

Testimony of James R. Edwards, Jr., Ph.D.
Adjunct Fellow, Hudson Institute

House Judiciary Subcommittee on Immigration

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Madam Chairman, Ranking Member King, members of the subcommittee, thank you for inviting me to present a faith perspective on the immigration issue. I commend you for giving serious consideration to this important aspect. My remarks represent the earnest, considered views of a lay Christian who has sought to honor the Lord God (as Colossians 3:23 instructs, to work heartily for the Lord's pleasure) as I have engaged in my calling to the public policy sphere.

I certainly don't claim that my conclusions are infallible because, like every other human being who has ever lived (except Jesus), I am imperfect. As Francis Schaeffer said, "Having been made in the image of God, man is magnificent even in ruin. God made man to be responsible for his thoughts and actions" That wonderful description instills both humility and love.

I don't claim to be a theologian. But as C.S. Lewis said, you don't want theologians writing civil laws; that's outside their calling. Rather, you want faithful believers whom God has called into the public policy field and equipped for that work.

On many subjects, Judeo-Christian Scripture is clear. It contains proscriptions on murder, theft, and perjury, for instance. But on immigration, as with other areas of public policy, Scripture isn't definitive. That would leave the specifics of immigration policy in the realm of prudential judgment.

In other words, one would need guidance from applicable biblical principles, to apply those principles according to the specific facts known from general revelation and particular circumstances, and to exercise sound judgment. This process would necessarily involve a fair reading of the Bible, taking passages in context, weighing various texts, and giving prayerful consideration to how those texts should be regarded here, now. It would require reason, logic, and dispassionate weighing of these factors. And, of course, a biblical approach would require removing, as much as humanly possible, ulterior motives.

Thus, while different Christians may arrive at different conclusions as to policy specifics on subjects like immigration where Scripture is silent or unclear, that fact would represent the freedom they have in the Lord as His creatures and His followers — not that the Lord is Himself of a divided mind. With many policy matters, more than one course of action that would pass muster with the Lord God exists, or fulfill His will. I believe this is the case with immigration.

Nine Biblical Principles

How might those seeking to exercise prudence approach the immigration issue? From what biblical guidance can we derive sound immigration policy? I submit that we might begin with five general principles from Scripture.

First, the two cornerstone commandments: Love the Lord with all your heart, soul, and mind; and love your neighbor as yourself. Jesus said these summarize God's moral law, the Ten Commandments (Matt. 22:37-40). They are timeless. They oblige each person, and that standard, exercised by individuals, would thereby be reflected in civil society.

Second, God has given both temporal and eternal obligations. In Matthew 22:21, Jesus says, "Give to Caesar what is Caesar's, and to God what is God's." This principle implies that some binding moral commands may apply differently to individuals and to civil government.

Third, God doesn't contradict Himself, and God's principles don't contradict one another. Thus, His principles of justice, fairness, and equality don't contradict, but are complementary to His principles of mercy. Also, both justice and mercy principles obligate us more to some people over others.

Elements of both sets of principles apply to us individually and as a body politic, but not always equally. For example, Exodus 23:2 warns us "not [to] show favoritism to a poor man in his lawsuit." But James 2:1 says "don't show favoritism [to the rich]." James 2:9 calls showing favoritism "sin."

In the context of the Golden Rule, the obligation to show mercy is greater for individuals than could rightly be expected of civil government. Luke 6:30-31 says, "Give to everyone who asks you, and if anyone takes what belongs to you, do not demand it back. Do to others as you would have them do to you." Obviously, that would be unjust for civil government to attempt, and such an attempt at mercy would result in injustice (as well as be unwise and profligate with public resources). The state can't turn the other cheek (Luke 6:29-30). The state can't give its tunic. The state can't turn a blind eye toward someone who has stolen. The state can't forgive someone 70 times seven times (Matthew 18:21-22).

Scripture indicates certain priorities in our personal and corporate obligations. I Timothy 5:8 says, "If anyone does not provide for his relatives, and especially for his immediate family, he has denied the faith and is worse than an unbeliever." Clearly, God organizes society around groups of people: families, communities, tribes, nations. Such verses imply priorities of duty and allegiance, for individuals and for the state.

Fourth, God ordains civil government. Earthly authorities are established as His agents to restrain evil, protect the innocent, and punish the wrongdoer. Notably, Romans 13:1-7 reads in part, "The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted. . . ." Civil governments are part of God's common grace to protect people in a world in which evil exists. Thus, people appropriately owe allegiance and duty to temporal governing authorities.

In the West (formerly known as Christendom), legislatures deliberate in a democratic process and enact civil laws. Courts of law assess punishment for lawbreaking, according to the rules established in those duly enacted laws, rather than turning to mob rule or a tyrant's whim. This characteristic, the rule of law, has come to us under God's common grace. Or, as Democratic Senator Sam Ervin was fond of saying, ours is "a government of laws and not of men." The rule of law is our nation's greatest characteristic, and it should be safeguarded.

Fifth, God in His providence establishes particular governments for particular groups of people in particular places at particular times. That includes specific forms of government and specific rulers and officials. Daniel 2:21 says, "He changes times and seasons; he sets up kings and deposes them." Acts 17:26 says, "He determined the times set for them ['every nation of men'] and the exact places where they should live." Deuteronomy 32:8 confirms the same principle, making special reference to the Hebrews: "When the Most High gave the nations their inheritance, when he divided all mankind, he set up boundaries for the peoples according to the number of the sons of Israel."

These first five, general biblical principles provide right motive and attitude, balance and appropriate sophistication, understanding of civil government's role, and grounds for basing prudent judgments. Immigration policy can now be considered in light of four, more specific biblical principles.

First, a careful reading of the Scripture passages often referenced in connection with immigration shows that they really address immigrant policy rather than immigration policy. These passages address treatment of aliens once they are in a country. They say nothing about the criteria or the process by which aliens originally were admitted to the nation. We hear passages like

Leviticus 19:33-34: "When an alien lives with you in your land, do not mistreat him. The alien living with you must be treated as one of your native-born. Love him as yourself, for you were aliens in Egypt. I am the Lord your God." Exodus 22:21 reads, "Do not mistreat an alien or oppress him, for you were aliens in Egypt." Such verses speak to fairness toward foreigners, just as related verses say to treat widows and orphans. It would be a flying leap in illogic to argue that the Bible says not to mistreat resident aliens; therefore, a nation must admit every foreigner who wishes to enter that country, on his own terms or otherwise.

Second, Old Testament laws reflect an assimilationist ethic. These laws required resident aliens to assimilate to Israel. The aliens were to adopt Israel's customs and observe its laws. For instance, Deuteronomy 16:9-15 requires all residents, including aliens, to observe the Feast of Weeks and the Feast of Booths. Those were significant, public events in that society.

Other laws accorded only Hebrews certain privileges. For instance, Deuteronomy 15:3 allows the exacting of credit loaned to a foreigner in the seventh year, when Hebrew debt was forgiven. In this, the Lord didn't contradict Himself, nor was He being unfair towards aliens. So, while God calls for fairness in general, He lets society make distinctions between citizens and noncitizens.

Third, making immigration policy is a legitimate role of civil government. Civil authorities, acting as God's agent, have the responsibility for determining how many people, on what basis, by what priorities, the process to regulate the visitation, permanent residence, and acquisition of citizenship of foreigners, etc. Those laws may differ from nation to nation, from period to period. Regulating immigration is the government's exercise of prudential judgment. It must assess the best, most valid, and reliable data to make its decisions. A government's primary duty is to protect its own citizens, as made clear by the above principle of why God invests authority to the state.

Fourth, a reasonable (or just) law, if not inherently moral (such as outlawing murder), possesses moral dimensions. This reflects the Judeo-Christian concept of the rule of law. Though some conduct is not inherently evil, laws develop regulating certain conduct for the public good. Scholar Paul Marshall has illustrated this principle regarding driving on the left or right side of the road. He says, "Only after the law is passed do these actions take on a whole new context and become matters of morality." Similarly, whether a hike across the plains has moral implications depends on whether that hike involves crossing onto private property and thus trespassing or crossing a national border.

Regarding immigration, Marshall notes that most illegal immigrants "simply desire a better life, and are willing to risk their lives in striving for it. . . . If there were no border then who could object to what they do? It is the fact of a border, a political invention, that makes their action wrong." Notably, even desperate circumstances don't justify a lawless act. Proverbs 6:30-31 says, "Men do not despise a thief if he steals to satisfy hunger when he is starving. Yet if he is caught, he must pay sevenfold, though it costs him all the wealth of his house." Despite quite understandable reasons behind an act of lawbreaking, the greater principles of preserving the peace, and law and order in society at large are at stake. In this example, the prosecutor has a duty to press charges and hold the person accountable for his actions, while the person from whom food was stolen may choose not to bring a civil lawsuit.

These four principles indicate that a lot of factors are at play and many elements must be carefully weighed, along with the five general principles. What do they mean for individuals versus the state? What do they mean for both the receiving society and the immigrant? Is it consistent with the role of civil government and the rule of law to change the law to accommodate wholesale breaking of the law in question? Is amnesty an appropriate measure? By what standard is a law regarded as just or unjust? Is it possible to solve the complex problems intertwined in our immigration situation all at once, in one bill, without running an undue risk of unintended consequences that will only make matters worse? These are the questions and immense challenges facing Congress.

Considering “Comprehensive Immigration Reform”

With respect to the approaches taken in H.R. 1645, the STRIVE Act, and the Senate immigration legislation that has been negotiated ex parte, allow me to speak generally and in light of the biblical principles I have laid out.

Concerning the legalization provisions, it has been suggested that all of the illegal aliens (12 to 20 million) cannot be deported, and so they all must be legalized. This approach sets up a false choice. Other policy options exist: continuing with the status quo; incentivizing attrition through steadily stepped-up enforcement; incentivizing aliens’ voluntary exit through innovative financial programs; adopting qui tam rewards for citizens who report immigration benefits fraud, alien smuggling, employment of unlawful foreign workers, ID fraud; adding “constructive knowledge” to employer sanctions laws, withholding visas to source countries until they stop their people from unlawfully emigrating to the U.S.

The United States has tried the legalization route before; it has not only failed, but actually exacerbated the situation. Immigration amnesties have sparked more illegal immigration, for the simple reason that people conclude that the United States will not enforce its immigration laws very vigorously and, if they come on in, eventually they will be legalized.

The people hurt most by legalizations have been similarly situated native-born Americans and recent immigrants. These tend to be lower income and lower skilled people. The people who gain the most from such legalizations are the well-off: Employers who are let off the hook for having employed an illegal workforce and gaining an unfair competitive advantage over law-abiding employers, powerful business interests, and special interests that now in new ways can exploit those who are legalized. This sounds more like showing favoritism to the rich and to the alien, and failure by civil authorities to protect the innocent among the citizenry. It seems like injustice by grasping for “mercy.”

Legalization would appear to risk abrogating “love your neighbor” and biblical standards of justice. It puts the poorest Americans, law-abiding employers, citizens crying out for their government to faithfully enforce the laws, and lawful immigrants beneath those who broke our laws to get here, owe our nation no allegiance, and have been (and will continue to be) grossly subsidized by middle-class taxpayers. We all can empathize with someone who aspires for a better life. We wish the same for ourselves and our children. But there are lawful ways and there are unlawful ways to achieve an improved life. The end doesn’t justify the means; what does it profit a man to gain the whole world and yet lose his soul? (Mark 8:36)

Particularly in light of the utter failure of previous amnesties, the legalization route at this juncture would seem to constitute the government’s failure to wield the sword for justice. The laws that have been broken are just, duly enacted laws that deserve to be enforced. To lead with mass legalization subjects all our laws, and the rule of law, to contempt. That course is a very high price to pay, sacrificing a treasure as precious as the rule of law. Though “mercy” may be the motive, injustice it would bring. Amnesty will most certainly leave us with illegal immigration three or four times greater in another decade or so than we have today.

With respect to a guestworker program, the increase of laborers by some 400,000 to 600,000 foreign workers each year — on top of the more than one million legal immigrants we already have annually, the escalated processing of 7 million chain migrants, and the 12-20 million legalization recipients — could devastate the livelihoods of American workers who will face head-to-head job competition. That kind of volume of imported labor would seem to show favoritism to the rich, who will be able to use the guestworker route to drive down wages, degrade working conditions, and drop fringe benefits they presently provide to attract and retain workers. In other words, the wealthy will pocket more money on the backs of the poor. The verses from James spring to mind.

It’s easy to envision what will come about. The labor supply will be flooded. With more workers vying for jobs, they can command less generous wages and benefits. The requirements for

first advertising for an American worker can be expected to be pretty lame. That was the case with last year's Senate bill, various "guestworker" measures such as for H2Bs, and will undoubtedly be the case here. Remember that the official unemployment statistics don't reflect the millions who've dropped out of the workforce.

When American middle-class wages not only continue to stagnate but fall, it will be attributable to increasing the labor supply via foreign guestworkers. A lot of "willing workers" would marginally improve their own earnings here relative to what they earn in their home countries. But what about the well-being of Americans who could and otherwise would do those jobs, for decent pay? Aren't they the government's first responsibility? The average Mexican worker earns 1/12th the average American's wages. Some 4.6 billion people in the rest of the world earn less than the average Mexican. The massive increase of foreign "willing workers" as is being proposed will most harm the most vulnerable Americans, including minorities, the disabled, and recent lawful immigrants.

So the balancing of justice and mercy, protecting the innocent citizen, and differentiating between what one should do as an individual versus what society through its government should do take on very weighty dimensions — moral concerns, in fact. I trust these moral principles will inform your decisions.

Thank you, and I look forward to your questions.

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