

Globalization and human rights:

Undocumented immigrants, the Roman Catholic Church and the limits of tolerance

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1. Three levels of analysis

There are on the order of 13 million undocumented immigrants in the United States from Mexico alone. The total of all such immigrants who come without papers is probably twice that number, though accurate estimates are sorely lacking. A massive inflow of men and women who break the law to seek work at decent levels of pay not only in the United States but also elsewhere in the developed world has created a massive crisis in our conception of human rights. For, if you want to know what someone thinks about human rights, do not ask about noble documents and high aspirations; ask what rights do undocumented immigrants have in the country they have entered illegally. The answer will reduce the subject of human rights from the level of abstract principle to that of lived experience, where it should be. A discussion of inequalities and globalization must start here.

I want to talk about this sharp contrast between principle and experience today with respect to one group of immigrants in one town, New Haven, Connecticut, where I live and work. But I also want to put this subject in a broader context about ideas, institutions and processes. Since 1948, human rights have moved from the realm of ideas to the realm of political practice, from the Universal Declaration of Human Rights to the Helsinki process, Charter 77, Solidarity and beyond. The struggle against apartheid, symbolized by the incarceration and liberation of Nelson Mandela, embodied the human rights movement, as have other long-term struggles in Palestine, Tibet, and Chile.

What gives the story of undocumented immigrants particular force is the way it highlights a distinction between a civil rights tradition and a human rights tradition. In a

nutshell, we can say that in the United States, people have civil rights; in other countries, they have human rights which incorporate civil rights – the right to vote, the right to due process, the right to equal treatment under the laws – but which go beyond them. There are many differences between the two categories in different parts of the world; for our purposes, suffice it to say that undocumented immigrants do not have civil rights, the right to vote for example, and all too frequently, they do not have human rights either. They live in limbo, in a no man's land where the law does not apply, and where predators predominate – 'coyotes' who smuggle immigrants; handlers who move them and all too frequently abuse them; and employers and landlords who can exploit their vulnerable position for gain or favour. Mike Leigh's outstanding film 'Dirty Pretty Things' and Kiran Desai's novel 'The Inheritance of Loss' tell us what any resident of Western cities knows: there is an underworld close by and yet mostly hidden; it is inhabited by millions of people, men, women and children, who work and live amongst us yet whose rights and whose lives are cast into the shadows.

How do we find out about these people and cast some light on their predicament and on ours? It is not at all difficult. All we have to do is look around us. This I have tried to do in one particular town; but the story I want to tell is not at all limited or exceptional.

To be sure, national traditions and political configurations matter. The United States is not a signatory to any regional human rights convention, and especially after 11 September 2001, it has followed its own path in defining its obligations to respect the human rights of those under its jurisdiction. The word 'respect' is stretched beyond any meaning when it applies to the inmates of the prison camp in Guantanamo Bay, but the key problem in approaching the question of undocumented immigrants and human rights is that

political leaders have avoided confronting it like the plague. Both American political parties have been unwilling and unable to construct a viable coalition to govern national policy on undocumented immigrants. The penalties of coming out on one side or the other of this issue has consign this matter to the symbolic or the purely rhetorical domain. To date, on the national level, a degree of paralysis has set in which may very well continue in the near future.

This has produced a dangerous impasse. The law has it in the United States as elsewhere that undocumented immigrants should be apprehended, detained, and deported. The Department of Homeland Security has engaged in a series of small, but painful, operations to show it is following the law. But the opposite is the case. Last year, 10,450 undocumented immigrants were arrested, and 2,485 deported to Mexico. We all can do the arithmetic -- 10,000 arrested out of 13 million -- and so can potential immigrants from south of the U.S.-Mexico border.

Inevitably and for the foreseeable future, the problem of dealing with undocumented immigrants has devolved to the state and local level. Failing national leadership, individual political groups and leaders have approached the problem of undocumented immigration from very different perspectives. Some advocate assimilation, whatever the individual's immigration status; others advocate mass deportation; many take a position somewhere between the two.

The phenomenon of undocumented immigration between Mexico and the United States therefore must be studied on three levels: the trans-national, the national, and the local. The initial part of this paper considers the trans-national human rights regime and its

treatment of the subject of immigration. The second part considers the regional context in which human rights law has evolved. The third brings us to the local level and focuses on an extraordinary set of developments in the town in which I live, New Haven, Connecticut. In particular I want to highlight how local studies can disclose critical and original elements in this story, related to the role of Catholic clergy in the overall process of Mexican-American immigration in general and of undocumented immigration in particular.

1. Human rights: the international dimension

One of the most striking developments in international affairs in the second half of the twentieth century is the emergence of a set of human rights norms which guide both international law and practice. Even when these norms are violated, they still exist as components of the international system absent before 1948.

Freedom to leave one's country of birth or citizenship is guaranteed under article 28 of the Universal Declaration of Human Rights, agreed to by the United Nations assembled in Paris 60 years ago. When René Cassin, one of the authors of this document, declaimed it at the Palais de Chaillot on 10 December 2008, he created both a hope and a paradox. The hope was that each and every member state of the United Nations would see this document as an elaboration of the Charter of the UN, and therefore as a constituent element in international law from that moment on. The paradox is that while the Universal Declaration created a right of emigration, it in no sense established or advocated a right of immigration. This paradox is at the heart of our discussion today, since it created a kind of anti-Newtonian reality, one which allowed for immigrants to rise above the national boundaries

of their countries and seek to live elsewhere, but did not allow them to come down to earth again in any other country than the one they sought to leave. \

Why did the signatories of the document insist on this absurdity? The reason was that the United Nations emerged from the Second World War alliance among those countries which fought for the principle of territoriality and against the violation of the national borders of every single country conquered or invaded by Nazi Germany. Hence the victorious alliance, now reborn as the United Nations, was prepared to recognize the right of emigration as a reminder of the crime of genocide, itself outlawed in Paris the day before, 9 December 1948, a crime committed against those who had no right to leave the territory controlled by their persecutors. But the allies were not prepared to recognize a right to immigration, which in and of itself would transform the sovereignty of every nation state in the world.

For three centuries, Westphalian definitions circled around two poles of national power and national sovereignty: a state is that set of institutions with the right to wage war and the right to control entry into one's sovereign state. The Second World War, therefore, set in motion forces strengthening territoriality and undermining it.

It became evident within a few years of the signing of the Universal Declaration that the UN was dead as far as acting as an arbiter of human rights abuse anywhere in the world. The Cold War killed many human rights initiatives and ensured that the Commission on Human Rights had no power at all. There was an effort, spearheaded by René Cassin and Eleanor Roosevelt, to follow precedent in the League of Nations International Labour Office to require all states in the UN to send a report to the Secretary General describing measures

taken in the previous year to promote human rights in all countries, but that campaign was destroyed by the combined intransigence of the United States and the Soviet Union. By 1950, and the start of the Korean War, the UN had become a site of overblown rhetoric covering its tacit recognition that human rights remained a matter of national politics, and not of the international order.

That failure was not the end of the matter. The primary author of the Universal Declaration knew right away that the great powers treated human rights agitation as an annoying side show, an aggravation, a source of internal and international criticism. This was not just true of the Soviet Union, then in the midst of the last great paroxysm of Stalinist killing and other crimes, and of the United States, descending into a Communist witch hunt and yet another post-war assertion -- the same had happened in 1919 -- that though black men wore uniforms, their rights were limited to what white men said they were. It was also true of France, then in the midst of its Indochinese war, and preparing to crack down on those demanding independence for Algeria. And, with some qualifications, it was true of Britain, in its last imperial decades. In the British case, the best proof of this point is the volte face of Winston Churchill, who after losing power in 1945, became a great advocate of a European federation based on human rights, until he returned to office as Prime Minister in 1951, at which point he forgot completely about both Europe and human rights. It would take another 20 years before Britain liquidated its post-imperial illusions. Only in 1966, did the Commonwealth Office in London merge with the Foreign Office. Only in 1974, did Britain join the European Community.

By then a second front in the human rights war was opened in Strasbourg. Its origins must be located as well in the immediate post-war years. In 1948, a convention at the

Hague – with Churchill as its chief spokesman -- declared its commitment to the construction of a new post-war order in Europe. Out of this initiative came the Council of Europe, which in turn drafted – with René Cassin once again as primary draftsman – the European Convention on Human Rights. Here too the right of emigration was guaranteed – under Protocol 2, article 4 – and furthermore a European Court of Human Rights was set up to enforce the Convention.

This convention had two revolutionary features. The first may be termed the law of judicial supremacy. The second is the right of individual petition. The first claim here is that in a case of conflict of laws, the European Convention trumped national legislation on human rights. The second is that individuals have standing in international law to challenge human rights abuses of their own states. Both are major developments in international law, so much so that it took eight years before the minimum number of states in the Council of Europe ratified the Treaty before the European Court of Human Rights could begin its work in 1958. Its first sitting was in 1960, with A.D. McNair, later Baron McNair, as its first president. In 1965 he was succeeded as president by René Cassin, who upon retirement in 1968, won the Nobel Peace Prize in that year, designated by the UN as the year of Human Rights.

A third front, as it were, emerged a few years later. It was a component of great power negotiations over the legalization of the western boundaries of the Soviet Union. Michaelmy Carter's negotiating team included a number of veterans of the civil rights movement, who saw in these negotiations a chance to turn human rights from a set of principles to an international process. That set of practices we term the Helsinki accords, which traded normalization of the boundaries of the Soviet Union for the right of

international organizations to survey the human rights position of Soviet citizens in the Soviet Union itself. It is likely that Brezhnev thought this trade off was in his interest, but in this – as in many other matters like Afghanistan – he miscalculated.

Dissident movements with a human rights agenda -- Charter 77 in Czechoslovakia, Solidarity in Poland, alongside the work of Russian activists -- were not created by the Helsinki process, but amplified and secured by it. There were, to be sure, multiple sources of the collapse of the Soviet Union and the dismantling of its empire in 1989-91, but among them was the new European human rights movement of the late 20th century.

2. Regional human rights and the reconfiguration of state sovereignty

There are two areas in the world where human rights law is practiced both on the national and the regional level. The first – as we have just seen -- is in Europe, through the European Court of Human Rights. The second is in Latin America, where the Inter-American Court of Human Rights has worked since 1969. This regional level of jurisprudence is the second critical dimension of the unfolding story of the way human rights has been transformed from a set of principles to a set of processes and practices governed by norms relating to the limits of state power.

What the regional organization of human rights law does is to offer a partial redefinition of state sovereignty appropriate to the violent conditions of two parts of the world disfigured by the endemic criminality of state actors. Thus unlike the fundamentally individualistic approach to human rights in the United States, where human rights have been reduced to the civil rights every individual citizen can exercise without prejudice, the European and Latin American regional courts have challenged states whose record of

criminal behavior against its own citizens is difficult to deny. Thus in Europe and in Latin America, the human rights project is both about individual liberty and about the need for states to cede some sovereignty in order to protect all from the murderous and tyrannical actions of dictatorial regimes.

Here is a critical point for our discussion today. The United States has a civil rights agenda and Europe and Latin America have a human rights agenda. They ought to be compatible, but they are not. The primary reason is the sanctity of state sovereignty in the United States, and the sacred privilege exercised by the United States Supreme Court. To be sure, the United States participates in international treaties – for instance the World Trade Agreement – but this kind of diplomacy is not and never has been based on a sacrifice of American sovereignty to help establish some rule of law or affirmation of human dignity at the core of the European and the Latin American human rights regimes. When Woodrow Wilson tried to sell the League of Nations to the United States Senate in 1919 and 1920, he failed to persuade either the political leadership of the country or the nation that an international organization had the right to engage in action to protect collective security over and above the United States Senate. Thus the League of Nations was strangled at its birth, because it tried to do the impossible: create a new international security order and reaffirm the sanctity of state sovereignty.

The Universal Declaration of Human Rights was an attempt to solve this problem by extending what Americans understood as New Deal rights to the rest of the world. That is why Harry Truman, the US president in 1948, supported the declaration. But within a few years, as I have already noted, the UN froze into the ice field of the Cold War, and its capacity to effect human rights abuses was effectively ended. When René Cassin saw this,

he moved his efforts in the direction of Europe. Others did the same in Latin America, though they were working in a much more hostile environment. By 1950, when the European Convention on Human Rights was signed, few needed persuasion that Europe had to construct a system of limited sovereignty in order to provide the stability conditions necessary for the resurrection of a Continent then emerging from the devastation of war and genocide. In Latin America, the open hostility of dictatorial regimes to the working of the Inter-American Court is a given; their work is thus more normative than juridical, in the sense that states can simply ignore its rulings. The same is true in Europe, though it is less rarely a major consideration either in political or legal thinking on the workings of the regional human rights regime.

In effect, in Europe, nations signing the Convention give the European Court of Human Rights jurisdiction in this field. That is not a given in Latin America, where states must consent through a declaration presented to the Secretary General of the Organization of American States. Here is a first major distinction between Europe and Latin America. The second is that in Europe, individuals have the right of petition to the European Court in Strasbourg; in the Inter-American Court, they do not have this right. Both courts screen such applications before they reach the court, but the right of individual petition accounts in part for the fact that the European Court has ruled on ten times the number of cases than the Inter-American court has considered in its lifetime. In addition, there are only seven judges sitting in San José, Costa Rica, they sit only for part of the year, and individual judges act in cases where their countries are party to the dispute. Comparisons between the two regimes shows as many differences as similarities.

There is another contrast in approach relevant to our subject today. The American Declaration of the Rights and Duties of Man recognizes a right of asylum. Article 27 states that : 'Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign territory, in accordance with the laws of each country and with international agreements'. It also recognizes a right of nationality, as in Article 19: 'Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him'. But nowhere in the document is there mention of a right of emigration or immigration.

In contrast, Article 2 of Protocol 4 of the European Convention, enacted on 16 September 1963, refers directly to a right to emigrate. 'Everyone shall be free to leave any country, including his own'. In addition, the practice of forced expulsion of a national from his own state is strictly forbidden, as is the refusal of states to admit or readmit their own nationals to their sovereign territory. (Articles 3 and 4). Here, we see to what extent the European Convention on Human Rights follows and adumbrates the Universal Declaration of 1948. But in all of these documents, in Latin America or in Europe, the right to emigrate is not linked in any sense to a right to immigrate.

What I have termed the anti-Newtonian phenomenon is evident in both the Latin American and the European conventions on human rights. And this is hardly surprising, since the work of these courts depends on the good will of the sovereign states which are contracting parties to the conventions establishing human rights commissions and courts in both parts of the world. For this very reason, human rights conventions and courts have sidestepped the question at issue here. That is, what rights do people have when they

exercise their right to emigrate and then enter another country without official approval? In other words, do undocumented immigrants have human rights?

3. Decentring the dilemma posed to human rights conventions and practices by undocumented immigration

My claim is that there is no answer to this question on the level of international or regional organizations. Indeed, the impasse goes even further. On the national level, few politicians in Europe or North America are prepared to say that all undocumented immigrants have the right to enter the country of their choice. Only a subset of immigrants has such rights: those who are deemed to suffer persecution or other severe hardship in their native land and who therefore qualify for the status of refugee or asylee in a country to which they have fled. But what of all the others? Is poverty a hardship sufficient to justify refugee status to the poor regardless of their situation? To date, neither the international nor the national legal or political leadership has grasped this nettle. It is simply too difficult, since to do so would challenge fundamental notions of what a sovereign state is.

And yet it is a cliché that globalization has rendered the boundaries of sovereign states porous or – at least in cyberspace -- non-existent. Capital moves at will; enterprises do so too, and with many exceptions, so do the goods and services which cross the production boundary. If this is the case, and on balance, it is hard to deny, then why should the third factor of production – labour – be treated any differently? The answer is that sovereign states have not been eliminated by globalization; in some respects, their prerogatives have been even more jealously guarded with respect to immigration than ever before. While human rights institutions and instruments have emerged alongside

commissions and courts charged with their enforcement over the past 50 years, so have massive population flows – this time from ‘south’ to ‘north’ rather than from ‘east’ to ‘west’ as in the period 1880-1914. Illegal immigration establishes one of the critical boundary conditions of human rights law and practice on the state and international level today.

Below that level is where I want to draw your attention. *Faute de mieux*, the problems associated with undocumented immigration have devolved onto the local level. If international law and national politics are effectively mute in this field, local politics, politicians, and activists are emphatically not. In some cases, they present a blueprint for the future: a way to bypass the intractable problems of citizenship on the national level by the slow and piecemeal elaboration of different kinds of citizenship or entitlement on the local level.

I want to tell you the story of one such case, that of the city where I work, New Haven, Connecticut. In many respects, this is a story being repeated all over the world. Into the vacuum produced by national political paralysis, local alliances and social movements have rushed, and many adopt a de facto rather than a de jure approach to the problem. Undocumented immigrants are here; they are our neighbours; they send their children to the same schools and attend the same churches. These activists start at this point, but then go further. They state that should police power be used to arrest and deport substantial numbers of undocumented immigrants, then the damage to civil society and to human rights will be so substantial that the state will be transformed into something repugnant in the process. Whether it is right or wrong that 13 million undocumented immigrants are presently in the United States, it is still the case that removing them is politically, materially, and morally impossible.

At the heart of this complex process of social adaptation in the United States is the Roman Catholic Church. Not its Episcopal leaders, though from time to time they speak out on this issue, as most recently has Pope Benedict XVI. What I have in mind are much less elevated people than that. The working out of what human rights illegal immigrants have is the business of parish priests.

How this has happened and what are its implications are questions at the heart of the rest of my remarks today. Here the notion of three levels of analysis – the international, the regional, and the local -- is both applicable and necessary. The Catholic Church may be the largest non-governmental organization in the world. Its synods exist on the national, the regional, and the international level. Church policy is inherently transnational, and clergymen from Pope Benedict XVI on down to the parish level offer regular pronouncements on the subject of migrants and migration. There is a Roman Catholic tradition on human rights, Thomist in origin, which governs much of what is said in these declarations and debates, but the relationship between this set of ideas and the way regional and national authorities define the human rights of immigrants, legal or illegal, is never clear or simple. Interpretation matters.

So does the intervention of the hierarchy of the Roman Catholic Church. Pope Benedict XVI's recent visit to the United States led to a series of pronouncements on the subject of immigration and undocumented immigrants. The church's pastoral stance is evident, in not discriminating in any way between those who come to this country legally or illegally. And while bishops follow the lead of the Holy Father, there is considerable local variation in how that lead is interpreted.

It is evident, though, that the ethnic composition of the Roman Catholic Church in the United States has shifted in recent years. The Hispanic population is more significant within this population than ever before, and represents a major part of the Catholic communion in American urban centers. We must also bear in mind the inroads made among the Catholic faithful in Mexico and in the United States by evangelical Protestant churches. Immigrants are therefore at the heart of important movements in the religious life of both Mexico and the United States and of the immigrants who move between them.

When we turn our attention to the local level, we see something else, something more personal and yet more general. Parish priests are at the hub of a vast network of international immigration, transfer payments, and legal efforts to protect undocumented immigrants in their new homes and parishes. I will tell you today about the case of New Haven, but I am persuaded that this case study points to a more generalized phenomenon of Mexico-U.S. migration. Priests, monks and nuns have come to serve multiple functions, both facilitating migrant integration within New Haven, while also serving as intermediaries for both migratory movements and the counter-flow of worker remittances and other financial flows. These religious are migrants themselves: moving from the native towns of these immigrants in Mexico and Ecuador to the United States and back again. They see their roles as entirely trans-national. Their parishioners live in two countries, though their status is legal in only one. Seeing to their needs and helping with their headaches and hardships has converted more than one priest to seeing the position of undocumented immigrants as the ultimate test of what we mean by human rights.

I want you to join me in a recent visit to the state of Tlaxcala, south-east of Mexico City. There in the town of Zacatelco, is a priest, father William – I will change all the names

for reasons which will become obvious in a minute. Here he is celebrating the communion of a three-year-old child, Susanna Obrador. Here she is, resplendent in her white communion dress, surrounded by four of her eight brothers and other members of her family. Here they are: my version of *Las Meninas*, who bring their own dignity to our eyes as vividly as did Velasquez. And just as that great painter did, we are invited into the world this young lady inhabits, and invited to trace back her steps to the world from which she came and to which she has gone.

Her father is a farm labourer, earning about \$3.00 a week on a nearby farm, and sometimes \$6.00 a week on local building sites. He has six brothers and sisters. All six now live in New Haven, Connecticut. The brothers live in the Fairhaven District and earn upwards of \$8.00 an hour or \$320 a week for manual labour in stocking and unpacking goods at a local supermarket. They are accompanied by various cousins, who together make the total of the Obrador extended family in New Haven reach 85. Every one of these people came across the border illegally.

How did they do it? Initially, they tried traffickers, called 'coyotes'. When one of them paid \$800 for transport and found himself in the middle of the Texas desert without water or food, he was lucky to survive. Children and especially girls are frequently not so fortunate. Hence when this man – we can call him Pedro – made his way to New Haven, where other Zacateclans already live, he decided to bring more of his family with him, but not in the manner he himself had followed. He approached Father William and asked for help. He helped them start their journey and joined the party of 12 that crossed the border. When they made it to New Haven, Father William and his flock came to his parish church and accommodated the newcomers in the rectory.

The next day he approached two parishioners with the task of finding housing and work for the adult men and women and approaching the local school to seek admission for the children. These parishioners did their jobs well, and within two weeks, the men found work on building sites at Yale University, the women were employed in a small clothing factory, and the children had begun school.

Two weeks later, Father Michael, the Roman Catholic priest at a New Haven church, took leave of his church, and handed over his duties to Father William. Father Michael then took a direct flight from New York to Puebla, and went back to Zacatelco, where he took up the burdens Father William had borne as parish priest there.

While he was away, the Immigration and Customs Enforcement police – known as the Icemen – arrested 42 people who were undocumented immigrants living in Fairhaven. The timing of this raid was not related to Father Michael's travels, but to another dimension of this story, that related to the city administration.

Six months earlier the mayor and aldermen of New Haven had a meeting with the chief of police. They came to a decision as to steps needed to provide greater security in Fairhaven and in other parts of the city. One way to do so was to provide all city residents – whatever their status – with municipal identification cards. With these cards, residents could open bank accounts, and deposit earnings which might be targeted by thieves both on the streets and in the homes of local people.

The day the city designated for the handing out of these cards, there were 4,000 people waiting in line at 9am. One of the first in line was the Dean of Yale Law School, Harold Koh, a Korean-American, and formerly Assistant Secretary of State for Human Rights under President Clinton. Rumor has it that he will be a Supreme Court Justice if Barack

Obama is elected later this year. He claimed that all residents have human rights, and that the American one-dollar bill said it all: E Pluribus Unum – one out of many. Human rights, he said, were right on the money.

The ICE raid was the Bush administration's answer, or more precisely, the Department of Homeland Security's answer to this municipal initiative. The terms of the conflict are clear. Undocumented immigrants have broken the law by traversing the border of the United States without a visa or a permit. Upholding the law means arresting and deporting them. Thus the official view. But in the city of New Haven, there are roughly 100,000 residents. Of these, 20,000 are Hispanic immigrants to the city, and of this 20,000 probably 12,000 are undocumented. Arresting dozens does happen and will happen. Arresting thousands will not.

Hence what we see in New Haven is an extraordinary triangulation of a sympathetic municipality, a powerful law school with resources to help undocumented immigrants and to publicize their rights and the abuses to which they are subjected, and Roman Catholic clergymen prepared to act in ways which are extraordinary and possibly unprecedented.

What happened after the arrests of the 42 local residents shows what I mean. There was, understandably, fear and some panic among local families. Many men and women did not go out to work for fear of being arrested. The families of those in custody needed support. Father Michael was the conduit for both. He was able to find funds to cover the needs of these families. He mobilized local supporters, myself included, to do the shopping needed for families effectively in hiding. He asked some of us to provide bed and breakfast for individuals or couples who needed placement or better security. He worked with the immigration lawyers at Yale University law school to provide representation for those in jail,

and to fashion a statement written on a card affixed to the back of the municipal identification card. It offered these words to be given or read to any official or policeman who asks someone for documentation: 'My name is Pablo Escobar and I live at 322 Fairhaven Avenue. I am a resident of New Haven, as this municipal identification card attests. I will answer your questions fully, but only in the presence of my lawyer, Professor Bill Howard of Yale Law School. His phone number is 203-432-1395, and he is on call to assist me and you at any time'.

This statement, in English and in Spanish, has made a huge difference not only in the behavior of local residents, but also of the police. Until now, local residents did not report street crime to the police for fear of being arrested by the Icemen. Now, the police have written on their weekly assignments this statement: 'No one is to be approached unless the officer believes he or she has broken the criminal law. There will be no inquiries about the immigration status of local residents as part of ordinary police work'.

Better inter-communal relations mean easier policing and better conviction rates for petty crime. It is hardly surprising that the policy, the municipality, Father Michael and the parishioners of his church are satisfied with the results so far. But all is not clear on the horizon.

The first problem is the split in the hierarchy of the Catholic Church itself on this matter. Father Michael's Bishop called him to Boston to explain why priests are using church money to help undocumented immigrants. He was ordered to stop doing so. Then two events changed the situation. The first was the appearance in New Haven of the distinguished Liberation theologian Gustavo Gutierrez. He brought to the local church Santa Rosa de Lima the blessings of the **General Conference of the Bishops of Latin America and**

the Caribbean (CELAM) held in Aparecida in Brazil in May 2007. The second was the visit of the Pope himself. Papal statements criticizing the separation of families through the arrest and deportation of undocumented immigrants did the job. Father Michael's bishop suddenly did an about face, and opened the coffers of the church for parishioners in need. Perhaps even more importantly, and this is not a public matter, the Bishop passed on the news that parish priests can and should employ parishioners who have recently entered the country, with the unstated implication that it mattered not whether they came legally or not. This has made a huge difference to the employment situation, not just through work on the church but in work for other parishioners.

All of these actions are probably illegal. But when it becomes the case that upholding the law in the United States means arresting Catholic priests and probably their bishops and archbishops, we know that something radical has happened. The way I see it is that the political impasse on the international and national level has been taken as given. It will not change for the foreseeable future. Thus the responsibility for dealing with this problem will remain at the local level, indeed at the parish level, and that is where the changed ethnic character of the Roman Catholic Church is most evident. New Haven used to be an Irish and Italian town, with bustling church-oriented communities in the Worcester Square district. Some of the best Neapolitan pizza in the world, I have been told, comes from here. Now times have changed. In a recent census of church-goers, 80 percent of New Haven's 25,000 practicing Roman Catholics are Hispanic. One Italian neighborhood has to import a priest from Bridgeport, 20 miles away. Family size matters too. Among families of Mexican origin in New Haven County, average family size in the year 2000 was seven; for

those of Irish or Italian extraction, four. Catholicism in this one part of the world is changing language and color.

Most of those who now live in New Haven are of mixed Hispanic and Indian origin. Their celebrations on festive days or in the lead up to Easter are decidedly Aztec or Mayan in reference and character. They are therefore a distinctive part of the huge Hispanic community now numbering perhaps 48 million people, or 26 percent – one out of six – of the total American population. Demographic projections are notoriously imprecise, but conservative estimates have it that by 2030 there will be 73 million Hispanic people living in the United States, or over one in five. This change in the ethnic composition of the overall population is a product of globalization.

In New Haven, the one in five level of Hispanic residents has already been reached. The only available survey of trends in fertility, age of marriage and family size has it that in the year 2030, the population of New Haven will be 40 percent Hispanic, of which probably half (as is true today) will be undocumented immigrants.

5. Conclusion

The story I have told is but one of hundreds. It is evident that the problem of human rights is one now shifting focus from the abuse of political, police and military power in repressive regimes or in war zones to the treatment of millions of men and women who break the law to reach what they take to be a decent level of well-being.

In a way, this movement of populations has created new forms of contestation over human rights. I will mention just two. The first is the chronic problem of sexual violence against women within families and within marriage. The immigrant population in New Haven has resisted attempts by those working with them in the legal community to act on

complaints by women that their men are at least as violent within the household as they were in Mexico. What is worse is that these families do not have the authority figures of grandfathers and grandmothers there to make younger sons and grandsons aware of what they are doing. Thus the priests have to stand in, and do so with some difficulty.

The second problem concerns the education of children who have grown up in New Haven, and attended local schools. Some are outstanding students. One in particular was so evidently gifted that I urged her to apply to Yale, my university. The parents resisted this, on the grounds that it was time for her to marry and raise a family. Human rights start at home, and making this point crystal clear to immigrants can divide them from those who support their right to be in New Haven and to live full and decent lives.

Once again, we come to the central element of this story, one not heretofore recognized in the vast literature on trans-national immigration, on refugee and asylum-seekers, or on the absorption and assimilation of newcomers to developed societies. It is the role of the Roman Catholic Church, the clergy in general, including pastors of Protestant pentacostal churches which are flourishing in Latin America, and of individual priests who act as key mediators and facilitators in the overall immigration process.

In the case of New Haven, Father Michael, a man born a conservative Irish Catholic from Boston, a man who thought initially that undocumented immigrants were communists from Cuba, has been at the centre of an astonishing and irresistible social phenomenon. He helps families in Mexico decide who will leave home; he helps them find safe ways to get across the border illegally; he helps them in their middle passage to New Haven; he helps them find homes and jobs, and when in trouble, he mobilizes lawyers and sympathetic

municipal workers and police. His church is bursting at the seams, and a cynic would say this was the point of it all.

My view is more straightforward. Father Michael has been educated by his parishioners. They have shown him what illegal immigration means, what it costs in the lives of those who risk it, and what it can mean for a religious community living on the edges of the law. It can mean seeing that human rights exist most powerfully in an experienced community, one with face to face relations and realities. It can mean that it is only on the small-scale, miniature level that we can see how human rights are defined and negotiated, and that the trans-national or universal are both significant and beside the point. As Gustavo Gutierrez put it, to see the face of Christ, a Christian must gaze at the face of the poor. This Father Michael and his brethren are doing, and through their work, we can understand some of the most striking, creative and unintended consequences of globalization in movement today.

To return to the theme of this conference: inequalities and globalization. The first and most pressing inequality reflected in these trans-national demographic shifts is in life chances and life expectancy. Linked to but separate from these life chances are inequalities in incomes. Both of these categories of well-being have been analyzed effectively by Amartya Sen in his studies of entitlements, capabilities and functionings. I do not have the time to explore these categories today, but simply want to say that Sen's work requires us to see human rights in general, and the human rights of undocumented immigrants in particular, in the context of entitlements, capabilities and functionings. The people who migrate to seek a better-paid job and a better life for the extended family he left behind

have rights; they are there; they are among us. Specifying what those rights are and defending them is the task we face, a task unlikely to be completed in our lifetime.

Perhaps I can end on an old East German joke. Rosa Luxemburg and Karl Liebknecht were shot during the Spartacist uprising in January 1919. So much we know. What one was added was that shortly thereafter they ascended to heaven. When they awoke and realized where they were, they were shocked. And they were even more astounded to see God ten metres away. Liebknecht rose and approached God. 'God, when will we see the revolution?', he asked. God answered, in a way that students of peace can appreciate. God said simply 'Not in my time, my son'. Perhaps the same may be said about human rights. But that is no reason to cease trying to understand and explore this critical facet of globalization and inequality.