

IMAGINING THE IMMIGRANT: WHY LEGALITY MUST GIVE WAY TO HUMANITY

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Great detectives, we are told, are able to think like criminals. Similarly, effective therapists learn to enter into the fantasies of their patients. These behaviors are a function of that supreme and godlike faculty we call imagination. Unlike daydream or fancy—a centrifugal spinning away from reality, the mind on holiday—imagination is centripetal, a disciplined contemplation of reality that takes us beneath appearances and into the essence of what we contemplate. Imagination, therefore, can lead to moral clarification. In issues where law and morality seem to clash, as in the current debate over undocumented immigrants, imagination (which speaks to both heart and mind) can lead to right action.

Law and morality are not always commensurate; a law that is just in one context may be inappropriate in another, because laws function more often to allow a workable social order than to represent absolute moral imperatives. We hear it argued, for example, that granting amnesty and a path to citizenship for illegal aliens encourages disrespect for the law—a legitimate concern within the context of normal civic life. What this argument does not address, however, are the social and economic circumstances that significantly alter the normal civic context—for example, the abnormal circumstances that lie at the heart of major migration movements.

Even in very modest circumstances, people prefer their home turf and the comforts of custom to the trauma of dislocation and the uncertainty of the unfamiliar. There will always be adventurers who are at home anywhere in the world, but when populations begin to cross borders in significant numbers, it is almost always out of dire economic necessity or because of severe political persecution. In light of our common humanity—a familial bond with its own intuitions and responsibilities—we cannot make the moral urgings of this bond subservient to the civil proscriptions of law.

Legality Versus Starvation

- 4 Against the compelling urgency of the plight of immigrants, therefore, the claims of legal compliance must give way to the more fundamental claims of our common humanity. If numerous immigrants are here because their families would otherwise live in abject poverty, the issue boils down to legal conformity versus possible starvation. Here is where abstractions must give way to concrete reality. But as any poet or artist will tell you, the concrete is the realm of the imagination. In attempting to understand what is just, we have to imagine real persons and their concrete situations.

Let's imagine a man named Eusebio. If deported as an illegal alien and thus deprived of an income, he could likely witness the decline of a sickly daughter whose medicines he can no longer purchase, or he might have to face the possibility that her despondent older sister will opt for whatever income prostitution might provide. Ironically, a few miles across the border, some of his countrymen are earning more in a day than he does in a month. He sees his tired wife scrubbing one of her three dresses, his pretty daughter staring glumly at nothing and the streets outside bleak and empty of promise. He does not think, at this moment, of breaking laws. He thinks of his paternal duty and acts not out of greed but out of desperation.

Or imagine a woman named Marta, whose husband has been "disappeared" by a rival faction. Possessing only domestic skills, she tries to support her mother and children by selling gum and postcards to tourists. It is not enough. She leaves her two youngest children and her meager savings with her mother and makes the harrowing journey with her son across the Rio Grande, more desperate than hopeful, driven more by a primal affirmation of life and the panic of love than by any plan. In our concern for "respect for law," can we demote these and many similar tragedies to a category of lesser urgency, considering them the "collateral effects" of market forces?

A Nation of Imagination

America was at one time described as a “City upon a Hill,” the “New Zion,” a beacon to the world. Many in the mid-19th century would have agreed with the Unitarian minister William Ellery Channing, who proclaimed that our nation represented God’s plan for humankind, its freedoms guaranteeing a nobler, more resilient and more just society. He said this, of course, not long before we engaged in one of history’s bloodiest civil wars, a war that jarred our self-perception of national innocence and historical exception. Now, with the closing of the frontier and the unparalleled opportunities it made possible for the rugged individual, we have been snatched out of our timeless dream and back into history. The world now watches to see how well our behavior will match our lofty rhetoric.

- 8 What America has been is largely the product of a historical windfall—the confluence of revolutionary European theory, geographical separation from centers of control, the necessity of (and gradual education in) self-governance and an unimaginable expanse of continent in which to carry out our democratic experiment. What America can become will be the result of the new culture we form in the far more restricted (and realistic) circumstances of a closed frontier. Will we continue to manifest the daring, idealism, generosity and openness to the new and the difficult that marked our frontier forebears at their best? Or will we respond to challenges like the current influx of immigrants with a narrow sense of proprietorship and a very un-American fear of the unknown and the unfamiliar? If we reduce justice to legality and culture to security, we take the first steps toward a state driven not by enthusiasm but by caution, not by daring but by fear. We will prove that our vaunted magnanimity has been not the natural and characteristic expression of a free and democratic people, but the specious (and transient) product of a magnificent frontier blessed with material plenty.

The American dream has run headlong into a historical crunch time. If we are not to betray the dream, we simply must imagine better. Just as we imagined our dogged pilgrim pioneers and our daring frontier ancestors in creating a heroic mythology and a resourceful and generous self-image, so too does the bond of our common humanity require that we imagine today the blood ties with our immigrant population that render their desperation our own. Historically, humankind finds this a supremely difficult challenge, for our loyalties to family, clan and nation are the schools of our first imaginings in culture, ritual and governance. We tend to resist other ways of living, other cultures, despite the fact that, as cultural historians will affirm, travel, trade and periodic immigrations have ever tended to enrich their host cultures. In the matter of our growing immigrant population, then, can we not imagine better than to build fences and expand border patrols?

The world is rapidly growing smaller, more intimate and more dangerous. Gerald Vann, O.P., in *The Heart of Man*, writes that in true love, “the lover becomes the beloved.” Such becoming is truly an act of the imagination. Can we imagine the immigrant in our midst? Can we become the third world citizen whose longings, not unlike our own, still appear so remote? Such becoming can lead to a moral imagination that gives primacy to radical human need over legal compliance. The survival and growth of our own civilization may well depend upon our imagining better.