

Reflections on Race, Immigration, and the Religious Dimensions of Religion

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I have to admit something. When my friend and colleague Rose Cuison-Villazor invited me to help with this conference, I misunderstood what it would be about. My fault. But I assumed that a conference on religion, race, and immigration might focus on theological debates, religious history, or the encounter between religious worldviews and secular law.¹

As we all know, welcoming the stranger and the alien is a repeated theme in many religious traditions. The Hebrew Bible returns again and again to that imperative. Leviticus tells us: “When strangers reside with you in your land, you shall not wrong them. The strangers who reside with you shall be to you as your citizens; you shall love each one as yourself, for you were strangers in the land of Egypt: I the Eternal am your God.”² The Book of Deuteronomy goes further. In respecting the stranger, we imitate God. “For the Eternal your God is God supreme and Sovereign supreme, the great, the mighty, and the awesome God, who shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the stranger, providing food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt.”³ The New Testament reiterates this theme. Jesus, discoursing on the Mount of Olives, enumerates who will inherit the Kingdom of Heaven. The list includes various acts of benevolence, including, crucially, those about whom it can be said: “I was a stranger and you welcomed me...”⁴ But what does it mean to “welcome” (and feed and clothe) Jesus? “Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me.”⁵

The Quran also insists: “Serve Allah alone and associate no partners with Him; and be kind to parents, relatives, orphans, those in need, neighbors who are near, neighbors who are strangers, close friends, needy

¹ For one account of my own preoccupation with questions surrounding the existential encounter between religion and the state, see Perry Dane, *Judaism, Pluralism, and Constitutional Glare*, 16 RUTGERS J. LAW & RELIG. 282 (2015).

² Leviticus 19:33-34.

³ Deuteronomy 10:17-19.

⁴ Matthew 25:35-36

⁵ Matthew 25:45.

travelers, and what your right hands possess: For Allah does not love the arrogant and the boastful.”⁶

Loving a stranger is right and moral. But I quoted these texts in their fuller context to emphasize that all these traditions consider care for the stranger integral to God’s own essence and to the right ordering of the human relationship to God.

Yet the burning practical question in each of these traditions is how to translate these glimpses of the Divine into practical norms in a world in which nation-states are divided by borders⁷ and in which faith traditions have themselves become enmeshed in tribal allegiances and appropriated by political movements.⁸

So that is the conference I was expecting when Rose and I first discussed it. And such gatherings abound. The day before the conference participants met in Lund, the Shalom Hartman Institute, a Jewish think tank, convened scholars and intellectuals for a program titled “In the Face of Cruelty: Jewish Responsibility to Neighbors and Strangers” to examine “the Jewish moral vocabulary of dignity, obligation, and responsibility.”⁹ And the previous month, Catholic thinkers gathered at

⁶ Quran Al-Nisa 4:36

⁷ Consider the language used in the current Catechism of the Catholic Church:

The more prosperous nations are obliged, to the extent they are able, to welcome the foreigner in search of the security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him.

Political authorities, for the sake of the common good for which they are responsible, may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants’ duties toward their country of adoption. Immigrants are obliged to respect with gratitude the material and spiritual heritage of the country that receives them, to obey its laws and to assist in carrying civic burdens.

CATECHISM OF THE CATHOLIC CHURCH: REVISED IN ACCORDANCE WITH THE OFFICIAL LATIN TEXT PROMULGATED BY POPE JOHN PAUL II § (2000).

⁸ Cf. Perry Dane, *Thoughts on the Architecture of Freedom of Religion and Freedom of Speech*, 99 NOTRE DAME L. REV. REFLECTION 247, 249 (2024) (citing sources observing that “political identity is increasingly driving religious beliefs rather than the other way around.”

⁹ <https://www.hartman.org.il/program/in-the-face-of-cruelty/>

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Boston College to discuss “Law, Conscience, and Migration Today.”¹⁰

But that was not the conference whose papers are published in this issue, even though some participants were theologically trained and our informal discussions in Lund often turned theological. My mistake, to repeat — but one with its own rewards. The papers in this issue are provocative, insightful, and often revelatory.

Anyway, I should not have been surprised. For disciplinary and other reasons, the focus of this conference has not been on religious beliefs or even on communities of believers, but on religion as an identity, with all the complications that word evokes. And it is the intersection of religious identity with other identities, especially race, that tied together our deliberations. Religion taking on, or having imposed on it, the mantle of identity is not inherently a bad thing. But it can have toxic results when certain groups are marginalized because of associations ascribed to them by virtue of their identity.

That said, I still wonder if the conversation here might have benefited from paying more attention to the religious dimension of religion.

A few examples — different in tenor and pointing in different directions, which I will not try to reconcile.

Consider first the preoccupations of some of these papers. Recurring terms — colonialism, whiteness, racialization — have generated powerful and true insights. But I wonder if there is something else at work too in the stories of hostility to migrants, something a religious sensibility might identify. I do not believe in original sin. But I do believe in the temptation to sin as part of the human condition. And one expression of that temptation, across time and space, is xenophobia and the failure to do right by those perceived as Other. After all, the Bible and the Quran would not need to admonish us to love the stranger

¹⁰ Boston College Institute for Liberal Arts, “Law, Conscience, and Migration Today,” <https://www.bc.edu/bc-web/academics/sites/ila/events/law--conscience--and-migration-today-.html>

unless we habitually fell into the dark pit of hating the stranger.

So, along with the Western abuse of migrants, we should at least note the unfortunate universality of such attitudes. Xenophobia is as old as the human species, but I will just cite more recent examples. Ethnic Koreans in Japan have faced bigotry ever since Japan's colonial rule of Korea from 1910 to 1945. Ethnic Chinese who had lived in Indonesia for generations were discriminated against and were then the victims of horrific violence in the late 1990's.¹¹ The President of South Africa, Cyril Ramaphosa, in his State of the Nation Address just last month declared that "Illegal immigration poses a risk to our security, stability and economic progress.... This year, we will take additional steps to secure our borders."¹² Earlier in the 20th century, Arab Palestinian objections to Jewish immigration in the 1920's and 1930's, even when avenues of refuge for Jews around the world were closing or closed, sometimes invoked claims about the urgency of maintaining national and religious purity and one-dimensional tropes that closely resemble what one hears from anti-immigrant voices today in Europe

¹¹ See JEMMA PURDEY, *ANTI-CHINESE VIOLENCE IN INDONESIA, 1996-1999* (2006).

¹² South African Government, *President Cyril Ramaphosa: 2026 State of the Nation Address*, <https://www.gov.za/news/speeches/2026StateOfTheNation>

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and the United States.¹³ The cases are distinguishable, of course. Cases are always distinguishable. But the parallels are clear. And Western colonialism is certainly implicated in some of these examples. But we should not deny the real agency of real people with real attitudes and real actions.

My other observations, as I said, are different in kind from the first.

Many of the papers of this conference dealt in one way or another with the growing hostility to Muslim migrants and refugees in Europe, even in countries that claim to subscribe to liberal and democratic values. That hostility has a history, though. I put no weight on the “clash of civilizations” thesis of the relationship between Islam and the West.¹⁴ I find more helpful accounts that

¹³ Thus, for example, in a 1922 letter to Colonial Secretary Winston Churchill in 1922, a Palestinian Arab delegation in London “accused Britain of using its power ‘to impose on the people against their wishes a great immigration of alien Jews, many of them of a Bolshevik revolutionary type.’” Quoted in JOHN STRAWSON, *PARTITIONING PALESTINE: LEGAL FUNDAMENTALISM IN THE PALESTINIAN-ISRAELI CONFLICT* 52 (2010). Similarly, in 1919, when the territory of “Syria” included historic Palestine, the General Syrian Congress, in a memorandum to a British Commission, declared its opposition to new Jewish “Zionist migration to any part of our country,” in part because it considered those immigrants to be “a grave peril to our people from the national, economical, and political point of view.” *THE ISRAELI-ARAB READER* 33 (Walter Laqueur, ed, 1969). Note that I have here intentionally focused on expressions that predated not only the founding of the State of Israel after the Second World War but even the influx of Jewish immigrants after immigration to the United States was drastically restricted by the Immigration Act of 1924 and the events of the Arab Revolts of the 1920’s. For an account that situates such resistance to Jewish immigration in the broader context of the development of Palestinian national identity, see, *e.g.*, YEHOASHA PORATH, *THE EMERGENCE OF THE PALESTINIAN ARAB NATIONAL MOVEMENT, 1918-1929* (1974); RASHID KHALIDI, *PALESTINIAN IDENTITY: THE CONSTRUCTION OF MODERN NATIONAL CONSCIOUSNESS* (2010).

¹⁴ See SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996). For a compelling philosophical critique of Huntington’s views that emphasizes the plurality and overlapping of human identities, see AMARTYA SEN, *IDENTITY AND VIOLENCE: THE ILLUSION OF DESTINY* (2013).

tell a nuanced story of conflict, cooperation, influence, emulation, and sometimes convergence.¹⁵

Nevertheless, the present story of Islam in Europe cannot be fully understood without recognizing a certain collective memory, going back to the earliest years of Islam, of the perception of a great ongoing struggle between Islam and Christian Europe. Two important caveats here. First, I am talking about memory, not history, as Yosef Chaim Yerushalmi has distinguished between the two.¹⁶ Second, even the memory is complex. Christians and Muslims formed alliances against common enemies almost as often as they fought each other. Nevertheless, I think there lingers a mythos — a traumatic collective memory of Europe's relationship to Islam, not unrelated to today's events — rooted in the Conquest of much of Spain in 711, the Reconquista lasting into the fifteenth century, the fall of Constantinople in 1453¹⁷, the expansion of the Ottoman Empire into Eastern Europe, and the near-conquest of Vienna in 1529 and 1683.

All this was religiously inflected and often given religious significance. Visit the St. Matthias Church in Budapest and you will be told of the Miracle of 1686 when Christian forces retook the city from the Ottoman empire after an occupation of about 150 years. When one of its walls collapsed under cannon fire, an old votive statue of the Madonna that the Ottomans had bricked up suddenly reappeared; for believers, it was

¹⁵ See, e.g., JOHN TOLAN, HENRY LAURENS, & GILLES VEINSTEIN, *EUROPE AND THE ISLAMIC WORLD: A HISTORY* (2013).

¹⁶ YOSEF HAYIM YERUSHALMI, *ZAKHOR: JEWISH HISTORY AND JEWISH MEMORY* (1982).

¹⁷ For accounts of the impact of the fall of Constantinople and related events on the European intellectual and cultural imagination, see, e.g., MARGARET MESERVE, *EMPIRES OF ISLAM IN RENAISSANCE HISTORICAL THOUGHT* (2008); NANCY BISAHA, *CREATING EAST AND WEST: RENAISSANCE HUMANISTS AND THE OTTOMAN TURKS* (2004).

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Mary's miraculous reappearance and intervention that sealed their victory.¹⁸

My point, again, is not to revive a clash-of-civilizations narrative or to argue in essentialist fashion that Europe is Christian and Islam a foreign body to be resisted. It is only to emphasize that the current struggle over immigration and refugees is part of a longer story.

But I want to end by suggesting that the best therapy for that mythic sense of trauma might not be less religion, but more. Western memory includes not only trauma but also grace.

One of my favorite texts is the Flushing Remonstrance, written by settlers in the American Dutch Colony of New Amsterdam in 1657, invoking what they insisted were the religious ideas of the Dutch Republic.¹⁹ "The law of love, peace and liberty in the states extending to Jews, Turks and Egyptians, as they are considered sons of Adam, which is the glory of the outward state of Holland, so love, peace and liberty, extending to all in Christ Jesus, condemns hatred, war and bondage."²⁰ The authors of the Remonstrance were not defending Jews, Turks, and Egyptians. They were defending Quakers.²¹ But their point was that the same law of love extended even to groups that in their minds were entirely alien. And if today we are rightly outraged by the treatment of Muslim migrants, it is in part

¹⁸ See Gems of Budapest, "The Matthias Church and the Fisherman's Bastion in the Castle District," <https://www.gemsofbudapest.com/post/panoramic-gems-the-matthias-church-and-the-fishermen-s-bastion>. For a fuller account of both the defense of Vienna and the reconquest of Budapest, see ANDREW WHEATCROFT, *THE ENEMY AT THE GATE: HAPSBURGS, OTTOMANS, AND THE BATTLE FOR EUROPE* (2009).

¹⁹ See Perry Dane, *Some Class Day Thoughts on Law, Religion, Rutgers, and the RJLR*, 11 RUTGERS J. LAW & RELIG. 6, 6 (2009).

²⁰ Historical Society of the New York Courts, "The Flushing Remonstrance, 1657," https://history.nycourts.gov/about_period/flushing-remonstrance/

²¹ See RUSSELL SHORTO, *THE ISLAND AT THE CENTER OF THE WORLD* 263-64 (2004). Not surprisingly, the story of the Remonstrance is wrapped up in questions about national identity, pluralism, and migration. See *id.*, at 263-65; TYLER ANBINDER, *CITY OF DREAMS: THE 400-YEAR EPIC HISTORY OF IMMIGRANT NEW YORK* 30 (2017).

because of a complicated heritage that both invented the worst forms of human oppression and read a Bible that, along with its own xenophobia, articulated care for the stranger. William Blake put it similarly:

And all must love the human form,
In heathen, Turk, or Jew;
Where Mercy, Love, and Pity dwell
There God is dwelling too.²²

²² William Blake, "The Divine Image," in "Songs of Innocence," *THE COMPLETE POETRY & PROSE OF WILLIAM BLAKE* 12, 13 (David V. Erdman, ed., 1982).