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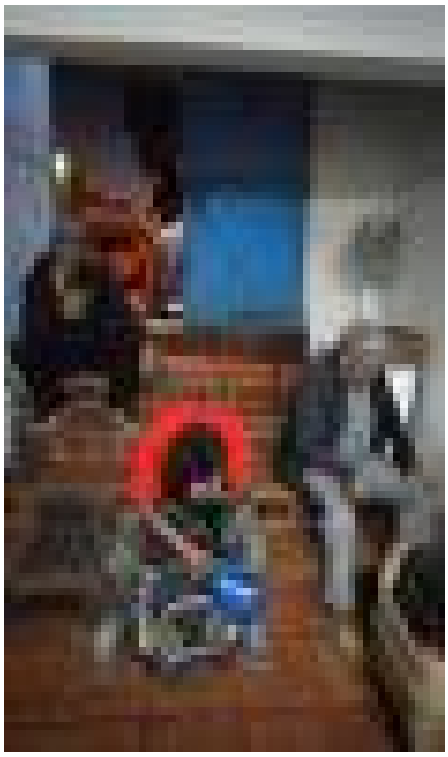
Christians and the Law: The Case of Unauthorized Immigration

Dean Brackley | May. 14, 2010

For many, the mere fact that migrants have crossed the border illegally is the decisive issue that trumps all other considerations. No amnesty for lawbreakers!

Is that a responsible position? If not, how should one respond to it? What is the responsible Christian attitude toward the law, and toward law-breaking like this?



St. Paul writes, "Let all be subject to the governing authorities; for there is no authority except from God and those authorities that exist have been instituted by God" (Rom 13,1). Case closed? Not quite. Paul immediately adds that we have just one duty that overrides all others, namely to love our neighbor. "Owe no one anything, except to love one another, for the one who loves another has fulfilled the law." So, law is good and important; but, in case of conflict, love trumps law.

Paul is only agreeing with Jesus. When the hungry disciples picked grains on the Sabbath, the Pharisees accused them of violating the law (cf. Matt 12,1ff.). Perhaps they did violate the law, says Jesus, but they were not guilty. How can that be? He reminds the Pharisees that King David and his men "entered the house of God and ate the bread of the Presence," which it was not lawful to eat. Moreover, the priests themselves work on the sabbath preparing sacrifices in the temple, although the torah forbids Sabbath-work. The priests "break the Sabbath and yet are guiltless." In the case of the hungry disciples, says Jesus, "something more important than the temple is at stake" (my translation). "If you had known what this means, 'I desire mercy and not sacrifice,' you would not have condemned the guiltless." Here "sacrifice" is equivalent to the Sabbath cult. God's highest criterion is compassion. The enforcers of God's law are violating its highest principle; they fail to understand the

spirit behind the letter.

Jesus is practicing what the ancients called epikeia, taking exception to precepts when they fail to achieve their purpose, or when they violate the principle of mercy.

In the very next story, the Pharisees confront Jesus with a crippled man on that same Sabbath day and ask if it is lawful to cure him. Their starting point and main concern is law-enforcement. Jesus' starting point and main concern is human suffering. The Sabbath exists for human need, not the other way around. "So," Jesus concludes, "it is lawful to do good on the Sabbath."

Jesus goes on to address the Pharisees: "Suppose one of you has only one sheep and it falls into the pit on the Sabbath; will you not lay hold of it and lift it out? How much more valuable is a human being than a sheep!" (Matt 12,11-12).

Translation for today: Suppose, like my Salvadoran friend David Adrian, you had four children for whom you could not provide. Or, suppose your children fought with vultures for scraps of garbage, as I have seen them do in Guatemala City? Would you not do what was necessary to feed them, even risking life and limb to reach the U.S. however you could to provide for them?

Be careful how you answer. When Jesus cured the man with the crippled hand, "The Pharisees went out and conspired against him, how to destroy him." Later his adversaries will argue, "We have a law, and according to that law, he must die" (John 19,7).

While law is good and necessary, it can be a blunt instrument for working mercy. "The letter kills," says Paul. "It is the Spirit that gives life" (2 Cor 3,6). Paul adds that the demonic power of sin "takes advantage of the commandment" and uses the law to stimulate lethal passions (Rom 7, 5-13). This happens today, when people use the law to stir up xenophobia and racism.

If all this is valid for God's law, how much moreso for human law? While migrants violate human law by entering the United States without permission, it is a far more serious violation of God's law that hundreds of them die each year in the Arizona desert trying to skirt the laws that deny them entry.

--Dean Brackley

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