose not to do what they could otherwise do, namely to protest publicly, choosing instead to “exercise restraint in using this privilege because of the danger of lawlessness.”⁴³

Scripture requires Christians to obey God rather than man when the civil authority and its laws are set in opposition to the law of God. Christians obey God rather than man (Acts 5:29) “when a civil law conflicts with a clear

exhibiting its own value. Secure borders, national security, policy enforcement, national stability, inexpensive labor, decent income, budget limits, human rights, and work opportunities are only the beginning of the long list.”

⁴¹ CTCR, *Civil Obedience and Disobedience* (1966), B, p. 4. Since the document applies the language of due process specifically to situations “when one’s own legal rights are infringed upon, but also and especially when one joins others deprived of their legal rights,” one could conclude that the statement does not apply technically to immigrants who are in the nation illegally because they have no “legal rights.” Even if that were the case, however, the broader principle of working to repeal unjust laws or enforce just laws still applies to Christians as citizens of the nation-state who, in good conscience, are convinced that certain aspects of immigration law are unjust.

⁴² Ibid. The CTCR statement encourages a Christian who considers a particular law to be in conflict with the “higher law of God” to “be quite sure that all legal means of changing the law have been exhausted,” “consult with men of good conscience to test the validity of his judgment,” and “direct his act of disobedience as precisely as possible against the specific law or practice which violates his conscience.” Ibid., C.1-2, 4, p. 5.

⁴³ Ibid., C.5, p. 5. This particular argument is immediately followed by a concern for avoiding association of Christians “with groups and individuals who may be protesting the same law from apparently wrong motives and who may be seeking to capture a movement for their own improper ends.” Ibid., 5-6. The same principle applies to Christians who feel they should protest against illegal immigration, but refrain from doing so together with others who feel the same way “from apparently wrong motives”—i.e., motives that are incompatible with God’s law of love or hostile to the Christian faith (e.g., the idea that God wants the U.S. to be a stronger White-European country, or that Mexicans are more prone to criminal behavior than people from other ethnic groups).

precept of God."⁴⁴ But when is that the case in current immigration law? Most Christians are not against immigration law in general, but some (if not many) question how fair and reasonable some aspects of such law are. What is an appropriate response when there is no clear and broad consensus among Christians on the way in which immigration law specifically conflicts with God's law?

If a Christian considers a civil law to be in conflict "with the higher law of God," and thus decides to engage in some form of civil disobedience, he is encouraged to "carry out his act of disobedience in a nonviolent manner," and "direct his act of disobedience as precisely as possible against the specific law or practice which violates his conscience."⁴⁵ He must also be willing to bear the cross and thus suffer the potentially "punitive consequences" of his actions.⁴⁶ For example, a Christian might provide assistance to a father who is seeking to avoid (or evade?) deportation because it will separate him from his family. But such a Christian should also be prepared willingly to accept the possibility of penalties imposed because his involvement.⁴⁷ Similarly, if a state were to criminalize pastoral care such as providing transportation for undocumented immigrants to worship services or other church activities, pastors and other Christian leaders would face the dilemma of obeying God or man and should again be willing to accept potential legal penalties for their behavior.⁴⁸

Furthermore, because it is not always clear among Christians when immigration laws actually go against God's will, it is expected that legitimate and passionate disagreement among them will take place on the godliness and justice of particular immigration laws. "Since in the ethical field we do not always see eye to eye," the LCMS should "encourage its members to exercise the greatest care in judging one another in their individual and different responses to complex social problems as each endeavors to apply the divine principle of Christian love to the specific human situation."⁴⁹ While "the breaking of an unjust law, as civil disobedience is at times defined, need not necessarily

⁴⁴ Ibid., C, p. 5.

⁴⁵ Ibid., C.3-4, p. 5.

⁴⁶ Ibid., C, p. 5.

⁴⁷ While a Christian may in good conscience provide assistance to an undocumented immigrant in dire need, offering extended sanctuary to the same in order to avoid dealing with a deportation order can be construed as concealing or harboring an immigrant illegally while lying to government officials. This is especially problematic if the immigrant has a criminal background. If Christians believe that they might find themselves in such a situation, they should proceed with caution and seek legal advice as soon as possible (see n. 90 below).

⁴⁸ SRIC mentions briefly how such state legislation, if it were approved, might also prevent Christians from exercising acts of mercy. SRIC states: "Meanwhile, in order to fulfill our Christian obligation, we also request that the charitable act of providing assistance to undocumented aliens not otherwise engaged in illegal activity not be criminalized *ipso facto*."

⁴⁹ CTCR, *Civil Obedience and Disobedience*, D, p. 6; SRIC notes that "Christians equally committed to God's Word may reasonably arrive at different conclusions on specific aspects of these issues and their resolution."

reflect a spirit of anarchy, criminal intent, or general contempt for laws,” and may even be interpreted to “reflect an earnest desire to respect the rule of law and to test the validity of a specific law and so to provide a larger measure of justice,” Christians should be careful to avoid “an exaggerated individualism that breeds contempt for law and due process of law” and “the asserting of individual rights at the expense of the rights of others.”⁵⁰

The commands to love our neighbor (including the alien) and to obey civil authority are both included in the law of God and, therefore, Christians are required to fulfill their demands. Because both mandates are comprehended in the divine law, fulfilling them is itself a matter of love. In this sense, love of one’s immigrant neighbor (fifth commandment) and obedience to civil servants (fourth commandment) are not antithetical to one another, for the immigrant is not the only neighbor Christians are called to love. There is also the neighbor citizen or resident of a nation, who may or may not be as vulnerable or needy as the immigrant neighbor in every case, but whose well-being is also a matter of concern for both the government and for Christian citizens.

Christians who are residents or citizens of a nation are legitimately called to love that neighbor or sets of neighbors with whom they share a common national identity or the bond of nationhood. Admittedly, there are times when a moral dilemma arises in the matter of obedience to two equally valid demands placed on us by God’s law of love and, therefore, some logical priority must be given to one neighbor over another given a specific situation. In such cases, one inevitably sins boldly for the sake of some neighbor and suffers the consequences of one’s actions. It can be argued, for instance, that a citizen has an obligation to put his fellow citizen first.⁵¹ This approach will inevitably place one’s immigrant neighbor further down in the scale of priority. It can also be argued, however, that a foreigner who has lived long enough in the nation without recourse to proper documentation is no longer just an alien but actually one of those who shares the way of life of the citizens and residents of the state, and therefore citizens should now have moral obligations towards them.⁵² How might such a position towards some immigrants affect negatively or positively the well-being of citizens and society?

⁵⁰ CTCR, *Civil Obedience and Disobedience*, G.2, G.3.a, c, p. 6. The document also cautions Christians against “the anarchic spirit which pits one segment of the population against another” (G.3.b); cf. CTCR, *Guidelines for Crucial Issues in Christian Citizenship* (1968), Section Two, VI, p. 6.

⁵¹ Note Meilaender in “Immigration: Citizens & Strangers” (11), “We are called to recognize the image of God in every human being, and we owe something to each person simply by virtue of his or her humanity. But we also stand in particular relationships to certain persons for whom we bear special responsibilities: sons and daughters, brothers and sisters, friends and neighbors, fellow citizens. These special relationships channel our potentially endless obligations and make them practicable.” *First Things* (May 2007):10-12.

⁵² “Those who have lived in this country for an extended period, starting families and putting down roots, at some point can no longer reasonably be regarded as outsiders. *De facto*, if not *de jure*, they are one of us. Our obligations to them gradually begin to mirror those we owe fellow citizens, of which the refusal to expel them from the country is basic. Various conditions—such as the payment of back taxes or proficiency in English—should be attached to an amnesty

In a less than perfect world, civil law (including immigration law) will not always be fair, just, or adequate in every aspect and for every neighbor. Christians who are equally committed to obeying the civil authorities will differ on how they respond to particular immigration laws. In seeking to fulfill the demands of God's law, which commands us to obey the civil authorities and love our neighbor (including the immigrant), we will as sinners inevitably fail to come to the aid of or advocate for some neighbor. Because we cannot fulfill the law of God perfectly for every neighbor in need every time, we will always need to confess our sins, receive Christ's forgiveness, and strive to do better.

provision, to underline the importance of the rule of law and the need for genuine integration. But to those who are already, whether we like it or not, members of the American people, our obligations are strong enough to prohibit outright deportation." Ibid.

III. Living in God's Two Realms:

On the Activity of Christians in the World as Church and as Citizens

Genuine diversity among Christians in approaching the issue of illegal immigration results from the inherent tension between fulfilling the commands to love the stranger in our midst regardless of his/her legal status and to submit to the authorities and their laws regulating the legal status of immigrants. Such tension can also be seen as an attempt to be faithful to God's call to be both a citizen of the heavenly city (that is to say, a faithful member of the church who supports her mission) and a citizen of the earthly city (that is to say, a responsible citizen or resident who upholds the civil law). Christian attitudes about illegal immigration are often shaped by a genuine desire to live faithfully in God's two realms, kingdoms, or governments—namely, the spiritual and temporal.

The teaching concerning God's two realms has an honorable place in Lutheran biblical and confessional catechesis.⁵³ This teaching addresses questions about the proper distinction and relationship between God's work in the world through the church and through civil government, and therefore also deals with the activity of Christians in the world both as members of the church and as citizens or residents of the state. Therefore, it serves as a promising interpretative framework for dealing with questions regarding what a Lutheran response to immigration issues in general and illegal immigration in particular might look like in the contemporary context.

The doctrine of the two realms is grounded in the assumption and acknowledgment that God wills to preserve His fallen creation in two distinct ways and thus for the sake of accomplishing two distinct goals. The Lutheran confessors teach "the difference between spiritual and secular power, sword, and authority," and that "for the sake of God's command, everyone should honor and esteem with all reverence both authorities and powers as the two highest gifts of God on earth."⁵⁴ In the spiritual realm (also known as the right-hand kingdom), God preserves His fallen creation by forgiving sinners on account of Christ. The confessors state: "According to the gospel the power of the keys or of the bishops is a power and command of God to preach the gospel, to forgive or retain sin, and to administer and distribute the sacraments."⁵⁵ Thus God uses the church and her ministers to reconcile sinners to Himself through the preaching of the Gospel and the administration of the sacraments (means of grace). The priesthood of all believers, which includes each individual Christian in the context of his or her vocation, also engages in the "mutual conversation and consolation of brothers and sisters" as Christians

⁵³ See Martin Luther's classic treatise "Temporal Authority: To What Extent It Should Be Obeyed," AE 45:75-129; AC XVI and Ap XVI; FC, Ep XII,12-16 and SD XII,17-23.

⁵⁴ AC XXVIII, 4.

⁵⁵ AC XXVIII, 5-6 (citing Jn. 20:21-23).

share the Gospel with one another and with those outside the community of faith as opportunities arise.⁵⁶

In the temporal realm (also known as the left-hand kingdom), God preserves His fallen creation by promoting peace and justice in society. Through the “sword” or “secular authority,” God uses government servants to restrain sinners from gross manifestations of evil and reward good behavior in society. The confessors state: “Secular authority does not protect the soul but, using the sword and physical penalties, it protects the body and goods against external violence.”⁵⁷ Under the temporal authority, each person, and indeed each Christian, has a role as a resident or citizen to obey the authorities and follow the laws of the land. Each of us also—particularly in the contemporary United States context of a representative democracy where the governed have a voice in the establishment of laws through their elected government officials—has the opportunity and responsibility to work within our own particular vocations towards the promotion, enactment, and enforcement of laws that are good, right, and salutary.

The distinction between “the powers of church and civil government” must therefore be maintained, so that one power “should not usurp the other’s duty.”⁵⁸ In the spiritual realm, the church is engaged with those activities that center in the message of justification by grace through faith in Christ. Through the “word” of the Gospel, the church deals with our spiritual condition and relationship before God. In the temporal realm, on the other hand, civil government is engaged with those activities that promote justice, peace, and order in civil society. Through the “sword,” civil government deals with our relationships and responsibilities before others. As members of the church and as citizens or residents of the land, Christians seek to live and work faithfully in both of God’s realms or kingdoms.

The Lutheran distinction between the two kinds of authority reminds us not to confuse the activities and aims God intends to accomplish through each realm. On the one hand, the responsibility of the church in the spiritual government does not consist in the formulation, enactment, and enforcement of immigration laws. Under the spiritual power, the church is called to proclaim the Gospel and administer the sacraments in accordance with Christ’s institution.⁵⁹ On the other hand, the responsibility of civil government or temporal

⁵⁶ “We now want to return to the gospel, which gives guidance and help against sin in more than one way, because God is extravagantly rich in his grace: first, through the spoken word, in which the forgiveness of sins is preached to the whole world (which is the proper function of the gospel); second, through baptism; third, through the holy Sacrament of the Altar; fourth, through the power of the keys and also through the mutual conversation and consolation of brothers and sisters.” SA III, 4.

⁵⁷ AC XXVIII, 11.

⁵⁸ AC XXVIII, 12 (Latin text).

⁵⁹ “That is why one should not mix or confuse the two authorities, the spiritual and the secular. For spiritual power has its command to preach the gospel and to administer the sacraments.

Govt. does not guide the church in its ministry to immigrants

authority does not consist in the proclamation of the Gospel, the administration of the sacraments, or the promotion of works of mercy that flow out of the Gospel. The government can enact and enforce temporal laws dealing with illegal immigration, but it does not teach the church how or whether she should carry out her Word and sacrament ministry among undocumented immigrants.

Confusion of the two realms happens when obedience to government and civil law concerning the legal status of immigrants interferes with the church's responsibility to proclaim the Gospel to them and do the works of mercy that flow from the Gospel for them without regard to their legal status. For example, a form of such interference would take place if, hypothetically speaking, civil legislation penalized individual Christians or church workers with fines or possible imprisonment for proclaiming the Gospel to undocumented immigrants or doing mercy work among them. Similarly, civil legislation, applications of law, or regulations that might hypothetically prevent the faithful from doing the mercy work of visiting persons in immigration detention centers could also be seen as an example of such interference. In a more likely scenario, imagine vocal public opposition to illegal immigration by a zealous citizen, who is also a member of the congregation, in the particular context of church-sponsored missionary activities in an increasingly immigrant neighborhood. This can be seen as an example of the interference described above insofar as his opposition will most likely become an obstacle to the proclamation of the Gospel in the community.⁶⁰

Confusion of the two realms also happens when the church's zeal to proclaim the Gospel among the nations in her midst interferes with the government's responsibility to regulate and enforce immigration laws according to what is reasonable and just. For example, missionary efforts and mercy work among immigrants who live in the United States illegally should not, as a matter of course, avoid dealing with concrete ways to seek legal status for them. In particular, the Synod's leaders, workers, and congregations who identify potential church leaders from immigrant communities for service in the church should be prepared to do everything in their power to seek legal status for them (e.g., obtaining or sponsoring a religious worker visa). Such investment of time, effort, and financial resources can itself be seen as a testimony to the church's sacrificial love for the stranger. In the long run, it is also likely to prevent the invisibility and marginality of immigrant workers in church and society while at the same time maintaining the church's ongoing

It should not invade an alien office. It should not set up and depose kings. It should not annul or disrupt secular law and obedience to political authority. It should not make or prescribe laws for the secular power concerning secular affairs. For Christ himself said [John 18:36]: 'My kingdom is not from this world.'" AC XXVIII, 12-15.

⁶⁰ Leopoldo A. Sánchez M., "Misión e inmigración: Pedagogía para trabajar entre los inmigrantes," *Missio Apostolica* 16/1 (2008): 72, 74.

proclamation of the Gospel without potential interference from civil authorities due to unresolved legal issues.

A related form of confusion of the two realms would take place if a church provides an undocumented immigrant with employment and thus a salary on the grounds that “the laborer deserves his wages” (1 Tim. 3:18). While it is possible under the spiritual realm for immigrants to volunteer in church activities—even in duties related to the ministry of the Gospel—without holding a green card or a special visa that allows them to work in the United States legally, employment practices are still a matter regulated by the state. The church as a legal entity must adhere to such laws and regulations in the temporal realm.

The Lutheran distinction between the two realms or kingdoms also reminds us that the unity of the church is grounded in and nourished by the Gospel and the sacraments. This means that such unity neither depends on nor is determined by a particular position on current immigration law.⁶¹ Disagreements among Christians on civil law should not in principle prevent them from sharing in the Lord’s Supper.⁶² Such disagreements arise in part from diverse views about the degree to which immigration law—either in its totality or, more often, in certain aspects—can be considered just and reasonable. Some Christians feel that they can obey the current law in good conscience. Others feel that they cannot. While all Christians agree that they, as a matter of course, must submit to the civil authorities in all things, some also find that there are certain situations where they believe they cannot do so “without sin.”⁶³ They recognize that “a command of a political authority” may at times be set in opposition to a divine command.⁶⁴ To put it differently, Christians can acknowledge that at times particular civil legislation may not be in agreement with the law of God in some respect.

Responses among faithful Christian citizens to such incongruence vary from voicing one’s concerns through the power of the vote to acting on one’s conscience through temporary forms of peaceful or nonviolent disobedience. Beyond dramatizing injustices through public demonstrations, some Christian citizens and residents of the state patiently allow immigrants who are in the United States illegally but who are not malevolent or an imminent danger to society to coexist among them until current immigration law can deal more adequately with the complexity of some particular situations that raise important moral questions. Think, for example, of children who, through no fault of their own, were brought by their parents to the country illegally, and thus think of no other nation except the United States as their own. How should

⁶¹ Sánchez, “Immigrants Among Us,” 58.

⁶² Sánchez, “Misión e inmigración,” 72, 74.

⁶³ AC, XVI, 6-7.

⁶⁴ AC, XVI, 7.

society treat these neighbors, who have no protection under the law (e.g., constantly face the possibility of being deported, have no authorization to work) and yet hold no self-identity except that of being an “American”? A number of Christian (and non-Christian) citizens and residents have often exercised a measure of patience towards these children, waiting for some remedy from the civil government.⁶⁵

Important to know → It is important to note that Christians who, in faithfulness to their consciences, practice such temporary forms of peaceful disobedience or resistance are not thereby “for” illegal immigration, but rather “against” some aspects of current law that they believe do not yet deal justly with their immigrant neighbors. Moreover, whether one entirely agrees with the current state of immigration law or not, responsible Christians on both sides of the debate must also recognize that they have to live with and take full responsibility for the impact for the decisions they make and the actions they take have on the lives of actual people. This includes especially, but not exclusively, consequences for immigrants and their families (e.g., a deportation may, in some cases, divide a family or put someone’s life at risk).

The Lutheran distinction between the two realms reminds us that disagreements about immigration law among Christians should not infringe upon their unity in Christ, which the means of grace alone bring about and preserve. We can then once again freely acknowledge that, among Lutherans who sincerely want to show mercy to their immigrant neighbors and also obey the civil authority, there can be a reasonable spectrum of opinions and a variety of debate positions concerning what is—and what is not—just, good, reasonable, orderly, and peace building for society in current immigration law.⁶⁶ Christians should exercise civility when dealing with one another in matters that pertain to the state of the civil law lest their speech becomes a cause for division and strife within the church.

There is room for Christians who disagree with one another to speak freely to each other in love and with respect on difficult and complex civil issues without fear of losing their right standing before God through faith in Jesus Christ, which the Gospel alone establishes apart from our works and choices. A Christian who acts in good conscience according to his God-given vocation in the temporal realm has acted in accordance with the law of God and, moreover, can still be saved in the spiritual realm where one’s standing

⁶⁵ At the time of publication a temporary remedy is available. On August 15, 2012, the U.S. Citizenship and Immigration Services (USCIS) began to accept requests for “Consideration of Deferred Action for Childhood Arrivals Process,” which allows certain children who came to the United States before the age of 16 to apply for deferral of deportation or removal. As a rationale for deferred action the USCIS mentions its desire “to focus its enforcement resources on the removal of individual who pose a danger to national security or a risk to public safety” and not “on low priority cases, such as individuals who came to the United States as children and meet other requirements.” Online: <http://search.uscis.gov/search?affiliate=82601b2ec&q=deferred+action+process>.

⁶⁶ Sánchez, “Immigrants Among Us,” 58.

before God does not depend on the fulfillment of the law.⁶⁷ Christians should therefore exercise their vocations with joy and responsibility in the left-hand realm, without fearing the loss of their salvation in Christ, which is a gift of the Gospel alone. We may disagree vehemently on left-hand issues, and even criticize our own brothers and sisters who hold positions in government for their actions, but we should be careful about condemning Christians because they have exercised their vocation, which they seek to do for the sake of the neighbor.

It is also true that Christians must not seek to use their freedom in the Gospel to irresponsibly opine or hold some absolute position on this or that law merely for the sake of this freedom. Instead, Christians should use their freedom to serve others, for the good of their neighbors. Christians must recognize that views about various laws may have consequences for real people, their neighbors. Christians, therefore, ought not make decisions on civil laws that affect others without carefully and responsibly assessing what their positions will mean for concrete neighbors.

The two realms must be distinguished and not confused, but there is also a relationship between the two. While the state should not restrict the church's proclamation of the Gospel and pastoral care to all people regardless of their legal status, the government does have some role in regulating the work of the church as an institution in the left-hand realm. For instance, as mentioned before, under the civil law the church cannot employ and pay wages to an undocumented church worker. In a similar manner, while the church does not legislate or tell the civil government exactly how to legislate, it can be argued that Christians as church, either individually or corporately, may have some role in pointing out sin and injustice to the civil authorities as part of their duty to teach the law (i.e., what is pleasing to God according to His revealed will) when the government does not act in a just or godly manner.⁶⁸ But *how* and *when* is the church meant to fulfill this duty?

The LCMS has officially pointed out sin in the case of abortion, which constitutes a clear case where a moral practice protected by civil law is contrary to God's law (more specifically the fifth commandment). Not just as individuals but as a church body (and thus corporately) the Synod has pointed out that

⁶⁷ The confessors teach that a Christian who exercises an office under the civil government does a "God-pleasing" task and can do so "with a good, clear conscience." FC, SD XII, 17-18. See also Martin Luther, "Whether Soldiers, Too, Can Be Saved," AE 46:87-137.

⁶⁸ "Even when agreeing, for instance, that the church does not have a Gospel-based responsibility to promote the transformation of the civil realm, Lutheran theologians and church bodies have disagreed about whether the corporate church (and not just the individual Christian) has a Law-based duty to teach the state ethical principles. Theologians and church bodies have also disagreed about the most prudent and effective means by which the church might actually teach those ethical principles in a pluralistic and democratic society." CTCR, *Render unto Caesar...and unto God: A Lutheran View of Church and State* (1994), 53.

abortion is sin and has made its position an official one.⁶⁹ But *how* and *when* is that to be done in the case of immigration law? Could or should it be done publicly as Synod in the case of certain immigration laws? Or does the LCMS, perhaps more humbly, lay out the issues, the tools for Lutheran interpretation and analysis, and the broader concerns and limits to be taken into account in responsible Christian decision-making?

The latter approach lets *individual* Christians make their own conscientious decisions, with some guidance from the church as Synod, concerning what is just and reasonable when there is no clear consensus among all Christians on the moral failure of certain aspects of immigration law. The LCMS has traditionally gone in this more private and individual direction with societal and political issues where black-and-white is not easily determined in every case. This approach seeks to teach not by direct, irrefutable command but through biblical and theological guidelines and principles that the Christian is meant to reflect on and contextualize.⁷⁰ It also allows room for Christians, especially as individual citizens and residents of the state, to disagree with and persuade one another on left-hand kingdom issues through the use of reason. Moreover, it calls all sides to repentance when their positions are colored by selfish aims or mean-spirited rhetoric, and avoids making an individual Christian feel that his or her standing before God is conditional upon general or specific agreement about immigration law.

through reason, data, research . . .
Repentance of selfish aims, mean-spirited rhetoric

⁶⁹ The most recent LCMS resolution reiterating this (and using the language of “sin”) is Res. 6-02A, “To Reiterate Synod’s Stance on Abortion” (2001). See “Abortion,” in *This We Believe*, 1.

⁷⁰ CTCR, *Render unto Caesar...and unto God*, 51-52. To illustrate the “more traditional Lutheran view,” the document cites a 1983 “catechism” on proposed tuition tax credit legislation: “In still other cases, sensitive questions may arise for public debate concerning which God’s Word provides even less specific guidance...In these cases it may be helpful for the Synod, while recognizing that Lutheran Christians equally committed to following God’s will as revealed in Holy Scripture may come to different conclusions, to keep its members informed and offer guidance to them as they determine their own positions” (p. 51).

IV. Who Is My Neighbor?

The Place of the Christian's Vocation in the Immigration Debate

What does it mean to fulfill the law of God? Christians know the law of God as the Ten Commandments. But how is the Decalogue fulfilled or carried out in their everyday lives? This question remains an abstract one until we look more closely at the concrete vocations God has given us and the specific neighbor or sets of neighbors God has put in our lives.⁷¹ Vocation is the calling God gives each Christian to fulfill His law by serving some neighbor(s) through the exercise of certain tasks and responsibilities. When a Christian serves his neighbor in the context of his God-given vocation or "station in life," he fulfills concretely God's "commandment of love" and thus His will that we love our neighbor as ourselves.⁷² Since Christians relate to many neighbors, they typically have more than one vocation and, therefore, more than one neighbor to attend to in this life.

To have a vocation is no accident, but God's created intent for us. Vocations can be appropriately understood as part of the fabric or order of God's own creation. Vocations derive in one way or another from God's command and institution of work as part of His creation. Even before the Fall into sin, God created man to tend the garden (Gn. 2:15). Even though after the Fall work is often seen and felt as a divine curse (cf. Gn. 3:17-19), Christians should not forget that work is actually a temporal means instituted by the Creator through which He blesses, provides for, protects, and sustains His creation.⁷³ "Work is the 'mask' behind which the hidden God Himself does everything and gives men what they need to live."⁷⁴ God has provided the world with

⁷¹ This section develops an argument made in Leopoldo A. Sánchez M., "Arizona Neighbor On My Mind," ConcordiaTheology.Org (May 3, 2010). Online: <http://concordiatheology.org/2010/05/arizona-neighbor-on-my-mind>. See Appendix II for an explanation of the term "vocation" as used in this report.

⁷² "This commandment of love, valid everywhere and for all people, becomes specific for us as individuals in the context of the station in life in which God has placed us. Through our station in life we are placed into a definite and particular relationship to one another. And our duty to serve one another thereby takes on very specific form." Paul Althaus, *The Ethics of Martin Luther* (Minneapolis: Fortress, 1972), 36.

⁷³ "The world only sees the troublesome and heavy burden of work and therefore flees and hates it. To do that, however, means to look at work with the 'eyes of the flesh,' which can only see the toil and trouble of work—and the flesh ought not to have anything else. However, Christians see work with the eyes of the Holy Spirit...God has sweetened the sourness of work with the honey of his good pleasure and the promise of his blessing...Thus work is indeed under a curse, but it also stands under God's blessing." Ibid., 102.

⁷⁴ Ibid., 101; "Instead of coming in uncovered majesty when he gives a gift to man, God places a mask before his face. He clothes himself in the form of an ordinary man who performs his work on earth. Human beings are to work, 'everyone according to his vocation and office'; through this they serve as masks of God, behind which he can conceal himself when he would scatter his gifts." Gustaf Wingren, *Luther on Vocation* (Evansville, Indiana: Ballast Press, 1994), 138 (cf. 123-143).

workers and rulers of all kinds who, through their labors, contribute to the well-being of many neighbors.⁷⁵

Moreover, God created male and female in His own image and, therefore, in perfect righteousness—namely, to live in a right relationship before God and a right relationship before human beings. Even though we rightly speak of our relationship with God after the fall as one that has been corrupted by sin, we must remember that from the beginning God has desired to live in communion with His creatures and—instead of destroying His fallen creation—chooses to restore it through Christ’s redemptive work and the Spirit-led speaking and living out of the Gospel through the church on earth. God instituted the church already from the beginning by creating our first parents to live in communion with Him in the Garden. After the fall He makes provision to restore His creatures to communion with Himself through Christ. God has provided the world with the church, her ministers, and individual members to proclaim the Gospel of redemption in Christ and thus to contribute to the spiritual well-being of many neighbors.

God created us to live rightly before one another. Adam and Eve, our first parents, were not created to live merely as isolated beings seeking to fulfill their own individual needs and desires. Instead, God created man and woman for each other and thus to care for and sustain one another in the context of the marital union. People living in this fallen world often speak of marriage and family life in terms of its challenges, failures, or inconveniences. Christians are called to remember that God instituted marriage, and thus the family, as a means to bless, care for, and protect His creation.⁷⁶ Parents provide for the temporal and spiritual needs of children. The Christian household is the first place where children learn from their parents the value of work, marriage, authority, and God’s Word. It is the first economy, government, and church.

God instituted secular government “already in paradise” under the command to rule the earth. Government is rooted in the reality that, as a result of the institution of marriage, “earthly life requires relationships in which some are superiors and others are dependent, in which some give commands and others are subjects.”⁷⁷ Therefore, secular government, broadly speaking, includes “marriage, the household, property, the relationship between master and servant,” even if after the fall secular government is defined more strictly

⁷⁵ “Whoever does not work is a thief and robs his neighbor in two ways. First, he permits others to work for him and nourishes himself from their ‘blood and sweat.’ Second, he withholds what he ought to give his neighbor.” Althaus, *The Ethics of Martin Luther*, 102 (italics added).

⁷⁶ “On earth and in relation to his neighbor he [i.e., man] fills an ‘office’; there the main point is that creation is sustained, e.g., that children receive food, clothing and care. This work of love God effects on earth through the ‘orders’—the order of marriage, of teacher and pupils, of government, etc.” Wingren, *Luther on Vocation*, 6-7.

⁷⁷ Althaus, *The Ethics of Martin Luther*, 48.

as God's means to curb external sin through the "sword" wielded by political authorities.⁷⁸

In short, all vocations, stations, or offices through which we relate to and serve our neighbor in the world today derive from God's design and word.⁷⁹ To be a creature means to have vocations and neighbors for whom we care. But who is my neighbor? Indeed, my neighbor is anyone who needs my help. Yet if everyone is my neighbor in general, the danger is that no one will be my neighbor concretely. When speaking about immigrants who are in the United States illegally, one must remember that each person has a different story and experience.⁸⁰ Some are victims of trafficking.⁸¹ Some do not have legal status due to violence and exploitation by another party. Many entered the United States legally but overstayed their visas for any number of reasons, including family reunification issues, fear of persecution, or the desire to provide their children a more dignified life. One must also admit that a number have come to or stayed in this country to engage in criminal acts. Immigration is not merely an issue about law in some general sense, but about the individuals who are our neighbors. Otherwise stated, vocation allows us to put a human face on debates concerning law in general and immigration law in particular.

Just as the Lutheran teaching on vocation avoids the idea that the law can be fulfilled abstractly without some concrete neighbor in mind, this teaching also helps us to avoid the danger of thinking of our neighbor as an abstract object by directing us to advocate for specific neighbors in their particular situations and within a context of actual service, from some concrete office or station in life. When it comes to the immigration debate, the critical argument is not whether one is for or against "illegal" immigration. Whatever is "illegal" according to this or that current law is, strictly speaking, "illegal." There is no argument there. Disagreements about the civil law have to do instead with whether immigration law, either broadly or in certain aspects, deals adequately, fairly, justly, or reasonably with certain neighbors or sets of neighbors. It is therefore only natural that particular answers to illegal immi-

⁷⁸ Ibid., 47-48.

⁷⁹ "God has established stations among men—Luther also speaks of orders, institutions, offices, or hierarchies. There are many and various stations in life, for 'God is a great lord and has many kinds of servants'... Sometimes Luther summarizes them in three basic stations: ministry, marriage (or the family, including everything related to business and the economy), and secular authority... All these are 'divine stations and orders' because God has established them in his word, and they are to be honored as holy institutions." Ibid., 36-37.

⁸⁰ SRIC notes: "Millions of undocumented persons have come to the United States for many and various reasons. They have come to flee oppression of many sorts, including extreme poverty and hunger. They have come in order to make provision for their loved ones. They have come in order to end separation from loved ones. They have come illegally because they have deemed that the legal route is nearly impossible to maneuver. They have come because they can work, and they find dignity in labor. We recognize also that a small percentage have come for malevolent reasons."

⁸¹ See Res 6-07A "To Support Efforts to End Human Trafficking/Slavery," in The Lutheran Church—Missouri Synod, *Convention Proceedings* (2010), 144.

our answer(s) depend on the priorities/neighbors for whom we advocate for... Ex: No help to immigrants until EVERY former US soldier is no longer homeless & Real statement I've been told
gration will depend, whether we realize it or not, on our vocational priorities and corresponding neighbors for whom we are called to advocate.

Vocation allows us to argue boldly and persuasively for particular neighbors. It encourages Christians to take a stand for the people whom we are to serve. For example, the governor of a U.S. state might argue, from his or her position as an officer of the law in the left-hand realm, for tougher enforcement measures against immigrants who reside in the state illegally in order to protect state residents for whom he or she is responsible against problems such as violence, kidnappings, human trafficking, and other crimes. In doing so, the state official performs his or her duty from a particular vocation—in this case, by advocating for the safety and quality of life of state residents. With regard to law enforcement, border patrol agents also fulfill their vocations by stopping immigrants who want to cross into the United States without a proper visa. This is the main duty through which these agents will promote national security on behalf of the citizens of the nation—their neighbors. Since we are faced with many neighbors asking for our attention, vocation defines who is my closest neighbor, what neighbor's needs one should deal with first, and how to do so.

A significant tension often arises as we wrestle with the obligation to love our neighbor in the everyday complexities of life. Even as we are called to “do good to everyone,” so we are also encouraged to show special concern for “the household of faith” (Gal 6:10). Our Lord chided the Pharisees for a convoluted “ethic” that resulted in neglect of family members in the name of some other set of religious priorities (Mk 7:10-12). Such references remind us that love for our neighbor always involves particular individuals and that our Lord expects love for our neighbor to begin with our families and other neighbors who are in closest proximity to us. So the father dare not neglect the love of his family in the name of love for others who are farther removed. Similarly, it is appropriate for a Christian community to give priority to the neighbors in its midst, as Paul says in Galatians 6. And, from this same principle, it is morally appropriate for civil entities and governing authorities to give priority to the well-being of their own citizens.⁸²

At the same time, this concern for the “nearest neighbor” is not permission to deny that the person who is farther removed is also my neighbor. When the lawyer in the parable of the Good Samaritan asks, “Who is my neighbor?” he is attempting “to deflect attention away from himself” in order to avoid the command to love. His question “implies that there are some people who are *not* my neighbor.” But no such conclusion is allowed by the Lord, whose ministry shows that “absolutely *no one* is excluded from his love” (see Matt. 5:43-44).⁸³ While no Christian is able to do good in equal measure to every neighbor, we

⁸² Peter C. Meilaender has emphasized the matter of proximity as an important factor in the immigration debate. See “Immigration: Citizens and Strangers,” 10-12.

⁸³ Arthur A. Just, Jr., *Luke 9:51-24:53* (St. Louis: Concordia Publishing House, 1997), 451-452.

Yes, but Paul also took a collection for the saints in Jerusalem

ought never to assume that God would have us exclude anyone from the love of neighbor to which we have been called.

Inevitably, in a less than perfect world, advocating for one neighbor may also mean not coming to another neighbor's defense. Not surprisingly, therefore, there will also be conscientious and upright citizens and residents who will advocate for hard-working immigrants whose legal status is questionable or difficult to regularize but who over the years have contributed to the economic vitality of the state, whose children were born or raised in this nation and know of no other country than this land of freedom and opportunity, and whose families are a complex composite of citizens, residents, and undocumented aliens all living under the same roof. Broadly speaking, those who will speak for them are likely to argue for initiatives such as sensible worker visa programs, humane enforcement of immigration laws, protection and access to public education for children of undocumented aliens, family unification, and earned paths to legalization. Such advocates include but are not limited to families and friends of the undocumented, pro bono immigration lawyers, human rights activists, Christians and church workers who work very closely or almost exclusively with immigrants, as well as larger groups such as Lutheran Immigration and Refugee Services (LIRS).⁸⁴

A measure of conflict is inevitable in a sinful world with so many competing issues calling for our attention and so many types of neighbors calling for our help. Our neighbors—in a good and real sense—are our burdens and crosses to bear. God has given us our neighbors. We rightly struggle with questions about whom we should serve first and how we should best serve them.⁸⁵ We cannot evade that fundamental divine intention for our lives. It is part of our creatureliness, our being bound or rightly related to the specific people whom God has given us to serve. In making decisions for this or that neighbor in the context of our God-given vocations, Christians will of course experience a certain measure of ambiguity at times and should expect a certain level of paradox.

Such paradox arises when a Christian considers his office, where the neighbor he has been called to serve from a particular station in life depends on him, vis-à-vis his own individual or private relationship as a Christian to some other neighbor. This paradoxical state of existence in the life of the Christian implies that “a distinction must be made between acting (and suffering)

⁸⁴ We speak here of advocacy in the broad sense of promoting the well-being of the immigrants through various means. When defined more narrowly as a means to address systemic change in immigration law, advocacy represents only 1% or less of LIRS's service portfolio. More broadly, LIRS is a social ministry or service driven by the Lutheran faith whose mission is to protect refugees and migrants at risk and to assist with their resettlement in the United States.

⁸⁵ Sánchez, “Misión e inmigración,” 71, 73. Other questions, beyond the scope of this document, could be asked with regard to this issue such as the responsibility of government to its citizens, an immigrant's responsibility to obey governing authorities in his/her new country as well as the country of origin, etc.

in my own behalf in a private relationship with my neighbor on the one hand, and acting (and suffering) in my office, that is, in the responsibility for others inherent in my station."⁸⁶ As an individual Christian, for instance, "when you consider yourself and what is yours," you might turn the other cheek privately and even suffer personally some injustice carried out by your neighbor.⁸⁷ Positively stated, as an individual Christian, I might also privately assist even my own enemies when the need arises.⁸⁸ However, when called to a particular office and vocation to care for some particular neighbors, I cannot act individually anymore, but must now give priority to and come to the defense of those neighbors I am called to defend and advocate for in my office and station. In such a situation, I cannot simply "turn the other cheek" or aid my enemies, if this means that those neighbors I have been called to serve in my office will suffer as a result of my individual or private decisions and actions.⁸⁹

Let us apply further the distinction between the Christian acting as an individual and the Christian acting in a particular office. Think, for example, of a border patrol agent. As an individual Christian, he might actually disagree with current immigration law and see the current system as unjust, noting how it does not seem to take into consideration the economic needs and the labor demands that bring those who are poorest into the United States. As an individual Christian, the agent may also show compassion to the immigrant who is coming illegally into the United States, taking care of his basic humanitarian needs and at times even providing protection from "coyotes" (smugglers) and others who might want to harm him. As an individual Christian, acting outside his particular office, he may also share the Gospel with immigrants—whether here legally or illegally—in his neighborhood and serve their needs

⁸⁶ Althaus, *The Ethics of Martin Luther*, 68. Luther writes: "A Christian should be so disposed that he will suffer every evil and injustice without avenging himself; neither will he seek legal redress in the courts but have utterly no need of temporal authority and law for his own sake. On behalf of others, however, he may and should seek vengeance, justice, protection, and help, and do as much as he can to achieve it" (italics added). See "Temporal Authority," AE 45:101. Lohse speaks of the distinction between the Christian as "Christ-person" and as "world-person": "In order to make clear the Christian's twofold duty, he [i.e., Luther] spoke of the Christian as being 'two persons,' a Christian person and a person of the world." Bernard Lohse, *Martin Luther's Theology: Its Historical and Systematic Development* (Minneapolis: Fortress, 1999), 321.

⁸⁷ Commenting on Christ's words "do not resist evil" (Mt. 5), Luther distinguishes between "satisfying God's kingdom inwardly and the kingdom of the world outwardly" as follows: "In the one case, you consider yourself and what is yours; in the other, you consider your neighbor and what is his. In what concerns you and yours, you govern yourself by the gospel and suffer injustice toward yourself as a true Christian; in what concerns the person or property of others, you govern yourself according to love and tolerate no injustice toward your neighbor." Luther, "Temporal Authority," AE 45:96.

⁸⁸ "As a Christian, when his own personal welfare is involved, he seeks to do nothing else than serve his neighbor, even if his neighbor is his enemy. He is prepared to suffer injustice without protecting himself and resisting evil, without calling upon the authorities and their judicial power for help, without avenging himself...." Althaus, *The Ethics of Martin Luther*, 69.

⁸⁹ "However, as a secular person, fulfilling his office of protecting those entrusted to his care and acting in matters that affect the welfare of his neighbor, he must under all conditions fulfill his duty to protect them, to oppose evil, block it, punish it, and use force in resisting it." Ibid.

through the congregation's mercy programs in the community. And yet, in his vocation as a border patrol agent in the civil realm, he is bound to stop even the neediest neighbor who wants a better life for his children from crossing the border into the United States. In doing so, the border patrol agent puts his office, and the neighbor(s) he has been called to serve under that office, above his own personal or private relationships to particular immigrant neighbors.

Another good ex: On the other side of the border, let us consider a Mexican husband and father, who lives in a neighborhood where drug lords put lives in danger on a daily basis, and who has tried desperately to no avail to find decent work in his own land. As an individual Christian, apart from his particular God-given calling and office as husband and father, he may be quite willing to suffer hunger, anxiety, and death—i.e., to “turn the other cheek,” as it were, and suffer injustice at the hands of some neighbor, trusting in God's final deliverance. And yet, in his God-given vocation as a husband and father, the man must defend and provide for his wife and children. What a man might be willing to suffer as an individual, therefore, is different from what he has been called to do for the sake of others whose suffering he is called to alleviate. For example, even though the husband and father knows that crossing the border without a proper visa is an illegal act, and that by doing so he might actually affect other neighbors, his vocation as father may lead him to choose to cross into the United States to find safety, work, and peace for his loved ones simply because he is bound to care for those whom God has put in his life.

Although one cannot attempt to fulfill God's law in some abstract sense without some concrete neighbor in mind, Luther is also able to teach that the law of God is above this or that particular vocation, office, and neighbor.⁹⁰ This insight adds another layer of complexity to the immigration debate and prevents us from arriving at some exclusivist approach to vocation and office that will conveniently leave out some important neighbors who might not fit neatly within our stations. Indeed, despite the distinction made above between the Christian acting for himself and the Christian acting from his office, Christians still must find ways, whenever possible, to deal with the suffering neighbor even when he is outside his particular vocation(s).

While one must argue for some specific neighbor, one cannot use that argument to justify leaving another one to suffer. Unfortunately, vocation can be practiced in such a way that some neighbors are summarily excluded. The law of God, however, calls us to serve every single neighbor—even our

⁹⁰ “The ‘common order of Christian love’ stands above the stations. At the same time, only those called to a particular vocation are responsible for the special works of that vocation. The same works are not required of everyone; rather, each has different works according to his station and vocation. All, however, are equally called to love in the same way; through love ‘one serves not only the three orders, but also serves every needy person in general with all kinds of benevolent deeds.’ Thus the Christian's service of his neighbor goes far beyond the regular duties of his vocation...Luther's ethics is an ethics of station and vocation, but not in an exclusive sense.” Althaus, *The Ethics of Martin Luther*, 40-41.

enemies—when the opportunity arises (Luke 6:27-28). What a high calling! It is sobering that God demands so much of us. On the one hand, we must rejoice in our vocations and attend primarily to those neighbors we have been called to serve. On the other hand, we must have the needs of all our neighbors in mind when the opportunity to serve them arises—even those neighbors who are living among us illegally. We must be ready to serve and cannot use vocation as an excuse not to do so. Some Christians may do so acting as individuals, even if they cannot do so from a particular office (e.g., the border patrol agent). Other Christians, whose primary vocation puts them in a position where they are called to care for their immigrant neighbors, will also be able to offer such service from a particular office (e.g., a pro-bono immigration lawyer).

In the immigration debate, there is also an argument to be made for serving the neediest and most vulnerable neighbors in our midst as we make decisions about which “neighbor” to serve first. Immigrants are among the poorest and most vulnerable neighbors among us. The argument for the priority of love towards the neediest has to be seriously considered.⁹¹ Having said that, some will admittedly argue that other neighbors who are not poor immigrants are also most vulnerable and needy when it comes to certain protections that the law must seek to provide for them. In those cases, arguing from some particular vocation and advocating for some particular neighbor or set of neighbors has taken place. And yet in all their discussions on civil law, Christians are called to consider not only their particular vocations and specific neighbors, but also God’s clear and timeless will and command in Scripture to remember, care for, and deal fairly with the immigrant neighbors in their midst. Christians will, of course, disagree on *how* to deal with all the aforementioned concerns and demands, but *that* they should do so is not negotiable.

⁹¹ A priority of love towards the most needy should not be equated with the expression “preferential option for the poor” if by the latter term one means that the poor are closest to earning God’s favor on the basis of their condition in life and thus apart from faith in Christ. Therefore, in a Lutheran framework, the term “priority of love” should be used only in the sphere of the righteousness of the law, which deals with our relationship before human beings or our neighbors. It does not belong to the article of the righteousness of faith, which deals with our relationship before God through faith in Christ. For the distinction between the two kinds of righteousness, see Ap IV, 21-26.

Concluding Remarks and a Final Exhortation

As we reflect on our response to immigration issues thus far, some summarizing observations are in order. Lutheran theology contributes a number of scriptural and confessional guidelines and principles for approaching the contemporary immigration debate. It leaves room for disagreement among Christians on left-hand realm issues without disrupting the unity in Christ grounded in the right-hand realm where the Gospel saves. While Lutheran theology affirms the responsibility of Christians to obey the civil authorities, it also leaves room among Christians for various assessments of the level of justice and righteousness in certain aspects of immigration law. Such assessments and levels of response depend on the neighbor whom one has been called to advocate for, defend, and protect, and therefore on one's vocation and office. Therefore, Lutheran theology compels us to consider civil laws not only abstractly but concretely by advocating for particular neighbors or sets of neighbors. There is always a human face to the immigration debate. As Christians engage in debate over a complex issue for the sake of their neighbor in the spirit of Christian love and humility, they ought to do so not only by appealing to the use of reason and persuasion but also by putting the best construction on the neighbor with whom and about whom they speak.

We must also warn against the misuse of Lutheran theology to justify an unbalanced position. On the one hand, the desire to proclaim the Gospel and do the work of mercy can foster an unwillingness to deal with immigration laws. As we consider what the Bible says about God's command to love the aliens in our midst, we should also take seriously God's command to obey the authorities. On the other hand, the desire to promote the rule of law can foster an uncritical, passive, and even idolatrous attitude towards government and civil law that does not lead to a serious consideration of a potentially unjust state of affairs. Here the Christian should take seriously God's command to love the immigrant neighbor, but also seek to be well informed on the state of current civil law on immigration and its potential problems and injustices, precisely for the sake of respect for God's law in general and for the rule of law in particular. Lutheran theology helps us to avoid extremes. ← YES !!!

We should also be aware that Lutheran theology can be used improperly in such a way that no one is led to repent of anything or to deal with the consequences of their actions or attitude toward their neighbor. Christians who rightly advocate for the rule of law might falsely think they do not need to repent if they violate the eighth commandment by portraying the actions of their immigrant neighbors in the most negative light. Christians may be so angry about failures to control immigration that they excuse their lack of compassion for struggling and suffering immigrants. Other Christians, who advocate for showing mercy and compassion to the immigrant for the sake of the Gospel, may consider themselves more righteous than others and defame governing officials or border control agents who are seeking to fulfill their vocations in a godly way and to protect their fellow citizens and country.

Christians who strongly support immigrant rights may feel that they are justified in vilifying those who disagree. Undocumented immigrants themselves might believe they have no need to repent for disregarding the law or refusing to acknowledge the necessity of decent and orderly processes of governance.

Finally, Lutheran theology can be misused in a way that obscures the Gospel. A strong rule of law stance without an equally strong concern for the proclamation of the Gospel and the work of mercy among immigrants can lead immigrants to see Lutherans as Christians who do not practice what they preach. Moreover, a persistent insistence on the need for undocumented immigrants to repent of their sin of breaking the law, without an equal insistence on the need for repentance for all who benefit directly or indirectly from their labors, makes the church look hypocritical and thus like a church whose Gospel message cannot be trusted.

All of this reminds us of the struggle of Christian life in a fallen world. Our sin is ever before us (Ps 51:3) and our whole life remains one of repentance.⁹² The Gospel's absolution is constantly needed both for our obvious sins and for the many times when we see no recourse other than to choose what appears to be "the lesser of two evils." None of this shakes our confidence in God's word of forgiveness, even as we seek again and again to do better.

We must all acknowledge that we do fail to help some neighbor and we do not fulfill all that the law demands of us. We all sin in various ways as we seek to fulfill our vocations in the left- and right-hand realms and kingdoms.⁹³ Therefore, in what is one of the most complex and debated issues of our time, the Gospel, by means of confession and absolution, must be brought to bear continually as Christians engage in conversations about what is best for various neighbors and attempt to better carry out their vocations responsibly and in good conscience for the sake of these neighbors—including immigrants among us.

⁹² Martin Luther, AE 31:25.

⁹³ Althaus states, "...[W]e cannot fulfill any vocation without being involved in sin. Here again it is very important that all Christian ethos is ethos under justification. This is particularly true of our vocation, whatever that may be. Thus the work that we do in our vocation cannot be acceptable apart from the certainty that our sins are forgiven. No matter how impossible it is to avoid sins in our station and vocation because of our sinful nature, however, our station as such remains pure and holy because it is established through God's word." Althaus, *The Ethics of Martin Luther*, 41.

V. Responding to Immigration Concerns:

Some Guidelines for Church Workers

These guidelines address a few of the many questions that may be raised by church workers and others in ministries involving immigrant populations. As of the time of this writing, the guidelines appear to be consistent with current immigration law. However, given the rapidly changing nature of immigration law, the reader should not construe these guidelines as legal advice. Church workers are always encouraged to seek legal counsel in their own state.

1. A church worker may proclaim the Gospel and teach God's Word to immigrants regardless of their legal status. One may incorporate immigrants into the life and membership of the congregation.
2. One may also incorporate immigrants into the life of the parochial school. One may give undocumented immigrants and their children access to a Christian education in Lutheran schools, colleges, and seminaries of the church. There is no federal law that prohibits the admission of undocumented immigrants to private, not-for-profit, educational institutions of the church.
3. One may offer assistance to immigrants through the church's ministries of relief and mercy regardless of their legal status.⁹⁴ One may assist the needy with food, clothing, shelter, medical assistance, and childcare. One may assist Lutheran churches in other countries from which undocumented immigrants come so that their church leaders might reach out to them with the Gospel and care for them through ministries of mercy in order that they might find paid and dignified work to support their families.
4. One may help immigrants gain legal status in the country. One may seek the advice of lawyers and advocacy groups to reunite families separated through enforcement of immigration laws, or to seek asylum for those individuals or families for whom there is a reasonable fear of death or persecution upon return to the country of origin.
5. A church worker is not required to investigate the legal status of immigrants attending the local congregation or parochial school. One is not required to report undocumented attendees to state authorities.⁹⁵ Potential situations such as the following may constitute government intrusion into the church's work of spiritual

⁹⁴ "It is lawful to provide human care to a person who lacks documentation." Lutheran Immigration & Refugee Service (LIRS), *Bible Study Guide: People on the Move • New Neighbors • Much to Give* (Baltimore, Maryland), 7. The *Bible Study Guide* is part of a set of materials titled *Be Not Afraid: Resources for Congregations & Immigrant Families Fractured by Fear*, and is available online at <http://lirs.org/wp-content/uploads/2012/05/BNAMANUALBIBLESTUDY.pdf>.

⁹⁵ "You are not required to report someone who lacks documentation." Ibid.

care: the presence at worship of enforcement personnel looking for undocumented persons; the use of church property by enforcement personnel to stage a raid; a demand made to clergy by enforcement personnel to disclose information about members whose legal status has been disclosed to the pastor in the context of confession and absolution. The church is not the government and is not expected to engage in law enforcement activities. At the same time, one must encourage and help undocumented members of the body of Christ to fulfill the law in every way possible. In assisting them, one must also be prepared to exercise a good measure of patience in what can become a long, complex, and expensive process towards legalization.⁹⁶

- ⑥ One must not give undocumented immigrants paid employment at the church or school unless they are legally authorized to be employed in the United States. One may involve them in the life of the congregation on a legitimate volunteer basis (e.g., people serving as elders, musicians, assistant liturgists, or in outreach to the community).
7. A pastor must not share with civil authorities privileged and confidential information given to him by an undocumented immigrant member of the congregation in the context of confession and absolution or spiritual counseling. This includes the person's immigration status. The general principle that a pastor is not to divulge sins confessed to him so as not to break the ordination vow applies. Moreover, even in the broader context of pastoral care in the right-hand realm, the same general principle of confidentiality may apply since the undocumented member does not see or approach his pastor as any individual citizen in the left-hand realm but specifically as his pastor in the right-hand realm.⁹⁷ The scope of the clergy/penitent privilege varies from state to state, so it is important to seek legal counsel if there is a question whether privilege applies to a particular communication.
8. If an undocumented immigrant is involved in criminal activities that actually put people's lives in danger, there is probable cause for calling the authorities to check into and deal with the threat. In such situations, however, the immediate issue is not the question of legal status per se but the life-endangering activities of the individual. Situations that may require contacting the authorities include knowledge of criminal activities such as terrorism, bulk cash smuggling/financial crimes, human smuggling, gang-related

⁹⁶ "It is *not* lawful to help someone avoid compliance with immigration law, such as an order of deportation." Ibid. (see n. 41 above).

⁹⁷ See CTCR, *The Pastor-Penitent Relationship: Privileged Communications* (1999); available online at <http://www.lcms.org/Document.fdoc?src=lcm&id=412>.

crime, weapons smuggling, child exploitation/pornography, narcotics smuggling, human trafficking (forced labor/slavery), and employment/exploitation of unlawful workers.⁹⁸ In such cases where sharing vital information may help to save life, the principle of Christian love for the neediest neighbor applies.

9. In providing humanitarian assistance to undocumented immigrants, one must be careful not to transport them across the border into the U.S. One must not deal with “coyotes” (smugglers) and other criminal elements who ask for one’s help to bring people across the border. Also, one must not willingly hide or conceal information from government authorities concerning immigrants who are in the U.S. illegally when specifically asked to share such information by investigating authorities. Concealing information from civil authorities is particularly problematic if, whether one knows it or not, an immigrant has a criminal record. One should always seek legal advice, especially when one finds oneself in potentially ambiguous legal situations.

⁹⁸ For further examples of criminal activity or violations that may put others’ lives at risk, see <http://www.ice.gov/exec/forms/hsi-tips/tips.asp>.

APPENDIX I

A Framework for Considering Immigration Concerns: Case Studies

The following case studies are intended to stimulate reflection and discussion rather than provide “right and wrong answers.” In each case, individuals are encouraged to think about and discuss these cases using the biblical and Lutheran framework outlined in this document. That framework includes such important themes as the mission of the church to share the Gospel with all nations, the call to love your neighbor, the importance of the church’s unity, respect for law, vocation, the two realms, and so forth.

Case Study 1—Vocation, Two Realms, and the Mission of the Church

You have been called to serve a predominantly Anglo parish in an increasingly Latino neighborhood. A prominent Anglo member of your congregation who serves on the city council is rather vocal not only outside but also in the church about his opposition to illegal immigration. He repeatedly insists, on the basis of Romans 13:1-7, that we must obey and enforce our immigration laws. Members of the Latino community whose legal status is unknown, but likely include some undocumented people, are increasingly hesitant to attend any outreach church activities because of their fear that this particular zealous citizen or others like him in the church might call the attention of “la migra” (immigration officers) to raid their homes or workplace, or might make police officers suspicious enough about their legal status to check out their papers. As a result, the congregation’s evangelistic and mercy efforts in the community are not trusted and the Gospel is simply not being proclaimed within earshot of these Latino neighbors.

Questions for Discussion:

1. As one who works in the right-hand realm, what do you say to this dear Anglo member? In particular, what do you say to him as one who lives and has his vocation as a city council member and a concerned citizen in the left-hand kingdom?
2. On the other hand, how do you speak to him as a member of the church who also lives and has his vocation in the right-hand realm as a baptized child of God? What responsibilities does he have as a Christian in relation to the church’s work of mission and mercy in the predominantly Latino neighborhood?
3. What might be some of the consequences of the member’s actions of vocal opposition to illegal immigration, for the church and the Latino neighbor? Are there some things that a Christian *could* say but should *not* in certain contexts?
4. Is the council member’s appeal to the text from Romans 13 fully

valid? How would you help him to also consider the biblical mandate to love his immigrant neighbor as himself (e.g., Lev. 19:33-34)? In what ways might this member of the congregation reasonably fulfill both biblical teachings?

Case Study 2—Vocation, Two Realms, and the Unity of the Church

A concerned Hispanic member of the congregation in Case Study 1 who works *pro bono* as an immigration lawyer has offered many of her services to Latinos in the community. As a result of her tireless work and legal counsel, which she does in an office at church set aside for this ministry of mercy, many Hispanics in the community have been asking about the church. As a lawyer, this person respects the rule of law, but through her practice she has become convinced that the current immigration law does not deal adequately with some neighbors. Her *pro bono* work is inspired by her desire to use the law to help people in difficult situations. As a Christian, she takes very seriously God's command that we love the sojourner neighbor as ourselves (cf. Lev. 19:33-34). She is so disappointed in the Anglo member's vocal opposition to illegal immigration—at times, in the presence of Latinos seeking legal advice—that she will not commune with him at the Lord's Table. The *pro bono* lawyer explains to the pastor that she is frustrated and even angry about the brother's lack of sensitivity to the plight of these immigrants, their legal struggles, the broken and unjust aspects of the current immigration system, and the importance of the church's work of mercy among them.

Questions for Discussion:

1. As a church worker in this congregation, you have to speak to this dear Latina sister and congregation member who resents the actions of her Anglo brother. Might she have a point, even a biblical basis, regarding the issue of his lack of sensitivity towards the sojourner neighbor? Or is she overreacting?
2. How do you acknowledge the value of this sister's vocation as the concrete context in which the law of God is fulfilled and her neighbor is served? It is clear that the lawyer's vocational perspective colors her concern and priorities. How is a vocational angle or context helpful for assessing aspects of immigration law as an informed Christian citizen or resident of the state?
3. How do you speak to the sister about the value of distinguishing between God's work in the temporal and spiritual realms? When does vocational perspective become a problem? What are the potential consequences of confusing the two realms for the unity of the church and even for the church's mission among Hispanics in the neighborhood?

Case Study 3—Vocation, Two Realms, and Neighbor

On the Mexican side of the border, the father of three children living in poverty tries to get across to find work in the United States. On the U.S. side of the border, a member of the border patrol—a Mexican American—stops the desperate father from crossing for the second time in the same year. After getting to know each other a little bit through the strange circumstances of their encounters, they find out that they are actually distant relatives.

In a conversation, the father shares his struggles back home and expresses his wish that he did not have to cross over and come in without a visa (these are almost impossible to get anyway). He feels, however, that he must do it to provide food and a better life for his children. The officer shares his frustration with some aspects of current immigration law, but explains to the father that it is his duty to enforce the law and unfortunately he will have to make sure the father returns to Mexico.

The officer makes sure the father has something to eat before the journey. The father tells the officer he bears no grudges against him and understands he is just doing his job. The officer understands the struggles of the father and tells him that he respects his desire to take good care of his children. They share a handshake, a smile, and wish each other well, knowing that they will likely see each other again under similar circumstances.

Questions for Discussion:

1. In what ways are these two men living righteously in the world? In what way(s) do these men serve some neighbor through their vocations and thus fulfill the law of God? What obligation is each man attempting to fulfill in his particular vocation?
2. How does the “law of the land” (or civil law) concerning illegal immigration enter into conflict to some degree with both of these men’s vocations and the particular commandments they are trying to obey? How do they acknowledge or verbalize this conflict? How do they resolve the conflict while remaining faithful to their vocations?
3. How are these men respectful of each other’s vocations? How is compassion shown to their neighbor in the encounter between the men? Do these two men have any further obligations towards one another beyond the specific circumstances of their encounter given the fact that they are distant relatives?
4. How does the distinction or paradox between a Christian acting individually or “privately” in relationship to a neighbor and the identity of the Christian acting “in his office” for the sake of others play out in this scenario?

Case Study 4—Law, Human Care, and Neighbor

Tomás is in a county jail waiting to hear if his wife and two children are safe. Today Immigration and Customs Enforcement (ICE) raided his workplace and arrested all employees without documentation. Tomás blames himself for what has happened. He knew the risks in overstaying his visa and tried to live in the shadows. He wanted to seek a legal way to remain, but the risk of exposure was too great.

His family hardly leaves the house because they are afraid. Raquel, his wife, anxiously watches their children, who were born in America and are therefore U.S. citizens, go off to school each morning, and she watches worriedly for their return each afternoon. Going to church is scary for the family too, but it has been one of the few positives in their life, building their faith and providing a place to better their English speaking skills. Another positive was sending money, called remittances, back to Tomás' brother to help take care of their extended family. But now all of that is over. Deportation seems certain.

How can Tomás make sure his wife and children return to his country with him? Since the children are U.S. citizens, they will need passports to travel, assuming his country will allow them to enter. Until all of these issues are figured out, Tomás worries how his wife will pay the rent and put food on the table. And if she is arrested herself, who will take care of the children?

Questions for Discussion:

1. What aspects of this story could be addressed through better border control and immigration law?
2. What aspects of this story could be addressed by human care from churches both in the United States and in Tomás's home country?
3. How would you encourage this father in detention? What is your prayer for people in his situation?
4. Sometimes knowing someone's plight makes us want to bend laws, and sometimes knowing that someone has broken the law makes us want to withhold compassion. How do we guard against both? What is a faithful response?

Case Study 5—Vocation, Two Realms, and Neighbor

Juanita is a border control officer for ICE and a second-generation American citizen whose family comes from Mexico. She and her family are members of your LCMS congregation. She takes her citizenship and her vocation seriously as a Christian, seeking to live a God-pleasing life. She recognizes the need for border security and especially the danger of the illegal drug trade across the southern border of the U.S. Yet, she finds herself struggling with her conscience as she works each day in support of immigration laws that she considers to favor highly-educated and technically-trained individuals while they make it nearly impossible for honest, poorly educated individuals to enter the U.S. legally, even though there is a demand for such workers in agriculture

and other industries. She and her husband have relatives on both sides of the border. They agonize over the distressing circumstances their families face in Mexico and sympathize with the desire of many to migrate to the U.S. for their safety and well-being.

Questions for Discussion:

1. How would you counsel Juanita if she shared her conscience pangs with you?
2. In what ways may her vocations as a citizen, border control agent, and family member be in conflict? How do our experiences and background color and sometimes confuse our viewpoint and attitudes? Do you have ideas as to how these responsibilities should be prioritized?
3. Are there circumstances in which a government official should criticize or question the duties she is expected to uphold?
4. Is there a conflict between compassion and law? How would you encourage Juanita to retain both a respect for government and those who hold authority and continued compassion for her family and other potential immigrants?

Case Study 6—Vocation, Two Realms, and Neighbor

James is a border control officer as well. He has developed a deep antipathy toward the “coyotes” who smuggle people and drugs into the U.S., having observed occasions when they left weak or injured people on their own in danger of death and other times when they have fired on him and his colleagues. He realizes that the immigration problem is complex, but he has no sympathy for those who cross illegally because every crossing puts lives in danger, including his own.

As a consequence of his daily work, James was deeply troubled when his pastor encouraged the congregation to show compassion to all immigrants, legal or illegal. James believed that the pastor failed to recognize both the immediate dangers illegal immigration entails and the long-term problems that happen as increasing numbers of poor immigrants enroll in schools and require medical services.

Questions for Discussion:

1. How would you assess the legitimacy of James’ attitudes and concerns from a Christian perspective?
2. What would you encourage him to do if he shared with you his distress over the pastor’s comments? What might you say to his pastor?
3. In what ways do Christian teachings—such as love for one’s neighbor, submission to governing authorities, sin and grace—apply to this situation?

4. How does our particular vocation both present opportunities for serving our neighbor and also tempt us to particular biases?

Case Study 7—Vocation, Neighbor, and the Ministry

The pastor of a congregation near an entry point for the U.S. has learned that one of his members is an undocumented worker. She has come to him in fear that she will be unable to continue to work and may be deported. Her husband and their children are citizens of the U.S. After securing her permission, the pastor discussed this confidentially with the elders. The different members of the Board of Elders had significantly different opinions about what should be done. One believes the woman should be compelled to turn herself in to the authorities or be excommunicated, another that the church should provide legal support to her family. Others are unsure about what should be done.

Questions for Discussion:

1. How would you advise this pastor to minister to the woman and her family? What should his priorities be as their pastor?
2. To what extent does the church—this particular congregation—have a corporate obligation to its members? Does it have a corporate obligation toward the government? How should they be prioritized?
3. How should the importance of maintaining family unity be weighed against the obligation of obedience to governmental authority?
4. Do you see any ways that our theology might help to draw the elders toward a godly consensus and greater unity in dealing with situations of this kind?

Case Study 8—Confession, Absolution, and Pastoral Care

A woman begins to attend church regularly and expresses interest in becoming a member. In a new member class, while discussing the fourth commandment and its meaning, the pastor notices that the woman is crying. When the pastor speaks with her privately and asks if he can help, she confesses to him that she has been in the U.S. illegally for many years and feels guilty and ashamed about it. She has two children who are legal residents, both in school. The pastor hears her confession and absolves her. They agree that they will visit an immigration attorney together. The attorney's counsel is not very optimistic, but she says that it may be possible for this woman to gain legal status and they begin that process. The woman and her children complete member preparation and the pastor and congregation welcome them into membership. Yet, because the case drags on, the woman continues to struggle spiritually and seeks the comfort of forgiveness from her pastor.

Questions for Discussion:

1. How should the pastor's callings as a servant of the Word and also a citizen guide him in this instance?
2. How should the woman's God-given vocation as a mother be taken into account by the pastor as he counsels her?
3. Was it proper for the pastor to absolve this woman in the first place? Should he continue to commune her? Should he continue to absolve her if she returns to him, still struggling with guilt and shame? What is the basis for your answers?
4. Should the congregation be informed of this immigrant woman's legal status in the U.S.? What might be helpful or problematic about informing the congregation?
5. If the pastor brought up general aspects of this case in a circuit meeting, what advice would you hope other pastors in that circuit would give?
6. As the pastor counsels the woman, what difference should it make, if any, if the woman in this case study were single and without family in the U.S.?

APPENDIX II

Terms

A. Immigration Terms:⁹⁹

1. Asylum Seekers: People forced to flee their homeland without access to the refugee resettlement process. People must apply for asylum within one year of arrival in the United States, unless certain limited exceptions apply, in order to be considered eligible. Those who receive asylum are called *asylees*.
2. Immigrants: People who have been admitted to live permanently in the United States as lawful permanent residents (LPRs).
3. Lawful Permanent Residents: Individuals who have legal authorization (a “Green Card”) to live and work in the U.S. for an indefinite period of time, but are not citizens and do not have the right to vote. Typically foreign-born individuals seek to become lawful permanent residents in one of three ways:
 - *Family Sponsorship*. Adult U.S. citizens can sponsor their foreign-born spouses, parents, children and siblings. Lawful permanent residents can sponsor their spouses, children under age 21 and unmarried adult children.
 - *Employment Sponsorship*. U.S. employers can sponsor individuals for specific positions when there is a demonstrated shortage of available highly skilled workers.
 - *Diversity Lottery*. Immigrants from certain countries can register for 50,000 visas made available each year.
4. Mixed-Status Families: Mixed-status families are those with one or more members who are not U.S. citizens. The noncitizen family members may or may not be documented. For example, a mixed-status family might comprise a U.S. citizen married to an undocumented immigrant with U.S.-born citizen children.
5. Naturalized Citizens: Lawful Permanent Residents are eligible to apply for U.S. citizenship through a process called naturalization. To qualify for naturalization applicants must meet these qualifications:
 - They must have resided in the United States for five years, or three years if they are married to U.S. citizens, without having committed any serious crimes.
 - They must show that they have paid their taxes and are of “good moral character.”
 - They must demonstrate knowledge of U.S. history and government as well as an ability to understand, speak and write basic English.

⁹⁹ The definitions of immigration terms in this Appendix, with minor adaptations, are from LIRS, *Bible Study Guide*, 6-7, 9-10.

6. Non-immigrants: People who are permitted to enter the United States for a limited period. Most non-immigrants must apply for a visa before entry. Visa holders must also pass an immigration inspection upon arrival.
7. Refugees: People who fled their home country due to persecution or fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. Refugees typically stay in camps in a safer country before being resettled in a third country. The process usually takes years.
8. Undocumented Immigrants: People present in the United States without the permission of the U.S. government. Undocumented immigrants enter the United States without being inspected by an immigration officer or by using false documents. A foreign-born person who entered the country with permission of the U.S. government can become undocumented by “overstaying,” remaining after a temporary status expires.
9. Visa: Travel document granted by consular officials. Visas do not guarantee entry into the United States.

B. Theological Terms:

1. Law: God’s will written in the heart of every human creature (natural law) and specifically revealed to God’s people in the Ten Commandments.
2. Civil Law: In contrast to the way the term “civil law” is used in American jurisprudence (referring to private relations between members of a community, rather than criminal matters), this document uses the term in a theological sense that includes all the laws of society (i.e., civil, criminal, and so forth). In this theological sense such civil law, which is formulated through the use of reason, is established and enforced by temporal government (civil authorities) and so is fallible. Nonetheless, because civil law brings about and maintains a measure of order in accordance with God’s will and design, it is to be recognized as a gift of God and is to be obeyed unless it is directly contrary to his will as expressed in Holy Scripture.
3. Neighbor: Translation of the Hebrew *rea* (רֵעַ) and the Greek *plesion* (πλησίον). In the Old Testament, the term refers most narrowly to a fellow man from the house of Israel. Thus the moral obligations under God’s law begin with those within the covenant relationship with God and one another (e.g., Lev. 19:18), but such “love for neighbor” extends also more broadly to the alien in their midst (cf. Lev. 19:33-34). Jesus speaks of the “neighbor” in a way that transcends relationships that include only the people of Israel—those sharing a common religion—in order to include all kinds of people who need our help (Mt. 22:39). Indeed, he makes clear that

loving one's neighbor includes love of one's enemies (Mt. 5:43-48)—telling of a Jew helped by an unlikely good Samaritan (Lk. 10:25-37). In his explanation of the fifth commandment in the *Large Catechism*, Martin Luther speaks of neighbors broadly as “those in need and peril of body and life.”

4. Immigrant: One of many possible translations of the Hebrew word *ger* (גֵּר), which can also be rendered as alien, foreigner, sojourner, or stranger.
5. Two Realms (Two Kingdoms, Two Governments): God's twofold work, rule, or governance in the world to accomplish the redemption of sinners through the forgiveness of sins (right-hand realm or kingdom), and establish peace and justice in civil society through the use of the law to punish evil and reward good (left-hand realm or kingdom).
6. Vocation: God's calling to each Christian to fulfill His law or commands through the concrete service of some neighbor in the exercise of a particular office or station in life. Offices or stations include father and mother, son or daughter, spouse, schoolteacher, student, farmer, worker, governor, police officer, border patrol agent, immigration lawyer, social worker, citizen, church elder, deaconess, and pastor.



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