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The Catholic Hierarchy and Immigration: Boundless Compassion, Limited Responsibility

By David Simcox

For which of you, intending to build a tower, sitteth not down first, and counteth the cost, whether he have sufficient to finish it? Luke 14:28

Do sovereign nations have the inherent right to limit immigration? Catholic teaching since World War II has moved from a qualified "yes" to a presumption of "no," with the moral legitimacy of the rare exception depending on the exigencies of the moment.

This shifting theology bespeaks the rapid evolution in the structure of the church, in Rome and in the United States; in the increasing size and mobility of world populations; and in the way the church sees itself and its mission in the world. The Vatican Councils in the 1960s renewed emphasis on ecumenism, internationalism, the indivisibility of the human family, and social activism. Migration, in the process, became sacralized. Rather than a social process which nations must manage, mass migration is an expression of the divine plan, a providential, redeeming force for the realization of universal human solidarity.

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The church's assertion of the primacy of the needs of individual migrants partakes of its concern for the value and dignity of human life everywhere which has shaped its teaching on contraception and abortion. The scriptural verse: "Love the stranger then, for you were strangers in the land of Egypt"

(Deuteronomy 10: 18-19) is seen as summing up the "fundamental ethic of welcome, care, and solidarity towards every kind of immigrant" required of Christians.

THE "CONDITIONAL" BORDER AND THE GLOBAL COMMON GOOD

Pius XII, Christ's vicar (1939-1958) in a world beginning to experience explosive population growth and unprecedented mobility, became the first Pontiff to affirm an explicit, though conditional, "right" to migrate:

Public authorities unjustly deny the rights of human persons if they block or impede emigration or immigration except where grave requirements of the common good, considered objectively, demand it (Speeches, 1959).

His successor, Pope John XXIII, also voiced the emerging doctrine of "just reasons" for immigration:

Every human being has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and take up residence there (Pacem in Terris).

The right to emigrate was enshrined in the Universal Declaration of Human Rights, which does not, however, contain any right of immigration:

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek

and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

The right to immigrate had been explicitly rejected by most nations, including the United States. *Pacem in Terris* proclaims the promotion of the personal rights of all as the primary end of governments. This encyclical deplored the inadequacy of nation-states and the international system to realize the common good and the rights of individuals (Christiansen, 1988). Pope John implied a preference for world government, but prescribed neither structures nor roadmaps.

Pacem in Terris evokes the underlying historical tension between the Catholic church and the nation-state, with its concepts of geographically defined jurisdiction and obligations, exclusive sovereignty, and the supremacy of national interests. In the three decades since John XXIII, the church has become even more antagonistic toward national assertions of sovereignty, not only in the movement of peoples across borders, but in the international flow of trade, knowledge, culture and capital.

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Pope Paul VI in 1967 affirmed more explicitly the right to migrate for economic betterment: "Every human being has the right to leave one's country of origin for various motives — and return to it as well — in order to seek better living conditions (cited in Mahony, 1987).

OBLIGATIONS OF IMMIGRANTS

World bishops, meeting at the Vatican in 1969, updated and codified the teachings on migration. The resulting document, *Instruction for the Pastoral Care of Peoples Who Migrate*, asserts the following rights (Congregation of Bishops, 1969)...

- The right to a homeland.
- The right of people to emigrate, as individuals

or as families, when a state, because of poverty and "great population" cannot meet their needs, or denies their basic dignity. Migrants' right to live together as a family is to be safeguarded. Only the "grave requirements of the common good, considered objectively," can justify abridgment of these rights.

- The right to keep one's native tongue and spiritual heritage.

Instructions from the Congregation of Bishops spelled out obligations and duties for the migrants themselves — obligations that are rarely mentioned now in debating the morality of immigration control...

- The prospective migrants' obligation to remember that they have the right and duty to contribute to the progress of their home community:

Especially in underdeveloped areas where all resources must be put to urgent use, those men gravely endanger the public good who, particularly possessing mental powers or wealth, are enticed by greed and temptation to emigrate. The developed regions should not omit to consider this perversion of the common good of the less developed regions. Let them foster the preparation and return to the homeland of artisans and students, once they achieve ability in their fields...

- Governing authorities of sending states have the parallel duty to seek the creation of jobs in their own regions:

We advocate in such cases the policy of bringing the work to the workers, wherever possible, rather than drafting workers to the scene of the work. In this way migrations will be the result, not of compulsion, but of free choice.

- Migrants themselves have the duty to accommodate themselves to the host country:

Anyone who is going to encounter another people should have great esteem for their patrimony and their language and their customs. Therefore let immigrating people accommodate themselves willingly to a host community and hasten to learn its language, so that, if their residence there turns out to be

long or even definitive, they may be able to be integrated more easily into their new society.

The Vatican's concern for immigrants' rights has been further elaborated under John Paul II. "Solidarity among all peoples" has become a central theme in the Vatican's approach to international relations, and to immigration in particular. Solidarity, as the Vatican describes it, is not a matter of compassion but justice, not a question of economics but ethics (Final Document, 1991). Echoing open-border economist Julian Simon and other influential communitarian thinkers, the Vatican proclaims solidarity to be its own reward: "experience shows that when a nation has the courage to open its frontiers to immigration, it is rewarded by increased prosperity, a solid renewal of society and a vigorous drive towards new economic and human goals" (Final Document, 1991).

John Paul II has reaffirmed the immorality of immigration restrictions except where justified by "serious and well-founded reasons." He has not stated the conditions for legitimate restriction with a specificity helpful to earthly policymakers. In 1990 he told Italian auto workers:

Indeed, each person's right to seek opportunities for the work necessary for the sustenance and development of himself and his family must be recognized, even beyond national and continental borders. This certainly does not exclude the legitimacy of regulation of immigration in the light of the common good of each individual nation, to be considered, however, in the context of the other nations of the world (Observatore Romano, 1990).

Few church writings address the specifics or permissible immigration limits, or what constitutes the global common good individual nations must seek. Rome has explicitly denounced restrictions by wealthy nations that serve no other purpose than to protect their own affluence. Rome also enjoins affluent nations to commit at least two percent of GNP to assist developing nations, to set up structures to welcome immigrants and integrate them into society (while respecting the immigrants' loyalty to their ethnic and cultural roots), and to abstain from brain-draining and capital-draining migration policies (Final Document, 1991).

THE AMERICAN CATHOLIC HIERARCHY: IMMIGRATION AS ATONEMENT

The American Catholic bishops have been more militant than Rome itself in questioning the legitimacy of American immigration law.

The United States' size and abundance of wealth, and its immigrant traditions make it comparable to the thoughtless "rich man" of the biblical parable who is judged for his neglect of the needs of the beggar Lazarus (Luke 16: 19-31). The bishops' fervor stems from atavistic memories of the American church's own immigrant origins while revealing a radicalization of outlook.

Vatican councils I and II enlarged the powers of national bishops' councils, and triggered outspoken activism within the American hierarchy on social and economic issues. Much of the subsequent outpouring of bishops' high minded statements on migration, culture, economics and foreign and defense policy has been a genuine welling up of Christian witness. Some has been pure hubris, combined with a need to compensate for the bishops' relative powerlessness on such critical church issues as contraception, abortion, ordination and empowerment of women, or reform of the priesthood.

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The Catholic left's influence has also heightened the bishop's discomfort with U.S. foreign and immigration policy. The "preferential option for the poor" proclaimed in Latin American liberation theology captured the imagination of many progressive American Catholics. Its rhetoric injected notions of class struggle and class envy into the U.S. church's world view. For some this preferential option means a priority for the world's poor in immigration and the rejection of the distinctions between political and economic refugees.

For some thinkers, the exploitation of sending nations by American capitalism or the presumed support of repressive third world regimes by U.S. diplomacy have obligated the United States to accept

immigrants (Christiansen, 1988). Such reasoning informed the crusade of the "sanctuary movement" to smuggle Central American illegal aliens into the U.S. in obedience to a "higher law."

DOES LOVE KNOW NO BORDERS?

U.S. bishops as a group neither endorsed nor condemned the sanctuary movement. Some individually supported it. Pope John Paul II seemed to endorse the movement in a vague statement during his 1987 visit to San Antonio, Texas (*New York Times*, 1987) — an endorsement a Vatican press spokesman claimed was never intended.

Committed to the preferential option for the poor, the hierarchy's recognition of the state's right to restrict immigration "for the common good" tends to vanish altogether. Archbishop Roger Mahony of Los Angeles, who presides over the United States' largest concentration of illegal aliens, put it in these terms:

If the question is between the right of a nation to control its borders and the right of a person to emigrate in order to seek safe haven from hunger or violence (or both), we believe that the first right must give way to the second (Mahony, 1987).

For the bishops, enforcement of internal immigration controls, such as employer sanctions, are also morally questionable. Archbishop Mahony in 1987 pledged to work with other groups "to develop new, creative employment for all our people, regardless of their standing under the new law." With his support, Los Angeles developed facilities for job placement of undocumented day laborers, a direct challenge to the intent of sanctions (*Tidings*, 1987).

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In 1988 the National Conference of Catholic Bishops restated its opposition to employer sanctions because its original condition, a universal amnesty, had not been met. The bishops affirmed that the right to migrate for work cannot be simply ignored in the

exercise of a nation's sovereign right to control its own borders — resuscitating a doctrine they had been willing to overlook in the 1986 legislative bargaining. "The church," they noted, "must be the first to insist that love knows no borders" (National Conference, 1988). The bishops' staff arm, the Catholic Refugee and Migration Service, is a major participant in the coalition now lobbying for the repeal of employer sanctions.

GOD AND CAESAR: STILL A TOUGH CALL

While the Holy Spirit may have had a hand in creating it, such a formidable body of doctrine is not likely to be free of inconsistencies, contradictions, omissions and selective applications. Some of these inconsistencies themselves illuminate the problem of applying the selfless moral absolutes of the eternal to the disorderly, complex and competitive secular world. They point up the intractable nature of such issues as population growth, resources and stewardship, the moral efficacy of the nation-state, and the ever-intrusive question of what is God's and what is Caesar's.

To their credit, Vatican teachings on immigration at the outset recognized that "overpopulation" in fact occurs and can magnify human hardship. Too many people for the available resources indeed justified emigration. But this logic lapsed in the case of the receiving countries: immigration limits are not permissible for societies seeking to balance their populations and resources. Acknowledgement of overpopulation is rare now in church pronouncements, which in recent years have taken refuge in cornucopian economics (see Kasun, 1988). The church's outlook on migration is one-of-a-piece with its ostrich-like attitude on world population growth.

In recent years the bishops and Rome itself have said less and less about the Vatican's 1969 injunction to immigrants to absorb the language and customs of the host country to aid their integration. Instead, church leaders have joined in the rising disdain for the concept of the "melting pot" and official-English laws, and have affirmed diversity and cultural pluralism as moral ends in themselves.

The Vatican's distrust of the nation-state is centuries old, but not always consistent. While Pope John XXIII in 1958 urged supranational action to protect migrants rights, his successor in 1992 played *realpolitik* to keep the international community from

addressing the environmental costs of population growth at a 1992 U.N. Conference at Rio de Janeiro. Nation-states do in fact act in their own best interests. The Vatican, a recognized sovereign state, did so in Rio; and it does so in governing its own tiny territory. No immigration is permitted and no refugees are accepted for resettlement.

As the most "affluent" nation-state, the United States's immigration policies come under special church scrutiny. The rich United States is obliged to accept the world's poor. But the unevenness (indeed, the decline) of U.S. affluence is ignored. The nation has more than 30 million poor people, many of them recent immigrants. Perhaps these are our nation's own biblical "strangers among us" whom justice must give first claim on our resources.

Oddly, the church leadership that first championed trade unionism in the 1891 encyclical *Rerum Novarum*, now preaches tolerance of a heavy illegal immigration that destroys trade unions, undercuts workers' rights, and increases income inequality. While unions were seen by Pope Leo XIII as justified in seeking to control the supply of labor, nation-states are not so justified in conducting their immigration policies. The international human rights the church promotes, such as free migration, must be weighed against other human rights of equal or greater validity — such as basic government services, domestic tranquility, job security, a decent quality of life, and a sustainable environment.

The tough task of managing immigration highlights other contradictions between church teachings and church actions. Church leaders increasingly reject the international border as morally dubious. But U.S. church lobbyists arguing for the repeal of employer sanctions have spoken out for a larger border patrol (Ryscavage, 1992). Similarly, a U.S. church bureaucracy that lobbied zealously for the 1980 Refugee Act, now works with equal zeal against one of that act's central principles: the priority of "political" refugees over "economic" ones. Church teachings initially conceded that immigration which deprived less developed nations of their capital or their talent was morally unjustifiable. Not much has been heard about that lately among Catholic immigration advocates. Church lobbyists in Washington have tended to push, as in the cases of El Salvador and Haiti, for mass catch-all legalization and asylum arrangements, with little concern for the

differing motives and conditions of individual migrants.

COUNTING THE COST

The practice here is not new in Christendom: church leaders are wont to prescribe moral public policies, but with minimum responsibility for the costs or outcomes that temporal leaders must grapple with. A legitimate mission of church, mosque and synagogue is to remind nations of the general moral principles that must underlie sound policy. This worthy role is missing when the church becomes just once more pressure group, in Washington or at the U.N., demanding specific actions. The dividing line between moral exhortation and moral blackmail is blurred.

"Worth remembering is that the Good Samaritan, when he practiced an act of compassion, unlike many of our era's altruists, was fully accountable himself for its resource consequences."

American bishops may have to rearrange their diocesan charity budgets, but Caesar, not the clerics, will ultimately count the cost to South Florida and the federal treasury for settling and integrating 100,000 or more Haitian boat people. Nor is the hierarchy troubled by the search for revenues to overcome California's multi-billion dollar budget deficit, aggravated by the massive immigration of the 1980s. More disturbing is the bishops' indifference to the hidden costs to America's poor of mass migrations into key cities such as Miami and Los Angeles. Rather, the Roman Catholic church as an institution has gained materially from heavy refugee flows because of contracts with the federal government to provide resettlement services. Catholic and other religious lobbyists and advocacies are commendably charitable, but too often with the goods of others.

The Bible has much to say about charity and the ancient, balancing virtues of caution, prudence, responsible stewardship, and the simple fact of scarcity that compels us all to "count the cost." Worth remembering is that the Good Samaritan,

when he practiced an act of compassion, unlike many of our era's altruists, was fully accountable himself for its resource consequences: *He took out two pence, gave them to the innkeeper and said unto him take care of him; and whatsoever thou spendest more, when I come again I will repay thee* (Luke 10:35). He didn't transfer the financial burden of his compassion to others.

So it is that the church is "in the world and not of it." But human beings in their search for peace, order and justice build institutions such as governments that inevitably must be both in the world and of it. ■

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On Welcoming the Stranger

By Mark Uhlmann

On the last Sunday in September each year, on what is known in the Catholic Church as "Social Justice Sunday," an issues paper is released under the sponsorship of the bishops. The paper is distributed for sale to Catholic parishes throughout the country. In 1991, the paper was produced by the Australian Catholic Social Justice Council. It was entitled: "I Am a Stranger: Will You Welcome Me?"¹ and dealt with immigration.

The Council is one of the subsidiary bodies of the bishops, but not the only one which has produced issues papers. Protestant church organizations have also participated, as in 1988 when the social justice issues paper on prisons was produced ecumenically. There is a considerable degree of crossover and interaction among the various Catholic social welfare agencies and with similar agencies in other churches, and with secular bodies.

The 1991 immigration paper, for example, was largely written by Father Anthony Fisher, a Dominican friar who worked as an immigration research officer for a Jesuit center for "social research and action," called Uniya. The paper, however, was produced on behalf of the Council, which in turn is sponsored by the bishops. Confused? The complexities continue.

It is important to note that this combination of Catholic activist organizations and the bishops incorporates some considerable tensions. The bishops, as might be expected, are generally traditionalist, while Catholic social activist organizations are generally "politically correct." Even bodies sponsored by the bishops, such as the Council, will occasionally openly defy them. At the very least, they are prepared to sail very close to the wind in their quest to change the church.

A forerunner to the Council, the Catholic Commission for Justice and Peace, was disbanded by the bishops in 1987 for being too politicized. In spite of these divisions, the Catholic social activist organizations and the bishops are at one when it

comes to immigration.

The Council paper came down strongly on the side of high immigration, recommending an annual immigration intake of between 170,000 and 200,000, with the refugee intake boosted to make up one-third of that figure — this in spite of the fact that Australia was in recession.

At the time the document was released, Bob Hawke, a self-professed "high-immigration man" was Prime Minister. The 1991-92 projected intake had been cut to 111,000 from the previous year's actual intake of about 124,000, itself short of the projected intake of 126,000. So the immigration trend was downward. The Australian Council of Trade Unions, an organization closely connected with the Australian Labor Party government, was privately calling for a further, but only marginal, cut in the 1992-93 intake. It would eventually openly call for a figure of 100,000.

Mr. Hawke, himself a former president of the ACTU, was determined to keep the intake high. He had adopted a policy of appeasement to ethnic lobby groups, as indeed had sections of the ACTU. While the ACTU called for a marginal cut, that would only be in the "skilled" category. The family reunion intake would remain high.

Apart from the ACTU, there were a number of individual commentators and some politicians, including a senior member of the government, Employment Minister and Hawke antagonist John Dawkins, who were calling for a cut. At an ALP conference in June, 1991, Mr. Dawkins said the intake should be halved. This followed upon a similar call by outspoken ALP backbencher Graeme Campbell, who in March that year had called for the intake to be cut to 50,000 and to be held at that figure or below for the long term. Former ALP Finance Minister Peter Walsh was also an immigration critic and had called for a similar cut.

But most of those calling for a cut, including the leader of the Opposition, John Hewson, cited the