KATHOLIEKE UNIVERSITEIT LEUVEN

Faculty of Theology

LOVING THE STRANGER:
AN EXAMINATION OF THE DEVELOPMENT OF CATHOLIC SOCIAL TEACHING ON MIGRATION

A thesis presented in partial fulfillment
of the requirements for the
Master's Degree in Religious Studies

Promoter

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by

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FOREWORD

The Christian tradition, from its earliest days, has had to deal with the complex phenomenon of migration. In recent years, the tradition of Catholic social teaching has sought to address crucial issues surrounding migration. This paper attempts to lay out and examine the development of Catholic social teaching on migration. From its roots in scripture and the two millennia of Christian history, Catholic social teaching on migration was developed by the Church into a body of official teachings on migration.

This paper is a timely one. Around the world today, migration is a topic of much debate and is the focus of new legislative and popular efforts in countries as varied as Australia, Belgium, the United States, Mexico, the United Kingdom, and Saudi Arabia. Even as this is written, the Church persists in raising its voice on the issue of immigration, continuing to expand and develop Catholic social teaching on migration.

I must express many thanks to my promoter, Prof. Dr. Johan Verstraeten, for working with me on this fascinating topic and helping me to succeed in this endeavor. I also must thank the faculty and my fellow seminarians of the American College, several of whom offered suggestions along the way and all of whom have expressed interest in the topic.

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INTRODUCTION

The United States Conference of Catholic Bishops on their website offers "A Prayer for the Journey of Hope:"

> Heavenly Father,
> help us to follow the example of good Saint Joseph,
> who in obedience to your word,
> fled to Egypt with the Blessed Virgin Mary
> to protect your only-begotten Son.
> We give you thanks, Lord,
> for those who welcomed and nurtured our forebears
> when first they came to this land,
> filled with hope, and longing for freedom.
> In these trying days,
> fill our hearts with compassion
> and our minds with a hunger for your truth
> as we seek to discern your holy will.
> Hear our prayers for the struggling immigrant,
> hiding in the shadows, while giving of their labor,
> for those who seek to escape the grinding poverty of their native land
> and for nations who struggle to employ and feed and care for their citizens.
> Hear our prayers for the border guard, who works to keep us safe,
> and for the legislator, who seeks truth and justice and the right.
> When we are tempted by selfishness,
> give us a full measure of your compassion.
> When we are tempted by hate,
> purify us with your love.
> When we are tempted to deceit,
> give us an unfailing love of justice
> When we are moved by self-interest,
> give us the grace to do your will
> When we struggle in the darkness,
> show us the way.
> Through the intercession of the Blessed Virgin Immaculate,
> our patroness, our refuge, and our strength,
> guard us, protect us, and give us the grace of your truth,
> through Christ our Lord. Amen.[1]

[1] "A Prayer for the Journey of Hope," United States Conference of Catholic Bishops (accessed 7 May 2007) ; available from http://www.usccb.org/mrs/prayerjourney.shtml .

Offering this prayer in the context of the United States places one squarely in the middle of an ongoing national debate that in turn speaks to a larger international one. Increasing movement of peoples has unsettled many communities and raised new issues. Due to that increasing migration and the issues it raises in the United States as in many parts of the world, immigration laws remain quite controversial, and the ongoing debate surrounding immigration is frequently hostile and polarized.

In recent years, the Catholic Church has waded into the national debate in the United States. The U.S. bishops have issued strong statements on migration, and Catholic groups have engaged in lobbying the government for immigration reform under the Church's banner. Catholics in the pew remain divided on the subject, but the Church's leaders have put up a united front in the national debate.

In the polarized context of the debate on immigration, the U.S. Catholic Church's efforts on migration are not always well received in all quarters, and some commentators have reacted by accusing the Church and the bishops in particular of adopting a policy just in order to be "politically correct" or of only caring about immigration issues because so many of the most recent immigrants, especially the Latin Americans, are Catholic.

Happily, these accusations by some social and political commentators are utterly and completely groundless. What those commentators and for that matter the majority of the world and even the majority of Catholics do not realize is that Catholic social teaching on migration is a rich tradition that has developed over the course of a century, firmly based around Catholic magisterial reflection and response to the human reality of migration in light of the Christian faith tradition.

What the bishops of the United States, or for that matter bishops of France, Ghana, Brazil, or the Philippines, are saying today is based on a long and remarkably consistent tradition of response to migration. The tradition of Catholic social teaching on migration is closely interrelated, and as a result what the U.S. bishops are saying today is echoed across many different contexts of the world today.

This thesis paper seeks to bring to light the development of that tradition, showing how its key principles developed and demonstrating the interrelatedness of all the different levels on which the tradition has developed.

The paper's first chapter looks at the human reality of migration, especially the situation being faced today by an increasingly globalized world. Having laid a broad overview of the migration situation today, the same chapter also addresses in a similarly broad way how and why the Church responds to migration.

The second chapter draws on various aspects of the Christian tradition—scripture, pastoral care, and liturgy—as sources for the development of Catholic social teaching on migration. These sources end up having a great deal of influence over the development of the specific tradition of Catholic social teaching on migration.

The third chapter introduces the first piece of the tradition, papal and conciliar teaching. The teaching of popes—especially as it turns out Pius XII and John XXIII—and the teaching of the Second Vatican Council play a very central and decisive role in the development of the teaching.

The fourth chapter traces the development of the tradition in the teaching of bishops' conferences around the world. Bishops' conferences, in close relationship with and constantly referring to papal and conciliar documents, offer their own distinctive and decisive contributions to Catholic social teaching on migration.

The fifth chapter, short by comparison with the lengthy third and fourth chapters, explores an additional critical part of Catholic social teaching on migration—the unofficial teaching that takes place as the rest of Church reflects and continues to act and speak on migration. In particular, the chapter examines the contribution of Catholic organizations to the ongoing tradition.

The final and sixth chapter brings together the author's conclusions on the development of Catholic social teaching on migration. It also serves to examine critically certain key issues that arise in the process of teaching.

CHAPTER ONE: THE MIGRATION PHENOMENON

Looking at the sweep of human history, it would seem that migration has played an immense role in forming the context of the present day. Recent studies of the genetic origins of *homo sapiens* have pointed to anatomically modern humans evolving in a single region—namely in Eastern Africa—and migrating outward from there to populate the rest of the globe.[2] All of human history can thus be seen as a migration. The details of human migration through history are thus manifold and complex—too complex to be addressed here—but it is worthwhile to note from the beginning that migration is a human phenomenon that pervades our human heritage and has a tremendous influence on culture and society.[3]

The human reality of migration is what Catholic social teaching is seeking to address. In order to adequately understand and work with Catholic social teaching on migration, it is first necessary to establish, at least in a broad sense, what the migration situation is today and what is foreseen for the future.

1. The migration situation today

Migration may have been an almost constant part of human history, but the present day nonetheless places us in a rather unique circumstance. The present geopolitical situation includes approximately 200 million international migrants, of whom 9.2 million are refugees.

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[2] See the work of Hua Liu, Franck Prugnolle, Andrea Manica, and François Balloux, which states that "currently available genetic and archaeological evidence is generally interpreted as supportive of a recent single origin of modern humans in East Africa." Though scientific consensus on this issue does not go much beyond acceptance of a single origin for *homo sapiens* in Africa, it nevertheless sets up the whole history of the human race as migratory. Hua Liu, Franck Prugnolle, Andrea Manica, and François Balloux, "A Geographically Explicit Genetic Model of Worldwide Human-Settlement History," *The American Journal of Human Genetics* 79 (2006), 230.

From the Catholic perspective, it is worthwhile to take a look at the 2004 document of the International Theological Commission, entitled *Communio and Stewardship*. "While the story of human origins is complex and subject to revision, physical anthropology and molecular biology combine to make a convincing case for the origin of the human species in Africa about 150,000 years ago in a humanoid population of common genetic lineage." International Theological Commission, *Communio and Stewardship: Human Persons Created in the Image of God* (2004) ; available from http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20040723_communion-stewardship_en.html ; accessed 9 May 2007, no. 63.

[3] The 2005 report of the Global Commission on International Migration affirmed in the opening sentences of the introduction that migration "has been a constant and influential feature of human history" and "has supported the process of global economic growth, contributed to the evolution of states and societies and enriched many cultures and civilizations." Global Commission on International Migration, *Migration in an interconnected world: New directions for action* (Switzerland: SRO-Kundig, 2005), 5.

The opening chapter of this work relies heavily on the 2005 report of the Global Commission on International Migration. The report was chosen because of its accessibility, its recent statistics, and because of the repute of the members of the authoring commission. The commission, an independent body established in 2003 and funded by a core group of States at the encouragement of UN Secretary-General Kofi Annan, consisted of 19 members from different parts of the world. The members came with a wide variety of high-level experiences, and the list of members includes some quite well-known names, such as former President of Ireland Mary Robinson. Interestingly for the scope of this particular paper, a Catholic bishop was also included among the members of the commission—Nicolas DiMarzio of Brooklyn, New York, former chair of the U.S.C.C.B.'s Committee on Refugees and Migration. See Global Commission on International Migration, v, vii.

As the recent report of the Global Commission on International Migration reminds its readers, that number is equivalent to the population of the fifth largest country in the world—Brazil.[4] The sheer number of migrants today represents a significant challenge for society.

Nearly 200 million international migrants represent a significant increase from the past. In 1970, estimates place the number of international migrants at just a mere 82 million people, increasing to 175 million at the turn of the century and reaching the nearly 200 million mark at the time of the Commission's report in 2005. As the report points out, these numbers mean that 1 of every 35 people in the world is an international migrant—making approximately 3% of the world's population international migrants as of 2005.[5] This number does not even take into account migrant workers that move regularly back and forth across national borders, since the report primarily focused on those migrants who have been outside of their native country for more than a year.[6] The scale of migration has increased substantially in recent years, and there is no sign of the phenomenon abating.

The commission, speaking in broad terms, attributes a rising disparity in standards of living and human security as the primary cause for the present scale and scope of migration. This rising disparity has accompanied the transforming process of globalization, which has increasingly integrated states, societies, cultures and economies across the globe. The global economy has expanded as a result of globalization, providing millions of people with better opportunities in life. The commission however points out that the impact of globalization has certainly not been even, and thus disparities have grown and continue to grow in terms of standards of living and levels of human security. These disparities motivate and lead, in the opinion of the commission, to the migration-laden situation in which human society finds itself today.[7]

In today's globalized world, countries can be classified according to whether they predominantly receive migrants or predominately send migrants. Some regions of the world have received far more migrants than others, making migrants a much more significant percentage of the population than the world average of three percent. For instance, 56.1 million migrants live in Europe, making international immigrants approximately 7.7% of Europe's total population. Similarly, 40.8 million migrants live in North America, accounting for 12.9% of the total population there. The numbers are even more striking in the world's smallest continent, since Australia has approximately 5.8 million immigrants living in its territory, a grand total of 18.7% of the population of the continent.[8]

Asia is the birthplace of a large percentage of the migrants of the world, and 49.9 million international migrants live within Asia. This number, while substantial, only accounts for 1.4% of Asia's population, in marked contrast to the situation in Europe, North America,

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[4] Global Commission on International Migration, 83.
[5] Global Commission on International Migration, 83. These numbers represent only a portion of the migration phenomenon today, since much migration obviously also happens inside national borders, including the ongoing process of urbanization found in many countries of the world.
[6] Global Commission on International Migration, 83.
[7] Global Commission on International Migration, 1.
[8] Global Commission on International Migration, 83.

and Australia. Similarly, 16.3 million international migrants live in Africa and 5.9 million in Latin America, making the percentages of their populations only 2% and 1.1% respectively.[9]

The Global Commission on International Migration identifies certain countries as particularly important host countries. The United States alone hosts 20% of the world's international migrants—35 million people. The Russian Federation follows the United States, hosting 13.3 million migrants, 7.6% of the total number worldwide. Germany has approximately 7.3 million and Ukraine 6.9 million, adding up to 4.2% and 4.0% of the worldwide total.

In addition to these countries that host the largest percentages of migrants worldwide, it is also worth noting several interesting cases in which migrants comprise more than 60% of the total population of the nation. In Andorra, Macao, Guam, the Holy See, Monaco, Qatar, and the United Arab Emirates, migrants make up an overwhelming majority of the population, making for a very interesting dynamic in these small, but still important, countries.[10]

The report of the commission also mentions three nations who stand out among the countries predominantly sending migrants. China, India, and the Philippines have produced a huge number of migrants in recent years, resulting in massive diasporas. Approximately 35 million people born in China now live elsewhere. The Indian diaspora includes approximately 20 million, and the Filipino archipelago has produced approximately 7 million international migrants as of 2005.[11] The results of these immense diasporas are pluriform and doubtless have significant effects worldwide.

As these numbers show, migration is happening on an immense scale. As already cited, today's numbers show a marked increase on the whole. At the same time, the demographics of migration are changing as more migrants go to the developed world. From 1980 to 2000, the number of migrants grew in both the developed and developing world. However, the number increased from 48 million in 1980 in the developed world to 110 million in 2000. This is in marked contrast to the change in the developing world, where the increase was relatively much less—a rise from 52 million in 1980 to 65 million in 2000.[12]

The same report cites another set of statistics to show the same demographic trend, while serving to further nuance the understanding of the phenomenon. From 1970 to 2000, the proportion of the world's migrants living in North America increased from 15.9% to 22.3%. During the same period, the percentage found in the former Soviet Union also increased, from 3.8% to 16.8%.[13]

While the relative numbers of immigrants living within the border of the U.S. and former U.S.S.R. rose, the proportion living in other parts of the world declined in the same period, even as the overall numbers increased. The percentage dropped in Asia from 34.5% to

[9] Global Commission on International Migration, 83.
[10] Global Commission on International Migration, 83.
[11] Global Commission on International Migration, 84.
[12] Global Commission on International Migration, 84.
[13] Global Commission on International Migration, 84.

25%, from 12% to 9% in Africa, from 7.1% to 3.4% in the Caribbean and Latin America, from 22.9% to 18.7% in Europe, and from 3.7% to 3.1% in Oceania.[14]

The result of this demographic shift has been a heavy concentration of migrants in certain select countries, and an increasing strong demographic distinction between countries sending migrants and countries receiving them. Tied to this phenomenon is an increased concentration of migrants in developed countries. As of 2005, 60% of all international migrants live in the developed world.[15]

As the migratory demographic divide increases, the number of these 'select countries' receiving significant numbers of migrants has also increased. As of 1970, forty-eight countries' population was made up of more than 10% migrants. In 2000, the number had increased to seventy countries.[16]

Within these seventy countries and in the other countries around the world hosting large numbers of migrants, the migrants make a significant economic contribution. According to 2000 statistics, 86 million of these migrants are economically active. While some find themselves economically stagnant in refugee camps, many end up being an integral part of the workforce in their new countries. The commission gives several related statistics. First, foreign workers make up over 5% of the workforce in 8 European countries. Second, the number of foreign workers has increased in Japan from 750,000 in 1975 to 1.8 million in 2001. Third, skilled immigrants and their families constitute over half of the migrants entering Canada, Australia, and New Zealand.[17]

Besides their direct economic contribution in taking up jobs, immigrants find themselves changing the demographics of the nations they enter. Between 1990 and 2000, immigration from other countries accounted for 56% of the total population growth in the nations of the developed world. This is in marked contrast to the 3% average across the developing world. In Europe in particular, the effect of immigration demographically is quite significant. Between 1990 and 2000, immigration accounted for 89% of the population growth of Europe, and in fact—between 1995 and 2000—Europe's population would have decreased by 4.4 million if it were not for immigration.[18] The United States, by comparison, is not experiencing quite as stark of a demographic shift, but nevertheless immigration accounted for 75% of the population growth of that nation from 1995 to 2000.[19] Between 1990 and 2000, a net of 2.6 million people annually migrated from less developed countries to developed ones.[20]

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[14] Global Commission on International Migration, 84.
[15] Global Commission on International Migration, 84.
[16] Global Commission on International Migration, 84.
[17] Global Commission on International Migration, 84.
[18] Global Commission on International Migration, 84.
[19] Global Commission on International Migration, 85. These statistics bring to mind all the debate about culture and immigration from the Islamic world found in Europe and to a lesser extent in North America.
[20] United Nations Department of Economic and Social Affairs: Population Division, *World Population Prospects: The 2004 Revision* (United Nations, 2005), 19. The yearly net migration from the developing world to the developed world has doubtless grown in the years since 2000. This number also does not reflect irregular or undocumented migration.

From these developed countries, a significant amount of money flows back to the developing home nations of these migrants. According to statistics cited by the commission, formal transfers of remittances added up to the equivalent of approximately 150 billion American dollars in 2004. Along with this formal amount, the report estimates that approximately 300 billion dollars was transferred informally. Remittances thus are a hugely important source of funding for the developing world, amounting to almost triple the value of Official Development Assistances. Mexico, India, and the Philippines—in that order—are the top remittance-receiving countries, while the top five remittance-sending countries are the United States, Saudi Arabia, Belgium, Germany, and Switzerland.[21]

These remittances go to the developing world, and hopefully help to alleviate the negative factors that motivate migrants to move. The commission's statistical summary points out five factors motivating migration. The first is wage disparity. As the commission points out, 45.7% of Sub-Saharan Africans earn less than one dollar a day, while 14.4% in South Asia and 10.4% in Latin America and the Caribbean find themselves in the same situation.[22]

A second motivating factor is the rate of unemployment in many parts of the world. The rate is 12.2% in the Middle East and North Africa and 10.9% in Sub-Saharan Africa, whereas—according to the commission—it is only an average of 6.6% in industrialized economies.[23]

A third set of statistics cited, pointing to yet another factor motivating migration, concerns differentials in life expectancy. The statistics are blunt: an average life expectancy of 58 years in low income countries, versus an average of 78 years in high income countries.[24]

Education gaps are a fourth reason mentioned by the commission, which cites statistics of 58% literacy among women and 68% literacy among men in low income countries in contrast with almost full literacy in high income countries. The commission also points out the 76% primary school enrollment rate in low income countries, in contrast to almost full enrollment in high income nations.[25]

Finally, the commission cites contrasting birthrates as another cause of migration. On average, 5.4 children are born to each woman in Sub-Saharan Africa, while 3.8 are born in the Arab world, 2.5 in Latin America and the Caribbean, and a mere 1.4 in Europe.[26] As long as birthrates remain this disproportionate, it would seem that there will remain serious motivations for migration.

These realities, serving to motivate migration, and the phenomenon of migration itself have not been capitalized upon by the international community, according to the commission. The 2005 report states bluntly the commission's surprise at the extent to which nation-states and other stakeholders "lack the capacity required to formulate and implement effective

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[21] Global Commission on International Migration, 85. The exact numbers cited by the report are: Mexico ($16 billion/year), India ($9.9 billion/year), and the Philippines ($8.5 billion/year). For remittance-sending countries, the numbers are: USA ($28 billion/year), Saudi Arabia ($15 billion/year), Belgium, Germany and Switzerland ($8 billion/year).
[22] Global Commission on International Migration, 84.
[23] Global Commission on International Migration, 84.
[24] Global Commission on International Migration, 84.
[25] Global Commission on International Migration, 84.
[26] Global Commission on International Migration, 84.

migration policies." New approaches are required, in the opinion of the commission, in order to deal with and capitalize upon the migration phenomenon today. Worldwide officials, in the view of the members of the commission, need access to more timely and detailed data concerning migration. Also, they require more extensive training, more knowledge of the issues associated with migration including the functioning of institutions and laws, and more awareness of the interplay between migration law and other policies.[27]

The commission also points out a critical lack and need for coherence in establishing migration policies. Competing priorities and demands from different sections of government and extra-governmental constituencies make the process difficult. Recognizing this reality, the commission concludes that wider consultation is necessary in order to allow more of the stakeholders—including local governments, business, NGOs, civil institutions, and migrant associations—to contribute to the formulation of migration policy. Establishing a coherent policy must also include a greater respect for the international legal norms—especially the seven core UN human rights treaties—that supposedly bind nation-states.[28]

While the commission points out the existence of many success stories in the domain of international migration, it finds serious problems with the situation today. In addition to the factors already mentioned that motivate migration, some of them quite negative and serious, the phenomenon of migration itself entails serious problems today which the commission brings to light.

For one thing, the commission states that it encountered "in some parts of the world" quite negative attitudes toward migration, even in cases where whole sectors of the economy are dependent on foreign labor.[29] The report refers to the core human rights treaties of the UN, and points out that many of the countries that have signed and ratified the treaties are nevertheless not implementing them, allowing the exploitation, discrimination, and abuse of migrants to continue.[30]

Additionally, the commission notes the existence of some cases in which governments admit migrants, but fail to invest in a process of integration that would allow the immigrants to realize their potential and contribute to society. At the same time, the commission notes that on a practical level some migrants do not respect the law of the countries in which they reside, resulting in serious threats to societal security.[31]

Besides these migration dilemmas presented by the commission, the reality of irregular migration must be recognized and addressed. Current migration policies seem to have failed to deal adequately with this reality. According to the statistics presented by the

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[27] Global Commission on International Migration, 2.
[28] Global Commission on International Migration, 2. Jef Van Gerwen laments the same lack of coherence in policy, and points out how in the particular case of refugees "different states employ diverse criteria for admission and different legal categories for the same type of refugee" resulting in a high degree of arbitrariness. Jef Van Gerwin, "Refugee, Migrant, Stranger," *Ethical Perspectives* 2, no. 1 (1995), 5.
[29] Global Commission on International Migration, 1. One might wonder, upon reading this comment from the commission, where in the world one would NOT find at least some such "negative attitudes."
[30] Global Commission on International Migration, 2.
[31] Global Commission on International Migration, 2.

commission, each year an estimated 2.5 to 4 million migrants cross international borders irregularly—without legal authorization.[32]

In the case of Europe, it is estimated that approximately 5 million, or 10% of a total of 56.1 million migrants living on that continent, had irregular status, and an estimated 500,000 new undocumented migrants arrive in Europe each year. In the United States, it is estimated that 10 million migrants live there without authorization. Demographically, the Mexican-born stand out in the case of the USA, since an estimated 50% of people in that category in the USA in 2000 were undocumented. Outside of the USA and Europe, India stands out as another example of a nation with huge numbers of migrants with irregular status—some 20 million living there.[33]

Within the category of irregular migrants, human trafficking remains a serious issue, and it is estimated that between 600,000 and 800,000 people are trafficked each year. Migrant smugglers and human traffickers make an estimated profit of $10 billion every year.[34]

States, attempting to defend their security and sovereignty, have devoted immense resources to stem the tide of irregular migration—with very little success, in the opinion of the commission. The commission sees this lack of success as a result of the powerful and complex forces driving migration—including a lack of jobs or livelihood opportunities in the countries of origin and the demand for labor at the destinations—combined with a dearth of regular migration opportunities. Irregular migration is motivated by these factors, and is facilitated by growth in criminal networks profiting from smuggling and human trafficking, as well as a rise in the number and distribution of diaspora communities and transnational social networking.[35]

In additional to all the general problems associated with migration today pointed out by the commission, there is a set of particular problems associated with refugees and asylum seekers. According to the commission's statistics, there are approximately 9.2 million refugees in the world, and 6.5 million of those live in the developing world. One perhaps positive statistic is that the number has actually decreased—between 2000 and 2004 a decrease of 24%. Refugees nevertheless continue to make up 23% of international migrants in Asia and 22% in Africa. By contrast, they only make up 5% of migrants living in Europe. Pakistan of all places hosts the largest number of any single state—just over million, 11% of the worldwide total.[36]

Statistics regarding asylum applications are telling about the present refugee situation in the world. From 1994 to 2003, approximately 5 million people made application for asylum to the developed world. Status as a refugee or equivalent was given to 1.4 million of

[32] Global Commission on International Migration, 85.
[33] Global Commission on International Migration, 85.
[34] Global Commission on International Migration, 85.
[35] Global Commission on International Migration, 33.
[36] Global Commission on International Migration, 85.

those, 28% of the total. In 2004, 83,000 refugees were resettled, most of them in United States, Australia, and Canada.[37]

The picture painted by the Global Commission on International Migration is both multifaceted and stark. The phenomenon of international migration is significant and growing. It involves complex factors both in the countries of origin and the countries of destination. It also involves serious questions of human rights, and raises significant social issues that global society must confront today and in years to come.

2. The Church's response

The perennial reality of human migration is such that no group of people, taking the long view of history, can ignore when looking at their tradition and roots. Every people on earth has a history of migration in its past, even if the details are foggy in some cases.

The same is true for religious traditions. Religious traditions migrate along with the people practicing them, spreading and developing in new locations and contexts. The Jewish tradition's foundational narratives are full of migration—recounting stories of particular migrations and the interpretation of such in light of a relationship to Yahweh. The Jewish tradition, living through the centuries in real-life communities of Jews, developed a body of particular traditions and teachings in response to the human reality of migration.[38]

The Christian tradition, carrying on from its Jewish roots, continued to interplay with the human reality of migration. The Church responds to migration in light of that Christian tradition, producing a rich sub-tradition of reflection and teaching on and in light of migration.[39]

Migration can, among the possible manners of interpretation within the Christian tradition, be interpreted as one of the "signs of the times." In the words of *Gaudium et Spes*,

> …the Church has always had the duty of scrutinizing signs of the times and of interpreting them in the light of the Gospel. Thus, in language intelligible to each generation, she can respond to the perennial questions which men ask about this present life and the life to come, and about the relationship of the one to the other. We must therefore recognize and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics.[40]

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[37] Global Commission on International Migration, 85. The exact statistics provided by the commission's report of refugees resettled in 2004 are: USA (53,000), Australia (16,000), and Canada (10,000).

[38] This will be explored in detail in chapter 2.

[39] See Johan Verstraeten, "Catholic Social Thought as Discernment," *Logos* 8, no. 3 (Summer 2005), 101.

[40] *Gaudium et Spes* (7 December 1965); available from http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html ; no. 4.

In this interpretation, the Church is guided by the Holy Spirit to interpret what is occurring in world in light of its savior, Jesus Christ.[41] These signs of the times point to an understanding of Catholic social thought as discernment, confronting the real ambivalence of history and examining both its positive and negative aspects in the light of the Gospel.[42] One of the signs of the times mentioned by *Gaudium et Spes* itself is in fact migration.

> It is also noteworthy how many men are being induced to migrate on various counts, and are thereby changing their manner of life. Thus a man's ties with his fellows are constantly being multiplied, and at the same time "socialization" brings further ties, without however always promoting appropriate personal development and truly personal relationships.[43]

Archbishop Michael August Bloom—former Undersecretary of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and the present apostolic nuncio to Togo and Benin—points out this reference in *Gaudium et Spes* to open an article on migration published in 2002.

He goes on to flesh out some aspects of this sign of the times, first pointing out a need for migration in many societies of the world, including European society, which would actually "have a hard time surviving without it."[44] Migration is practically inevitable for the future survival of society, in his view. Second, he sees the phenomenon of migration as a profoundly human reality, involving many aspects of the human person, above and beyond considerations about labor and job markets.[45] Third, Bloom observes a need for new resources to oversee and manage migration in order to mark it less socially disruptive, humane, and respectful of human rights.[46] Fourth and last, he points out that migration is far more than meets the eye, including the reality that poor countries end up often at the mercy of unplanned movements of peoples and the still-too-neglected reality of refugees fleeing hardship and persecution.[47]

Bloom, who is arguing toward "an ecclesiology of migration," fleshes out this sign of the times in order to help elicit a response from the Church. He writes that "the Church is called to respond to this reality in a pastoral and missionary way." He points out that this

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[41] See *Gaudium et Spes*, no. 22.
[42] Verstraeten, "Catholic Social Thought as Discernment," 99.
[43] *Gaudium et Spes*, no. 6.
This take on migration as a "sign of the times" is echoed in later documents contributing to Catholic social teaching on migration. For example, see National Conference of Catholic Bishops, "Resolution on the Pastoral Concern of the Church for the People on the Move: November 11, 1976," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan. (Washington, D.C.: United States Catholic Conference, 1984), 4:168.
[44] Michael August Bloom, SVD, "Towards an Ecclesiology of Migration," *People on the Move*, no. 90 (December 2002); available from http://www.vatican.va/roman_curia/pontifical_councils/migrants/pom2002_90/rc_pc_migrants_pom90_Blume_Ecclesiology.html ; par. 3.
[45] Bloom, "Towards an Ecclesiology of Migration," par. 5.
[46] Bloom, "Towards an Ecclesiology of Migration," par. 6.
[47] Bloom, "Towards an Ecclesiology of Migration," par. 7.

response has already been happening for quite some time, and points particularly to the institutional establishment of concern for people on the move in the Roman Curia.[48]

One of the ways in which the Church responds—a way that Blume himself does not hesitate to point out—is in Catholic social teaching.[49] The *Catechism of the Catholic Church* states that "the Church's social teaching proposes principles for reflection; it provides criteria for judgment; it gives guidelines for action."[50] Catholic social teaching on migration is a response to a critical "sign of the times" that seeks to bring about a new reality in the light of the Gospel message of Jesus Christ.

Catholic social teaching has its roots in the broader Christian tradition and continues to closely interrelate with the rest of the Christian tradition, even while operating as a distinct phenomenon. *Rerum Novarum*, Leo XIII's great 1891 social encyclical, opened a body of teaching and reflection that draws on the breadth of the Christian tradition to offer a distinct vision for the world.[51] Within this tradition and the vision of the world elicited by it, a distinct tradition about migration emerges within the Catholic Church of the twentieth and twenty-first centuries.

This Catholic social teaching is a rich tradition, and it consists of a variety of elements. *Rerum Novarum* and the other papal encyclicals that follow in its footsteps are foundational and quite important. However, as Johan Verstraeten points out, Catholic social teaching should be considered as much more than merely "a doctrinal corpus" of documents produced by the papal magisterium.[52]

While the pronouncements of popes, councils, and bishops are the center-piece of Catholic social teaching, these statements alone do not represent the whole of the phenomenon. Verstraeten argues that both these pronouncements and the tradition of

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[48] Bloom, "Towards an Ecclesiology of Migration," par. 8.

The Pontifical Council for the Pastoral Care of Migrants and Itinerant People was established on 19 March 1970 by Pope Paul VI, with the Motu Propio *Apostolicae Caritatis*. However, the Vatican website, in a "brief historical overview" of that dicastery, points out that institutionalized care for migrants by the Roman Curia dates back at least to the middle of the nineteenth century, when it was under the care of the Congregation for the Propagation of the Faith. Subsequently, an "Office for the Spiritual Care of Emigrants" was created, and Pius XII in 1952 established the "Higher Council for Emigration" within what is now the Congregation for Bishops. See "Brief historical overview: Pontifical Council for the Pastoral Care of Migrants and Itinerant People" (accessed 25 April 2007); available from http://www.vatican.va/roman_curia/pontifical_councils/migrants/documents/rc_pc_migrants_doc_19960520_profile_en.html ; par. 1-2.

[49] See Michael August Bloom, SVD, "A Reply: Perspective of the Holy See on Catholic Social Teaching and Migration" (accessed 23 April 2007) ; available from http://www.usccb.org/mrs/clinicblume.shtml ; par. 2.

[50] *Catechism of the Catholic Church* (Liguori, MO: Liguori Publications, 1994), no. 2423.

[51] *Rerum Novarum* itself does not say a great deal about migration per se, though paragraphs 46-47 in particular prove influential. This will be discussed in detail in chapter 2.

Catholic social teaching, from *Rerum Novarum* onwards, obtains a degree of autonomy in its ongoing and systematic development of ecclesial reflection on the social problems of the world. It "has an identity of its own with a well-defined theological profile." Congregation for Catholic Education, *Guidelines: For the Study and Teaching of the Church's Social Doctrine in the Formation of Priests* (Washington, D.C.: United States Catholic Conference, 1988), 10.

[52] Johan Verstraeten, "Re-Thinking Catholic Social Thought as Tradition," in *Catholic Social Thought: Twilight or Renaissance?* ed. J.S. Boswell, F.P. McHugh, and J. Verstraeten (Leuven, Belgium: Leuven University Press, 2000), 59.

interpretation surrounding them should be considered "part of the same tradition of reflection and practice."[53] He argues for an interpretation of Catholic social teaching as a tradition made up of "a particular set of shared understandings about the human person, social goods and their distributive arrangements."[54] This set of shared understandings is grounded in a living relationship to the biblical narratives and is tied into a theoretical framework which enables the social teaching to be rationally explained and publicly debated. Inspired by the work of Alasdair MacIntyre, Verstraeten contends that—as a living narrative and reflective tradition—one can describe Catholic social teaching as "a historically extended, socially embodied argument."[55]

According to Verstraeten, this description—allowing for a "continual learning process of interpretation and re-interpretation of the mean of the human person as a social being and of the shared understandings within the Catholic community"—does not deny continuity in the tradition and vision of Catholic social teaching.[56] It does, however, allow people to make a distinction between the vision and principles of the teaching and the evolution of their meaning, which is subject to change over time.[57]

Adhering to the view that Catholic social teaching is in fact a multifaceted and interwoven tradition of both official and unofficial response by the Church to the "signs of the times," any thorough attempt to bring out and systematically treat the development of Catholic social teaching must be similarly multifaceted in its examination. This paper seeks to achieve a multifaceted examination of the development of Catholic social teaching on migration.

It is the contention of this paper that Catholic social teaching on migration is a rich and multifaceted tradition that is nevertheless quite compact. It is compact in the sense that—over the course of its development in response to the human reality of migration—it is remarkably clear and consistent, even as it is written, spoken, and lived prophetically in a wide range of circumstances, times, and places.

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[53] Verstraeten, 63. He sets this up in direct contrast to the view of H. Büchele, who considers only the teaching of popes, councils, and colleges of bishops as well as the pronouncements of local or regional synods to be official church social teaching, in contrast with the tradition of its interpretation. The tradition of its interpretation includes (1) the level of scientific and academic discourse and (2) the level of groups interpreting social teaching to elucidate their positions and commitments. See Herwig Büchele, "Christlicher Glaube und politische Vernunft. Fur eine Neukonzeption der katholischen Soziallehre," *Soziale Brennpunkte* 12 (Wien, Europe Verlag, 1987), 14.

[54] Verstraeten, 64.

[55] qtd. in Verstraeten, 64. From Alasdair MacIntyre, *After Virtue. A Study in Moral Theory* (London: Duckworth, 1985), 222.

[56] Verstraeten, 64.

[57] Verstraeten, 64-65.

CHAPTER TWO: SOURCES OF THE TEACHING

Catholic social teaching on migration, while being a distinct tradition developed along with the body of Catholic social teaching as a whole, draws heavily on the wider Christian tradition in which it operates. It certainly does not come wholesale from the pens of popes, and it draws heavily on the experiences and traditions of the people of God through history.

1. Scriptural sources

The scriptures are arguably the most important sources for Catholic social teaching on migration. The bible certainly does not directly provide socio-ethical mores to guide how society approaches and deals with issues of migration. Even notions central to Catholic social teaching on migration, like the right to migrate, are not found in scripture. Even so, biblical narratives of migrations, as well as several important biblical commandments and teachings—particularly those related to the 'stranger'—have remained central to the development of Catholic social teaching.

a. The Old Testament

The foundations of a Christian understanding of migration begin in the books of Genesis and Exodus, in which a history of migration plays a central role for the self-understanding of the Jewish people. As Genesis recounts, the primary father figure of Israel, Abraham, was a migrant. The biblical account of Abraham places his home as Ur of the Chaldees, probably in Lower Mesopotamia, and describes a two-stage migration from Ur to Haran, and then later from Haran to Canaan.[58]

Abraham probably lived in a tumultuous time of change, when new ethnic groups were coming to dominance, and a great movement of Amorites was underway.[59] Scholars in the past have assumed that Abraham and the other ancestors described in Genesis were pastoral nomads. However, scholarship in the past couple of decades has come to the conclusion that Abraham's movements are better explained as historically caused migrations motivated by a need to change residence, seek wives, escape famine, etc., instead of as the regular movement of nomads.[60] The ancestor-figures described in Genesis are depicted as

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[58] J. A. Thompson, *The Bible and Archaeology*, 3rd ed (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1989), 17. See Genesis 11:31.

[59] Thompson, 19.

Some scholars have more specifically hypothesized that Abraham is a part of the Amorite migrations referred to in various Akkadian texts. However, this hypothesis has been generally abandoned due to a lack of evidence. The biblical account itself does not suggest that Abraham was a part of a larger population shift. John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Fortress Press, 2004), 84.

[60] Norman K. Gottwald, *The Hebrew Bible: A Socio-Literary Introduction* (Minneapolis: Fortress Press, 1985), 172.

residing near major population centers, and are only nomadic in that some family or clan members appear to take the flocks into favorable seasonal pasturage at times.[61]

The account of Abraham is a rich source for reflection on migration. In addition to his two-stage migration from Ur to Canaan, the story as told in Genesis describes him and Sarah temporarily moving to Egypt when faced with a famine in Canaan.[62] In reflecting on migration, the Jewish and Christian traditions can recognize in some of their most ancient and foundational stories the human reality of migration.

At least two additional stories of Abraham can also contribute to a Christian understanding of migration. In Genesis 18, three strangers appear out of the desert at Abraham's tent. Abraham welcomes them, extending generous hospitality to strangers who prove to be Yahweh himself.[63] This paradigmatic story becomes a source for Christian theological reflection on the presence of God in welcoming the stranger.[64]

A second story can be found in Genesis 23, which tells of the death of Sarah. Abraham approaches the locals, described as Hittites, and asks, "I am a stranger and an alien residing among you; give me property among you for a burying place, so that I may bury my dead out of my sight."[65] Abraham approaches his neighbors with respect, and they respond with hospitality and respect in turn, addressing him as a mighty prince.[66]

The narrative of Genesis, as a source for Christian reflection on migration, does not cease with Abraham's death in Genesis 25. Isaac continued the tradition, and the Genesis account of Isaac includes a similar story to Abraham's sojourn in Egypt, with Isaac and his wife going to live among the Philistines.[67]

Jacob, in the same tradition, takes up from his father and leads a migration of his people, settling in Egypt in the Delta area of the Nile, near Pharaoh's capital.[68] Jacob became

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[61] Gottwald, 173. See Genesis 37:12-17 and Genesis 38:12-13.

[62] See Genesis 12:10-20. André Wénin, "Israël, Étranger et Migrant: Reflexiones à Propos de L'Immigré dans la Bible," *Mélanges de science religieuse* 52, no. 3-4 (1995), 286. This story bears close resemblance to at least two other Genesis stories (20:1-18 and 26:6-11), containing many of the same elements: a patriarch visiting a foreign land with his wife, the fear that her beauty may be a cause of problems, and a subsequent attempt to pass her off as a sister. See E. A. Speiser, *The Anchor Bible: Genesis* (Garden City, NY: Doubleday and Company, Inc., 1964), 91.

This story reflects an occurrence that was apparently common at the time in the area, in which the farmers of Canaan would go to Egypt whenever they faced severe drought, since Egypt's agriculture was not subject to the same "climatic vagaries" as Canaan. Leslie Hoppe, "Israel Experiences Exile," in *Today's Immigrants and Refugees: A Christian Understanding*, ed. Office of Pastoral Care of Migrants and Refugees, National Conference of Catholic Bishops (Washington, D.C.: United States Catholic Conference, Inc., 1988), 38.

[63] Genesis 18:1-8. See Richard J. Clifford, S.J., "Genesis," in *The New Jerome Biblical Commentary*, ed. Raymond E. Brown, Joseph A. Fitzmyer, and Roland E. Murphy (Upper Saddle River, NJ: Prentice-Hall, Inc., 1990), 22-23.

[64] See United States Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, *Strangers No Longer: Together on the Journey of Hope* (22 January 2003); available from http://www.usccb.org/mrs/stranger.shtml ; accessed 28 April 2006, no. 24.

[65] Genesis 23:4. NRSV translation.

[66] Genesis 23:5-6.

[67] See Genesis 26:1-16. The similarity between the stories has already been noted. See Speiser, 91.

[68] Genesis 46:1-27. Bernhard W. Anderson, *The Living World of the Old Testament*, 4th ed (England: Longman Group UK Limited, 1988), 30.

in the Jewish tradition "a wandering Aramean…, who went down into Egypt and lived there as an alien, few in number, and there he became a great nation, mighty and populous."[69]

The Exodus opens with the Israelites in Egypt. They began as a group of immigrants—economic refugees in fact—who according to the Exodus are reduced to slavery. God liberates them from injustice and violence inflicted upon them, and they depart as emigrants toward a land promised by God.[70]

The memory of exile—and mistreatment in that exile—bear heavily upon the Jewish tradition.[71] Numerous scriptural passages recall that exile and subsequent liberation, not least of which is the mention found in Deuteronomy 26.[72]

> When the Egyptians treated us harshly and afflicted us, by imposing hard labor on us, we cried to the Lord, the God of our ancestors; the Lord heard our voice and saw our affliction, our toil, and our oppression. The Lord brought us out of Egypt with a mighty hand and an outstretched arm, with a terrifying display of power, and with signs and wonders; and he brought us into this place and gave us this land, a land flowing with milk and honey.[73]

One of the results of this memory of exile is a tradition, found in various locations in the Hebrew Scriptures, that identifies the Israelites as passing migrants in relation to God.[74] In Leviticus, the land is identified as God's own, and God states that "with me you are but aliens and tenants."[75] Similarly, in 1 Chronicles, David declares, "For we are aliens and transients before you, as were all our ancestors; our days on earth are like a shadow, and there is no hope."[76] Psalm 39 echoes Chronicles and Leviticus, referring to the human as a passing guest and an alien.[77]

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[69] Deuteronomy 26:5. NRSV translation. Wénin, 286. Gerhard von Rad contends that this may be an early Israelite creed, though more recent scholars have doubted the passage's early origin. Daniel Groody, "Fruit of the Vine and Work of Human Hands: Immigration and the Eucharist," *Worship* 80, no. 5 (September 2006), 389. See Gerhard von Rad, *Deuteronomy* (Philadelphia: Westminster Press, 1966).

[70] Wénin, 286. See Exodus 1-15.

[71] Drew Christiansen, "Movement, Asylum, Borders: Christian Perspectives," *International Migration Review* 30, no. 1, Special Issue: Ethics, Migration, and Global Stewardship (Spring, 1996), 8. As Christiansen notes, this goes on to affect the Christian tradition as well.

Arthur Simon adds, in even stronger words than Christiansen, that "in the Old Testament the Exodus stands out as a special action of God that more than any other revealed to the Israelites who God was…. All Old Testament theology flows from and relates to this dramatic intervention of God in history to rescue his chosen people from slavery. Arthur Simon, *Christian Faith & Public Policy: No Grounds for Divorce* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1987), 15.

[72] Simon, 16. Simon calls the Exodus the "point of departure" for understanding the commandments and laws of the Old Testament. "Exodus 20 begins this way: 'God spoke, and these were his words: 'I am the Lord your God who brought you out of Egypt, where you were slaves'' (vv. 1-2, TEV). And *then* came the commandments. An unwritten but eloquent 'therefore' rings out to connect each of the commandments to God's rescue of his people from slavery."

[73] Deuteronomy 26:6-10. NRSV translation.

[74] Wénin, 286. Here as well, one may see the influence of what was perceived by the Israelites as yet another forced exile—the Babylonian captivity. See Wénin, 288-289.

[75] Leviticus 25:23. NRSV translation.

[76] 1 Chronicles 29:15. NRSV translation.

[77] Psalm 39:12.

These traditions and memories of exile tie in with a body of biblical legislation and moral injunctions regarding migrants and strangers can be found within the Torah. A very clear example of a moral injunction to care for and protect migrants is found in Deuteronomy.

> For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who is not partial and takes no bribe, who executes justice for the orphan and the widow, and who loves strangers , providing them food and clothing. You should also love the stranger, for you were strangers in the land of Egypt.[78]

This call to care for the stranger—as for the orphan and the widow—is woven throughout the Old Testament, revealing a strong moral ideal for the Israelites. This ideal was not always lived up to—shown by the prophet Malachi's inclusion of "those who thrust aside the alien" among those who will be judged by God.[79] However, this ideal seems to have been kept alive in history by the prophets. Ezekiel dramatically expresses the ideal through his declaration that, when Israel is restored, immigrants will have a share in the inheritance of the tribes of Israel.[80]

Besides these more general moral injunctions, the welcome and care of immigrants was also incorporated into more specific legislation of regular life, including the gleaning and tithing laws found in the Old Testament.[81] Deuteronomy 14:28-29 and 26:10-13, for example, require regular tithing to the Levites, orphans, widow, and resident aliens. Another example is found in Leviticus 19:9-10, which requires the leaving of a part of the harvest for resident aliens and the poor.

Recognizing all these Old Testament biblical sources for Judeo-Christian understandings of migration, it is worthwhile to note, however, that there is also some material in the Jewish scriptures that seems to evoke a less open attitude toward migrants and the stranger. After the return from the Babylonian captivity in particular, the books of Ezra and Nehemiah recount a later history that, at least for a time, seems to display a more closed attitude. In Ezra 4, Zerubbabel and some of the other Jewish leaders refuse to let those outside of their group of returned exiles contribute to building the new Temple.[82] In Nehemiah 13, all foreigners are ordered to be separated from Israel, especially to be prevented from entering the assembly.[83] Also notably, mixed marriages are condemned by both Ezra and Nehemiah.[84]

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[78] Deuteronomy 10:17-19. NRSV translation.
[79] Malachi 3:5. Wénin, 295.
[80] Ezekiel 47:22-23. Wénin, 295. Ezekiel also shows the influence of the Babylonian captivity upon the Jewish tradition, where the people understood themselves to once again be migrants, forced into exile as aliens in a foreign land. Wénin, 287.
[81] See Wénin, 292-293. USCCB and CEM, *Strangers No Longer*, par. 25.
[82] Ezra 4:3. It would seem that the outsiders referred to here are Jews who were left in the area during the exile and who were perceived to have crumbled under persecution and been absorbed by the province of Samaria. Robert North, S.J., "The Chronicler: 1-2 Chronicles, Ezra, Nehemiah," in *The New Jerome Biblical Commentary*, ed. Raymond E. Brown, Joseph A. Fitzmyer, and Roland E. Murphy (Upper Saddle River, NJ: Prentice-Hall, Inc., 1990), 387.
[83] Nehemiah 13:1-3. The concern was for the purity of the Temple, in which Nehemiah's enemy Tobiah was residing. Tobiah was an outsider, an Ammonite. North, 397.

These episodes in the post-exilic history of Israel, as recounted in Ezra and Nehemiah, are worthy of note for seeming in some regards to represent a deviation from what is found in the rest of the Hebrew scriptures, but they do not seem to take on much importance as the traditions continue to develop.

b. The New Testament

The New Testament does not abrogate the law of the Old Testament. The gospel of Matthew has Jesus saying, "For truly I tell you, until heaven and earth pass away, not one letter, not one stroke of a letter, will pass from the law until all is accomplished."[85] In the gospels, Jesus—"this migrant Lord"—teaches that our action toward strangers and refugees will be one of the things that we will be made to account for.[86] For the New Testament, the figure of Jesus Christ stands as the pivotal point, in manner similar to the Exodus tradition's influence on the Old Testament.[87]

Jesus echoes the patriarchs of Genesis in that he serves as an archetypal figure in Christian understanding of migration. In the New Testament, Christians are presented with a Jesus, who "has nowhere to lay his head."[88] The gospel of Luke recounts how Jesus, born in a manger, came into this world to a transient family that could not even find room at the inn.[89]

In the gospel of Matthew, the newborn Jesus is taken by his refugee parents to Egypt, fleeing persecution by Herod.[90] The Holy Family, as political refugees in Egypt, are figures with whom Christian migrants and refugees can identify—offering hope and courage even in hard times.[91] This forced migration of Jesus, Mary, and Joseph confirms in a solemn way that the status of refugee is a part of the human condition. Christians, in light of this account of the flight into Egypt, echo their Jewish forebears in understanding their human condition as migrants and transients in relation to God. The Letter to the Hebrews states, "For here we have no lasting city, but we are looking for the city that is to come."[92] Thus, Christians understand themselves to not have a permanent home in this world, remaining simple *pároikos*, temporary residents or guests journeying through life.[93] Because of that self-

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[84] See Ezra 9-10 and Nehemiah 13:23-31. Nehemiah's condemnation of mixed marriages is less strong than that of Ezra, since he does not require divorce of already existing marriages, but is only concerned for future ones.
[85] Matthew 5:18.
[86] Jigger S. Latoza, "A Renewed Church in Asia: A Mission of Love and Service to Migrant Workers and Refugees in the Third Millennium," *Federation of Asian Bishops' Conferences Papers* [database online], no. 92f (January 2000); available from http://www.ucanews.com/html/ucan/index.html ; accessed 3 May 2006, par. 29.
[87] Simon, 20.
[88] Matthew 8:20. Latoza, par. 29.
[89] See Luke 2:7.
[90] See Matthew 2:13-15.
[91] USCCB and CEM, *Strangers No Longer*, no. 26. Pius XII's apostolic constitution *Exsul Familia* takes the Holy Family as the archetype of every refugee family with its very opening sentence.
[92] Hebrews 13:14. NRSV translation.
[93] Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Erga migrantes caritas Christi*, (3 May 2004); available from http://www.vatican.va/roman_curia/pontifical_council/migrants/documents/rc_pc_migrants_doc_20040514_erga-migrantes-caritas-christi_en.html (accessed 3 May 2006); no. 16.

understanding, it is not all that important where Christians live geographically and a sense of hospitality comes naturally for them.[94]

The gospel of Matthew goes on to make clear that Jesus, even after his death and resurrection, is still in some mysterious way experiencing the hunger, thirst, and imprisonment that frequently accompanies migration. This mysterious presence of Christ in migrants is described in the story, found in Matthew 25, in which the Son of Man is described by Jesus as coming in glory to judge all the nations, separating them as the sheep and the goats.[95] The Son of Man judges the people according to the way that they responded to those in need—those that are strangers, hungry, thirsty, and imprisoned. He says, "Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me."[96] The fact that 'strangers' make the list is telling, as it represents a continuation and extension of the tradition of the Old Testament, protecting vulnerable outsiders and identifying each stranger with Jesus himself.

The memories of exile in both the Old and New Testaments,[97] the self-identification of Christians as migrants or pilgrims, and the moral injunctions to protect and care for migrants serve as rich sources for Catholic social teaching on migration. The principles of Catholic social teaching are for the most part not of direct biblical origin. Nevertheless, scripture proves quite influential in shaping and motivating the teaching.

2. Pastoral concern as source for teaching

As Christiansen points out, it is frequently contended that what the Church teaches on the subject of migration rests upon its "long-held defense of the dignity of the human family."[98] The history of the Church in its defense of the migrant on a practical and pastoral level is an important source for the development of Catholic social teaching, serving as both impetus and context.

Impelled by the example and commands of Jesus, the Church since its founding has been called to care for and protect migrants and refugees, just like all the poor and vulnerable. The history of the pastoral care by the Church of migrants and refugees is a topic far too grandiose to adequately treat within the context of this paper. Nonetheless, an attempt will be made to broadly sketch some of the most important elements of this pastoral concern that tie in with Catholic social teaching and help to fertilize it.

Pius XII, who is a sort of father-figure in some regards to Catholic social teaching on migration, boldly states that "there never has been a period during which the Church has not

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See also: Christiansen, 8.

[94] Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Erga migrantes caritas Christi*, no. 16. The instruction on this points cites the following verses from scripture: Romans 12:13, Hebrews 13:2, 1 Peter 4:9, and 3 John 5.

[95] See Matthew 25:31-46. USCCB and CEM, *Strangers No Longer*, no. 26.

[96] Matthew 25:40.

[97] Christiansen argues that memories of the flight into Egypt, retold to generation upon generation as a part of the Christmas cycle, lead to more open dispositions toward the stranger. These dispositions in turn shore up the virtue of hospitality as made real in the service of the Church to migrants and refugees. Christiansen, 9.

[98] Christiansen, 9.

been active on behalf of migrants, exiles and refugees."[99] While Pius may be painting Church history with a broad brush here in what could be considered an overly optimistic way, there can be no doubt that through Christian history care of the migrant has been important. For the purpose of exploring the development of Catholic social teaching on migration in particular, it is quite worthwhile to note that the majority of Pius XII's foundational apostolic exhortation *Exsul Familia* is taken up with his version of the history of the Church's pastoral care for migrants—"motherly solicitude," as he puts it.[100] That section on the history of the Church's pastoral care provides the frame for the pastoral norms and social teaching that follows. Pius attempts to situate the norms and teaching of *Exsul Familia* as the result of an unbroken tradition of pastoral care toward migrants continued through centuries of Church history.

Exsul Familia, a pivotal document in the development of Catholic social teaching on migration,[101] includes a set of pastoral norms for the spiritual care of migrants. These pastoral norms are far from unique in the history of the Church. They stand in a long tradition of norms designed to protect and minister to migrants. In terms of the history of ecclesial norms, strong concern in Church law for the pastoral care of the migrant can be traced back to at least 1215, with the Fourth Lateran Council.[102] The ninth canon of that council declares,

> Since in many places within the same city and diocese there are people of different languages having one faith but various rites and customs, we strictly command that the bishops of these cities and dioceses provide suitable men who will, according to the different rites and languages, celebrate the divine offices for them, administer the sacraments of the Church and instruct them by word and example. But we absolutely forbid that one and the same city or diocese have more than one bishop, one body, as it were, with several heads, which is a monstrosity. But if by reason of the aforesaid conditions an urgent necessity should arise, let the bishop of the locality after due deliberation appoint a prelate acceptable to those races, who shall act as vicar in the aforesaid matters and be subject to him all things. [103]

This declaration by the Fourth Lateran Council is an important piece of the Church's teaching on migration because it represents an early official clarification of the Church's obligation to pastorally care for migrants and even accommodate their rites and customs. In 1952, Pius harkened back to that council when he enjoined "every local ordinary…to make an earnest effort to entrust the spiritual care of aliens or immigrants to priests, whether secular or regular, of the same language or nationality."[104]

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[99] Pius XII, *Exsul Familia* (1 August 1952); available from http://www.papalencyclicals.net/Pius12/p12exsul.htm ; accessed 3 May 2006, par. 21.
Pius XII's contributions are dealt with in detail in chapter 3.
[100] Pius XII, *Exsul Familia*, par. 7.
[101] See chapter 3.
[102] Pius himself mentions the influence of the Fourth Lateran Council. Pius XII, *Exsul Familia*, par. 18.
[103] "The Canons of the Fourth Lateran Council, 1215," *Medieval Sourcebook* [database online], ed. Paul Halsall, trans. H.J. Schoeder; available from http://www.fordham.edu/halsall/basis/lateran4.html ; accessed 8 May 2006, Canon 9.
[104] Pius XII, *Exsul Familia*, § 33.

Up to the present day, ecclesial norms regarding care of the migrant continue to have the force of law in the Church. Canon 586 of the 1983 Code of Canon Law says that, "as far as possible, chaplains are to be appointed for those who are not able to avail themselves of the ordinary care of pastors because of the condition of their lives, such as migrants, exiles, refugees, nomads, sailors."[105] Canon 193 of the Code of the Canons of the Eastern Churches puts the same obligation upon the Eastern Catholic churches.[106]

Additional norms obligating the care of migrants can be found in numerous documents by the various dicasteries of the Vatican, most recently and notably in the lengthy instruction entitled *Erga migrantes caritas Christi*, put out by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People in 2004 under the presidency of Stephen Fumio Cardinal Hamao.[107] The instruction offers norms to guide various parts of the Church in pastoral care of migrants—laity, chaplains and missionaries, religious, bishops, episcopal conferences, and the Pontifical Council itself. Some of the norms found in the instruction are legal and practical in nature, such as Art. 10, which specifies that a chaplain or missionary to migrants is subject to the jurisdiction of the bishop who erected the mission to which he is appointed.[108] Other norms seem to more closely resemble moral enjoinders, such as Art. 2, which states that lay people should welcome migrants, ensure their protection and recognition by civil authorities, and promote evangelization of migrants in the witness of their own lives.[109] This close relationship of pastoral and legal norms with moral enjoinders in the instruction further shows the concrete close relationship of moral teaching with pastoral care.

Pastoral norms and social teaching in the Church cross-fertilize one another. In one direction, social teaching influences pastoral norms. This influence is born out in many ways, including recently a push by some to more fully uphold the human dignity of immigrants in marriage cases before canonical tribunals. Bishop Ricardo Ramírez, for instance, argues that—as a part of the welcoming and hospitable attitude toward migrants which the Church calls on society to adopt—the juridical procedures of U.S. tribunals must accommodate the

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[105] *Code of Canon Law: Latin-English Translation* (Washington, D.C.: Canon Law Society of America, 1998), § 586.

[106] *Code of the Canons of the Eastern Churches: Latin-English Edition* (Washington, D.C.: Canon Law Society of America, 2001), § 193.

[107] *Erga migrantes caritas Christi* is only the most recent, and relies upon a slowly-growing body of canon law related to migrants. Besides *Exsul Familia*, it is also worth mentioning the instruction issued by the Congregation for Bishops on the 22 August 1969, *Nemo est*, which established norms for bishops related to pastoral care of migrants. *Sacra Congregatio pro Episcopis*, "On the pastoral ministry to migrants," in *Documents on the Liturgy 1963-1979: Conciliar, Papal, and Curial Texts*, ed. International Commission on English in the Liturgy (Collegeville, MN: The Liturgical Press, 1982), 826-829. The instruction was preceded by the motu propio *Pastoralis migratorum cura*, put out by Paul VI on 15 August 1969. Paul VI, "*Pastoralis migratorum cura*," in *Documents on the Liturgy 1963-1979: Conciliar, Papal, and Curial Texts*, ed. International Commission on English in the Liturgy (Collegeville, MN: The Liturgical Press, 1982), 825-826.

[108] Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Erga migrantes caritas Christi*, (3 May 2004); available from http://www.vatican.va/roman_curia/pontifical_council/migrants/documents/rc_pc_migrants_doc_20040514_erga-migrantes-caritas-christi_en.html (accessed 3 May 2006); art. 10.

[109] Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Erga migrantes caritas Christi*, art. 2.

difficult situation that many immigrants to the United States have in obtaining the necessary paperwork to go through the annulment process.[110]

The other direction of this cross-fertilization—pastoral norms affecting social teaching—is of course of greater import for the purposes of this paper. In addition to what can be found in official documents of the Church, it appears that pastoral concern can also have a great deal of influence over how and whether Church teaching is elucidated and accepted in concrete, everyday parish life.

In 2005, I conducted a study of four parishes in the diocese of Boise in the northwest of the United States. The study sought to explore the ways in which immigration is changing the diocese, and included a substantial component of exploring to what degree and how Catholic social teaching on migration was finding its way into parish life.[111] One of the more interesting conclusions of the thesis was that a parish's pastoral ministry to migrants helps to teach and spread Catholic social teaching within that parish. Three of the parishes in the study had, on parish grounds, special ministries focused specifically on migrants and the challenges posed by migration. In those three parishes, several parishioners—when asked about whether they were familiar with Catholic social teaching on migration—described the ministries to migrants, and proceeded—based on their observation of that ministry—to describe in broad lines some of what Catholic social teaching on migration includes.[112] My conclusion, based on those interviews, was that the influence of pastoral action influences social teaching's realization on a local level.

The Church is a multifaceted body that produces a wide variety of results in the concrete. Pastoral norms, closely interrelated in practice with Catholic social teaching, are produced by Church leadership, while on the ground pastoral action interrelates with the concrete realization of Catholic social teaching in the lives of the faithful. It should surprise no one, therefore, that pastoral concern is a rich source for and influence upon Catholic social teaching on migration.

3. Liturgy

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[110] Ricardo Ramírez and Catherine Darcy, "Canonical Ministry to Migrants," in *Proceedings of the Sixty-Third Annual Convention: Albuquerque, New Mexico, October 8-11, 2001* (Washington, D.C.: Canon Law Society of America, 2001), 221.

[111] Brian Thomas May, "Juntos Construimos el Reino de Dios: An Investigation of the Manners in Which Hispanic Immigrants Are Changing the Roman Catholic Diocese of Boise," unpublished undergraduate honors thesis, Department of Religious Studies, University of Dayton, 2005.

The study was conducted under the direction of Dr. Kelly Johnson of the University of Dayton's Department of Religious Studies, with additional advice offered by Dr. Laura Leming, F.M.I., of the Department of Sociology, Anthropology, and Social Work. The study relied primarily on direct interviews with parishioners in the four selected parishes. A total of 37 interviews were conducted in May and June of 2005 in four large parishes with mixed Hispanic/Anglo congregations in southern Idaho.

[112] See May, "Juntos Construimos…," 41-42. Two interviewees who strongly evidenced this were Robert Salinas and Elizabeth Chojnacky. Robert Salinas, interview by author, digital recording, Twin Falls, ID, U.S.A., 25 May 2005. Elizabeth Chojnacky, interview by author, digital recording, Jerome, ID, U.S.A., 13 May 2005.

Liturgy, at least at first glance, might be assumed to not have a direct bearing upon something as specific as Catholic social teaching. However, as is the case with pastoral concern, liturgy interrelates with that other fruit of the church that is social teaching. Liturgy is central to the life of the Church, and it serves as a source and place of inspiration for social teaching.

Social justice is intimately linked to the Eucharist, as Daniel Groody points out in a 2006 article on immigration and the Eucharist. The Eucharist as "the recollection of the memory of the life, teachings, death, and resurrection of Jesus" interconnects with the goals and visions of Catholic social teaching.[113] Groody echoes Gustavo Gutierrez, who contends that the option for the poor is ultimately about the Eucharist.[114] The option for the poor serves and attempts to connect what happens in the liturgy with the concrete manner in which people live in society.[115]

Groody even contends that there are correlations between the structure of the Eucharistic prayer and the process of migration. He sees a connection between the breaking of the bodies of migrants and the breaking of the bread, as well as between the pouring of the life of migrants for their families and the pouring out of Jesus' blood. He also correlates the Eucharist's celebration of the death and resurrection of Jesus with the death and resurrection of migrants. In Groody's view, immigrants offer a new way to look at the Eucharist, while the Eucharist in turn offers immigrants a new way to understand their situations.[116]

The celebration of Easter vigil, the pinnacle of the liturgical year in many respects, includes quite a number of potential readings, a minimum of four and a maximum of nine being read at any particular vigil. Among the seven potential readings from the Old Testament, only the reading of Exodus 14 may not be omitted—the story of the passage through the Red Sea.[117] This typological account of a liberating migration comes at a critical moment in Christian liturgy, bringing forth a collective memory within the community that is directed toward the transformation through love of the people of God.[118]

Within the book of Exodus, the Passover narrative in particular stands out as one of the major foundations in the Christian understanding of the Eucharist. The roots of the Eucharist can be found in the Jewish Passover meal—the memory of slavery in Egypt, the people's liberation by God, their subsequent wandering in the desert, and the covenant made at Mount Sinai.[119]

Groody points out that, in the Exodus, many migrants see their own stories. "They experience themselves as a people who experience economic slavery in their homeland, who

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[113] Groody, 387.
[114] See Groody, 387. Gustavo Gutierrez, *A Theology of Liberation*, revised edition with a new introduction (Maryknoll, NY: Orbis Books, 1988).
[115] Groody, 387.
[116] Groody, 388.
[117] *The Sacramentary*, trans. International Commission on English in the Liturgy (New York: Catholic Book Publishing Co., 1985), 187 and 189.
[118] See Groody, 390.
[119] Groody, 391.

cry out for deliverance and who hope for a promised land where they can live with freedom and human dignity."[120]

The story of the Exodus is in many respects the proto-typical migration story, and is taken to a new level by Christian life and liturgy, as the Christian life itself becomes understood as a migration from death to life.[121] As St. John Chrysostom points out in his instructions for baptism,

> The Israelites saw miracles. And you shall see greater and much more brilliant ones than those seen when the Israelites went forth from Egypt. You did not see Pharaoh and his armies drowned, but you did see the drowning of the devil and his armies. The Israelites passed through the sea; you have passed through the sea of death. They were delivered from the Egyptians; you are set free from the demon. They put aside their servitude to barbarians; you have set aside the far more hazardous servitude to sin.[122]

This memory of God's saving deeds in history comes forth in liturgy. The Eucharist evokes our memory of God's migration toward us in history, even as it both recalls and helps to bring about humankind's own migration toward God. Because of the prior "migration" of God toward humanity, Christians can in turn "migrate" into the kingdom of God.[123]

Just as liturgy and the Eucharist serve to transform us and bring us to greater unity with God, so they also serve to bring us to greater unity with one another. The Eucharist's unifying dimensions are frequently spoken of. Among recent documents on the Eucharist, Benedict XVI's apostolic exhortation *Sacramentum Caritatis* stands out. Benedict writes that "the mystery of the Eucharist inspires and impels us to work courageously within our world to bring about that renewal of relationships which has its inexhaustible source in God's gift."[124] He goes on to refer to "the school of the Eucharist" and says that, through that school, Christians are "called to assume their specific political and social responsibilities."[125] In these political and social responsibilities, the laity are to be guided by Catholic social teaching.[126]

The language of the liturgy itself echoes Benedict. The "Prayer After Communion" for the Mass for refugees and exiles implores,

> Lord, you have refreshed us with the one bread and the one cup.
> Help us to offer our love and friendship to strangers and all those in need,

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[120] Groody, 392.
[121] Groody, 391.
[122] *St. John Chrysostom: Baptismal Instructions*, trans. and annotated by Paul W. Harkins (Westminster, MD: The Newman Press, 1963), 64, 240.
[123] Groody, 390.
[124] Benedict XVI, *Sacramentum Caritatis* (22 February 2007); available from http://www.vatican.va/holy_father/benedict_xvi/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis_en.html#The_Eucharist,_a_mystery_to_be_offered_to_the_world ; accessed 6 May 2007, no. 91.
[125] Benedict XVI, *Sacramentum Caritatis*, no. 91.
[126] Benedict XVI, *Sacramentum Caritatis*, no. 91.

> that we may be united one day with all your people in the land of the living.
> We ask this through Christ our Lord.[127]

Of course, in the concrete reality of the world today, the school of the Eucharist does not always successfully stir in Christians the acceptance of their "specific political and social responsibilities," nor is it always accompanied by sufficient catechesis in Catholic social teaching. The dilemma is further compounded by attitudes of nationalism and xenophobia, attitudes which remain remarkably widespread today.[128]

The study that I conducted in 2005 in four parishes of the diocese of Boise in the northwest of the United States included questions related to whether a multicultural community's experience of Eucharist can be catechetical. One thing that quickly became obvious in the interview conducted was a division in the parishes of that particular region along the lines of language. With few exceptions, immigrant communities celebrated Eucharist by themselves, separate from their native-born brethren. The division was based on language; most immigrants in the parishes included in the study preferred to worship in Spanish, their native language, while most other parishioners preferred to worship in English. The result was separation. Eucharist was not celebrated together, and for that reason had a diminished capability on a practical and everyday level to realize a fuller, Eucharist-instigated unity in the communities.[129]

Reception of the Eucharist is certainly not always what it should be, and the "school of the Eucharist" is frequently ignored and pushed aside. Nevertheless, the Eucharist is a rich source for and influence upon Catholic social teaching on migration, recalling the history of salvation and God and humankind's migrations toward one another under the grace of love.

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[127] *The Sacramentary*, 914.

[128] Groody, for one, contends that American culture in particular contains "excessive nationalism and xenophobic attitudes." Groody, 390. The Global Commission on International Migration also notes the persistence of "negative attitudes toward migrants" in many parts of the world. Global Commission on International Migration, 1.

[129] May, "Juntos Construimos…," 43. Lorissa Horn, the youth minister at St. John's Cathedral in Boise, was one of those to most explicitly and articulately point out this separation in the celebration of the Eucharist. Lorissa Horn, interview by author, digital recording, Boise, ID, U.S.A., 1 June 2005.

CHAPTER THREE: PAPAL AND CONCILIAR TEACHING

As is laid out in chapter 1, one of the contentions of this thesis is that Catholic social teaching is an interrelated and developing tradition. At the heart of this tradition of Catholic social teaching on migration stands the universal teaching of the magisterium. This chapter treats both papal and conciliar teaching on migration as official teaching of universal import.

The teaching of popes and councils has proven decisively influential in the history of the development of Catholic social teaching on migration. Papal Catholic social teaching on migration can be traced right back to *Rerum Novarum*, with substantial development being seen in subsequent papal encyclicals, addresses, documents of Vatican II, and other documents put out by various organs of the Holy See. A number of figures and documents stand out in the development of Catholic social teaching on migration, especially Pius XII, whom is in many regards a sort of father-figure in the development of that teaching.

1. Leo XIII

The pontificate of Leo XIII represents a significant point in the development leading up to Catholic social teaching on migration today. The publication of Leo's 1891 encyclical *Rerum Novarum* is widely considered to be the first and most important milestone in the development of Catholic social teaching.[130] *Rerum Novarum*, serving to open the tradition of Catholic social teaching as the first of the great social encyclicals, gives valuable context for understanding the development of the teaching specifically within the arena of migration.

In addition to his general contribution in jumpstarting the tradition of Catholic social teaching, Leo also articulates specific principles in *Rerum Novarum* that have impact on issues of migration and influence teaching on the subject. Leo places obligation on the state to intervene for the good of the society. Specifically, he points out a special responsibility on the part of the state to defend the rights of the poor and powerless.[131] This obligation has implications in the case of immigrants, who are frequently poor and number among the most vulnerable of a society.

Pope Leo also puts forward the notion that as many people as possible should become property owners, in order to promote amity between economic classes and decrease the divide between rich and poor.[132] What is particularly significant for migration is that he claims that, if working people can have a share in the land, they will cling to their homeland, "for no one would exchange his country for a foreign land if his own afforded him the means of living a

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[130] Staf Hellemans, "Is There a Future for Catholic Social Teaching After the Waning of Ultramontane Mass Catholicism?," in *Catholic Social Thought: Twilight or Renaissance?* ed. J.S. Boswell, F.P. McHugh, and J. Verstraeten (Leuven, Belgium: Leuven University Press, 2000), 13.

[131] Leo XIII, *Rerum Novarum* (15 May 1891); available from http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html ; accessed 3 May 2006, no. 37. See also Abraham Palathinkal, "Goods of the Earth Destined for All: The Evolution in the Socio-Economic Vision of the Catholic Social Teachings: From Private Property to Universal Destination" (unpublished Ph.D. dissertation, Faculty of Theology, Katholieke Universiteit Leuven, 1998), 60.

[132] Leo XIII, *Rerum Novarum*, no. 46-47.

decent and happy life."[133] Even while Leo calls for protection of the poor and vulnerable—among whom are included many migrants—he desires the removal of the poverty and lack of opportunity that impel many people to leave their native lands. [134]

In more positive terms, Leo in *Rerum Novarum* lays the foundation for a right to find opportunity in one's homeland. He points out a "wide chasm" between socio-economic classes in the world, and looks for a more equitably division of property as the solution. He observes a "needy and powerless multitude, sick and sore in spirit and ever ready for disturbance," people who—being unable to sustain themselves and their families—are affirmed in having the right to migrate in later Catholic social teaching.[135]

Leo XIII began the process, though remains a sort of background figure in the development of Catholic social teaching on migration. In *Rerum Novarum*, one definitely does not yet find a full-fleshed teaching on migration; as a matter of fact, migration is not directly mentioned in the encyclical. However, Leo opened the tradition of Catholic social teaching. Even more importantly, Leo—already in 1891—articulated a foundation for many of the principles of Catholic social teaching that would later prove to be central in the continuing development of Catholic social teaching on migration.

a. Pius XI

Forty years after *Rerum Novarum*, a second encyclical of great importance for Catholic social teaching was issued by Pius XI. Entitled *Quadragesimo Anno*, the encyclical follows closely on the teaching proffered by Leo. Like *Rerum Novarum*, it does not explicitly deal with either migrants or migration. However, it contributes to a developing base upon which later figures would build.

Like *Rerum Novarum*, *Quadragesimo Anno* takes as a point of departure the prevalence of injustice in the distribution of resources.[136] To correct the injustice, Pius attempts to balance the right to property by distinguishing the exercise of ownership into two categories, individual and social. According to the encyclical, the right to property, far from being a merely individual right, is something meant to assist in realize the universal destination of goods.[137]

Pius contributes to the development of the universal destination of goods in Catholic social teaching, recapturing the teaching of Thomas Aquinas on the subject.[138] Poor

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[133] Leo XIII, *Rerum Novarum*, no. 47.
[134] See Donal Dorr, *Option for the Poor: A Hundred Years of Vatican Social Teaching*, revised edition (Dublin: Gill and Macmillan Ltd, 1992), 19.
[135] Leo XIII, *Rerum Novarum*, no. 47. Leo is offering a long-term solution to the problem, recognizing that in practice there will always be problems as long as power is concentrated in the hands of too few people. Dorr, 21.
[136] See Abraham Palathinkal, "Goods of the Earth Destined for All: The Evolution in the Socio-Economic Vision of the Catholic Social Teachings: From Private Property to Universal Destination," Unpublished Ph.D. dissertation (Faculty of Theology, Katholieke Universiteit Leuven, 1998), 82.
[137] Pius XI, *Quadragesimo Anno* (15 May 1931); available from http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html ; accessed 28 May 2007, no. 45. See Palathinkal, 79.
[138] Palathinkal, 81.

distribution of the fruits of the economy, convening the universal destination of goods, opens up the possibility of migration in order "that the goods which the Creator destined for the entire family of mankind may through this institution truly serve this purpose."[139] The growing emphasis on universal destination of goods in the tradition develops an important piece of the foundation and justification for the teaching on migration, particular as developed by Pius XI's immediate successor.

2. Pius XII

The almost twenty-year pontificate of Pope Pius XII is a critical period in the development of Catholic social teaching on migration. Like many of his predecessors, Pius focused a great deal of concern on the pastoral care of migrants.[140] His pontificate is particularly significant however because he did not limit his concern to just pastoral care. The pastoral experience of the Church led him to speak forcefully about a right to migrate, teaching officially for the first time one of the most important, arguably the most important, principles of Catholic social teaching on migration.

a. Pastoral care of migrants

In the years immediately after the Second World War, Pius saw an urgent need to provide for the huge numbers of refugees and allow for the emigration of people from countries incapable of sustaining their population.[141] In response to this need, he set up an

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[139] Pius XI, *Quadragesimo Anno*, no. 45.

[140] It is worth noting the compliments that Pius XII heaps on the heads his predecessors related to their pastoral concern toward migrants, as this is the immediate pastoral precedent out of which Pius XII sees himself to be operating. Pius X, Benedict XV, and Pius XI contributed very little to Catholic social teaching on migration *per se*, but they had important influence over Pius XII in his development of Catholic social teaching on migration, as is demonstrated in the attention that he pays them in *Exsul Familia*.

Exsul Familia attributes to St. Pius X the systematic organization of the Church on behalf of migrants in Europe and in the Americas (par. 34). The concern of that pope for migrants—particularly those from Italy—was shown in letters that Pius X sent to the Archbishop of New York, to the Superior General of the Missionary of St. Charles, and to the Director of the Antonian Society, as well as in various speeches to pilgrim groups in Rome (par. 38). Pius X also showed pastoral concern to eastern rite churches in communion with Rome, issuing special rules for the Ruthenian Rite in the United States and establishing dioceses for that rite in the United States and Canada (par. 41).

According to Pius XII, Benedict XV showed very similar concern for migrants. Specifically, he is said to have urged pastoral care of migrants in Brazil, and commended to the care of the Church in the United States those bishops, priests, religious and laypeople expelled under persecution from Mexico (par. 53, 61). He also directed bishops in areas where prisoners were held during the First World War to provide priests to minister to the prisoners in their native language (par. 57).

Pius XI, according to *Exsul Familia*, also devoted much effort to the care of migrants, particularly through charity toward Armenians and Spaniards fleeing persecution in their homelands and through setting up special provisions and dioceses for people of eastern rites in Italy, the United States, and Canada (par. 66-74). He also urged cooperation between the bishops of Mexico and the United States for pastoral care of migrants between those nations (par. 75).

[141] See Pius XII, *Exsul Familia*, par. 89. The Second World War displaced huge populations, as well as destroying an immense amount of infrastructure. Foreign labor was needed to rebuild industry. Out of this same time period as *Exsul Familia* also came the insertion of a right to asylum into the Geneva Conventions. Antonio Martínez, Salomé Adrohar, and José M. Ruiz de Huidobro, "Immigration

office for migration within the Secretariat of State to help address both those people voluntarily migrating and those forced to migrate. Pius also sent an observer to Geneva to the deliberations of the International Refugee Organization, and approved the creation of the International Catholic Migration Commission in 1951.[142] Notably, that International Catholic Migration Commission—a body which sought to improve coordination among Catholic organizations working with migrants and refugees—had Pius as its inspiration.[143]

The pope also sent or appointed "nuncios and delegates and other ecclesiastics specifically set to organization commissions for needy refugees and for migrants" in many country and dioceses in order to encourage everyone involved in the work of settling emigrant peoples.[144] Further, Pius himself focused on trying "to produce in the minds of all people a sympathetic approach towards exiles and refugees who are our needier brothers."[145] To this end, he spoke out in numerous radio addresses and other talks and discourses. He also sent many letters to bishops and many others, commending those who took the work of settling migrants and promoting migration to heart and appealing on behalf of migrants to all.[146]

One important instance in which Pius spoke out pastorally on behalf of refugees is in his 1949 encyclical *Redemptoris Nostri*, which addressed the issues of Palestine and to which the pontiff refers in later *Exsul Familia*.[147] He speaks of the many refugees in Palestine, "of every age and condition, who have been forced by the disastrous war to emigrate and even live in exile in concentration camps."[148] Pius urges "all generous and noble souls to put forth their best effort to aid these homeless people" and appeals "to those responsible that justice may be rendered to all who have been driven far from their homes by the turmoil of war."[149]

Apparently concerned in a special way for emigrants from Europe, the pope sent several letters to encourage reception of migrants in other parts of the world. The 1948 letter sent from Pius to the American bishops is definitely worthy of mention, as it praises the bishops for their efforts in settling refugees and seeks to spur on the American church in its efforts on behalf of migrants. Pius mentions in the letter his fervent hope that the government of the United States adjust its policies and open itself up to receive yet more immigrants, introducing an element of social teaching into the mix.[150] A similar letter sent in 1951 to the

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Rights: An Evaluation," in *Migrants and Refugees*, ed. Diezmar Mieth and Lisa Sowle Cahill (August 1993), 122-123.

[142] Anthony Zimmerman and the Committee on Social Questions, *Pius XII and International Migration: A Report of the Committee on Social Questions* (Washington, D.C.: The Catholic Association for International Peace, 1959), 2.

[143] The Office for Refugee Policy of the Catholic Bishops' Conference of England and Wales, *The Dispossessed: A Brief Guide to the Catholic Church's Concern for Refugees and Migrants* (London: Colloquium (CaTEW) Ltd., 2004), 10-11.

[144] Quotation from Pius XII, *Exsul Familia*, par. 91. See Anthony Zimmerman, *Overpopulation: A Study of Papal Teachings on the Problem, with Special Reference to Japan* (Washington, D.C.: The Catholic University of America Press, 1957), 134.

[145] Pius XII, *Exsul Familia*, par. 95.

[146] Zimmerman, *Overpopulation*, 134.

[147] See Pius XII, *Exsul Familia*, par. 97-99.

[148] Pius XII, *Redemptoris Nostri Cruciatus* (15 May 1949); available from http://www.vatican.va/holy_father/pius_xii/encyclicals/documents/hf_p-xii_enc_15041949_redemptoris-nostri-cruciatus_en.html ; accessed 3 May 2006, no. 5.

[149] Pius XII, *Redemptoris Nostri Cruciatus*, no. 7.

[150] Zimmerman, *Overpopulation*, 136.

bishops of Australia offers similar praises for helping to open "the doors of your country to welcome so large a number of dispossessed victims of the war and of those constrained to emigrate by unemployment and the pressure of surplus populations."[151] In 1957, the pope sent yet another letter, this time to the people of Argentina, proclaiming their nation as "the ideal land for the reception of those" who have been denied "less desirous havens."[152]

Pius XII saw himself in a long tradition of caring for the migrant, as evidenced by the lengthy tract on the history of the Church's pastoral concern for migrants that he includes in *Exsul Familia*.[153] He interprets the position of himself and the other bishops and pastors of the world in light of a quotation from St. Augustine of Hippo.

> When the priests are absent, what ruin for those who must leave this world either unbaptized or still chained by sin! What sadness for their friends, who will not have them as companions in the repose of eternal life! What grief for all, and what blasphemy by some, due to the absence of the priest and of his ministry.
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> One can readily understand what the dread of passing evils can do, and what great eternal evil follows! On the other hand, when the priests are at their posts they help everyone with all the strength the Lord has given them. Some are baptized, others make their peace with God. None is deprived of receiving the Body of Christ in Communion; all are consoled, edified and urged to pray to God, Who can wand off all dangers![154]

Pius sees any lack in the Church's spiritual care as a "serious" and "grave" reason for "anxiety and anguish." The flock of the faithful must not be abandoned, even in the face of oppressive catastrophes.[155] Pius, on behalf of the Church, seeks to preserve the faith and a moral way of life in conformity with that faith. He also sees himself as combating the evil work of people who seek to damage the souls of migrants under the pretext of offering them material aid.[156]

Principally, he seeks to "offer refugees and migrants a comfort in their trials, and to foster Christian hope," encouraging the Church "to look after them with special care and unremitting aid."[157] This pastoral concern ties in with and leads him to social teaching.

b. A right to migrate

Accompanying and coming from Pius's pastoral spirit and urgings, he called for more radical social change in the regard of migration and said a great deal about how society should function in this regard. He did not write any formal, comprehensive social encyclicals during

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[151] qtd in Zimmerman, *Overpopulation*, 136-137.
[152] qtd. in Zimmerman, *Pius XII and…*, 6.
[153] See Pius XII, *Exsul Familia*, par. 7-151.
[154] qtd. in Pius XII, *Exsul Familia*, par. 5-6.
[155] Pius XII, *Exsul Familia*, par. 4.
[156] Pius XII, *Exsul Familia*, par. 3.
[157] Pius XII, *Exsul Familia*, par. 3.

his pontificate, but he did speak authoritatively on many social issues through other means, such as his radio addresses.[158] One particular important address early in Pius's pontificate is the Pentecost Address of 1941. Pius declared in that address that

> [o]ur planet….is…not wanting in habitable regions and living resources, which…appear very suitable for cultivation by man in order to satisfy his needs and give room for civil activities: nor is it unusual that families are forced to go here or there in order to seek another fatherland. For that reason, as is wisely expounded in the Encyclical Letter *Rerum Novarum*, the rights of families to acquire living space must always be preserved. When this occurs, then emigration attains the purpose towards which it tends by nature, and which experience approves, namely a more equitable distribution of mankind over the earth—which was created for the service of all….[159]

Eleven years later, in the 1952 apostolic constitution *Exsul Familia*, Pius called what is found in this address "general principles of natural law" and even says that it refers to nothing less than "the right of people to migrate, which…is founded in the very nature of land."[160] Anthony Zimmerman, in his commentary on this address, says that Pius sees natural law as prescribing the right of families to acquire living space through migration. Furthermore, it is wrong to close suitable land to needy immigrants and migration is an essential part of the process of distributing humanity over the lands and resources of the earth.[161]

In this Pentecost address, Pius is showing his teleological vision of society.[162] In regard to the goods of the earth, this teleological vision leads to the principle of universal destination of goods, a Thomistic principle—already found in *Quadragesimo Anno*—which permeates all of Pius XII's social pronouncements.[163] Universal destination, according to the understanding of the pope, serves and is fundamentally linked with the dignity of the human person.[164] Upon this human dignity and the universal destination of goods rests all of the pope's arguments for the rights of migrants and the relaxing of migration laws.[165]

Exsul Familia cites the early Pentecost address, and also cites the Christmas Message of 1942. In that 1942 address, Pius declared that the worker, "in his efforts to better his lot, is

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[158] Congregation for Catholic Education, *Guidelines…*, 25.
[159] Translation by Anthony Zimmerman from the Latin version of the address. Qtd. in Zimmerman, *Pius XII and…*, 6-7.
[160] Pius XII, *Exsul Familia*, par. 104, 109.
[161] Zimmerman, *Pius XII and…*, 7. This concern of Pius echoes Leo XIII. See Leo XIII, *Rerum Novarum*, no. 47.
[162] Palathinkal, 127.
[163] Palathinkal, 127, 144.
[164] Palathinkal, 145.
[165] Palathinkal, 167. As a side note, Palathinkal notes a unfortunate tendency in Pius XII to apply the concept of universal destination of goods in order to legitimate the desire to colonize. Palathinkal interprets this as showing that the pope appears to not have understood the full and real impact of colonization. Palathinkal, 168-169. See also Dorr, 107-111.

opposed by a kind of machinery" that violates both the law of nature and God's plan for the earth.[166] According to Pius,

> [t]he dignity of the human person, then, requires normally as a natural foundation of life the fundamental right to the use of the goods of the earth.… Positive legislation regulating private ownership may change and more or less restrict its use. [However, legislation] must prevent the worker, who is or will be the father of a family, from being condemned to an economic dependence and slavery which is irreconcilable with his rights as a person.[167]

Zimmerman points out that, in the context of the reference in *Exsul Familia*, a new implication of this passage from the 1942 Christmas address is clear. The laws in existence that hinder the migration of families are a part of the machinery opposing the rights of the worker. As such, those laws are contrary to nature and to the plan of God. They obstruct human beings from coming into their rightful share of the goods of the earth.[168]

Interpreting the Christmas address in light of *Exsul Familia*, Zimmerman's interpretation seems quite sound, since Pius verifies his condemnation of overly restrictive immigration laws. Pius reiterates a condemnation of exaggerated nationalism and of totalitarian and imperialistic states. He calls their restriction of natural rights of people to migrate "arbitrary," while simultaneously condemning certain State's practice of compelling emigration of some of their population.[169] According to Zimmerman, "totalitarianism," "imperialism," and "nationalism" are words used by Pius to stigmatize those nations which have arbitrarily restricted the natural right to migrate. The use of these terms means that Pius sees these restrictions as coming from a disregard for basic human rights, from the worship of power, or from exaggeration of nationalistic feelings, and not from any sound moral basis.[170]

Recognizing Pius' strong assertion of the right to migrate, it is also important to point out that Pius did not condemn all restrictions on migration. On a number of occasions, the pope did declare that restrictions can be legitimate at times at to some extent, because even the natural right to migrate is subject to the demands of the common good, as understood correctly. What Pius did condemn was the excessive rigidity of society at his time that did not allow the advantageous flow of peoples from regions of less opportunity to those with more.[171] He attacked a system that stagnated the orderly flow of people based on unsound and materialistic foundations.[172]

A conclusion that can be drawn from this is that the power of the state to legislate on migration is limited, defined by the demands of natural law and the rights of other human

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[166] Qtd. in Zimmerman, *Pius XII and*..., 8.
[167] qtd. in Zimmerman, *Pius XII and*..., 8.
[168] Zimmerman, *Pius XII and*..., 9.
[169] Pius XII, *Exsul Familia*, par. 114.
[170] Zimmerman, *Pius XII and*..., 13.
[171] Zimmerman, *Pius XII and*..., 15.
[172] Zimmerman, *Overpopulation*, 147-148. This point concerning the common good becomes central in the development of Catholic social teaching on migration. The individual human being's right to migrate is inviolable—except when it genuinely threatens the common good.

beings. The prior right of human beings, of any national origin, to migrate to other lands restricts the sovereignty of the state to legislate on migration.[173] Simple sovereignty is no basis for introducing limits on immigration, nor are differences in culture or the preferences of the resident population. Reasonable controls can be placed on migration only in order to safeguard the common good of the society when its security or morals are genuinely threatened.[174]

One final point of Pius XII's teaching on migration is worthy of mention. Pius suggests that the contemporary provisions made for migration are inadequate. In order to address this concern, he recommends a reasonable planning of migration based on the concrete conditions of his day, such as orientation and training of migrants, planned settlements, better agreements between nations to facilitate the process, and the creation of a supranational organization to oversee migration on a larger scale.[175]

The number of times that Pius speaks out on migration, as well as the passion with which he spoke and wrote on the subject, did a great deal to develop Catholic social teaching on migration. Looking back over the tradition of the Church on migration and drawing on his and his predecessor's pastoral experience, he taught powerfully to society. In the decades after his death, his teaching profoundly influences and grounds the teaching of subsequent popes and other bishops around the world. In particular, his elucidation of the right to migrate, based on human dignity and the universal destination of goods, and the teaching he offers on the relationship of that right to the safeguarding the common good prove decisive in the development of Catholic social teaching on migration, affirming anyone who might wish to call Pius "the father of Catholic social teaching on migration."

3. From John (XXIII) to Paul (VI)

After the death of Pius XII on 9 October 1958, Catholic social teaching on migration continued to develop, rapidly at times. Popes continued to make decisive contributions to the teaching, while the Second Vatican Council and subsequently the Synod of Bishops and various conferences of bishops took on a stronger role in the development. In order to break down the development in a practical manner, this paper divides the period between Pius XII's death and the present day into two eras. The first begins with the election of John XXIII and concludes with the death of Paul VI. The second begins with the election of John Paul II and continues up to the present pontificate.

The first of these two eras, from John XXIII to Paul VI, follows closely the teaching of Pius XII. While maintaining a close connection with that teaching, papal and conciliar teaching proceeds to expand Catholic social teaching on migration, introducing important new

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[173] See Zimmerman, *Overpopulation*, 148.
[174] See The Office for Refugee Policy…, *The Dispossessed*..., 14.
[175] Palathinkal, 168. Zimmerman, *Pius XII and*..., 17. Pius' concerns seem eerily familiar today. As was laid out in Chapter 1, the Global Commission on International Migration in 2005 stated that the international community's structures to oversee migration are woefully inadequate. Global Commission on International Migration, 2.

principles, which—though based in the same tradition begun by Leo XIII—are new to specific teaching on migration.

a. John XXIII

Succeeding Pius XII, John XXIII continued the tradition of teaching about migration. His two great social encyclicals—*Mater et Magistra* and *Pacem in Terris*—both contain teaching about migration, with *Pacem in Terris* being the more important of the two in terms of development of Catholic social teaching on migration. John definitely builds on the work of his predecessors, especially his most immediate one, but his encyclicals, especially *Pacem in Terris*, include some quite distinct material that has made a definite contribution to the ongoing development of Catholic social teaching on migration.

Mater et Magistra, the first of the two social encyclicals of John XXIII and the one containing less teaching on migration, harkened back to both Pius XII and Leo XIII. Number 45 in the encyclical concerns itself with past papal teaching on the family, specifically on property ownership by the family. Past popes, according to John, have "affirmed that the private ownership of material goods has a great part to play in promoting the welfare of family life."[176] This ownership of goods serves to promote the liberty of the human being, allowing for a parent and spouse to fulfill their duties and thereby promote the total well-being of the family. The right of families to migrate is rooted on this understanding of the ownership of goods.[177]

The encyclical continues, referring back to Pius XII and stating that Pius taught that both countries sending migrants and countries receiving migrants have the obligation to try and remove all obstacles to the growth of confidence in the relations between states. John makes clear that this obligation exists in order to improve the welfare of humanity and increase social progress. [178] Good relations between states are thus a part of Catholic social teaching on migration. Such good relations aid all people involved, though migrants in particular arguably benefit the most. This point was important in 1961, and remains important today since poor relations between states continue to inflict harm and difficulties upon migrants and peoples as a whole.[179] John certainly recognized the importance of what he

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[176] John XXIII, *Mater et Magistra* (15 May 1961) ; available from http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_15051961_mater_en.html ; accessed 7 May 2007, no. 45.
[177] John XXIII, *Mater et Magistra*, no. 45.
[178] John XXIII, *Mater et Magistra*, no. 45.
[179] Even when states are not openly hostile, a lack of cooperation can still be a serious issue. The 2005 report of the International Commission on International Migration laments the lack of coherence in migration policy worldwide, as well as the lack of respect for the international legal and normative framework that affects international migration. The commission points out "the paramount importance" of interstate consultation and cooperation in a world in which migration is increasingly being recognized as the inherently transnational issue that it is. International Commission on International Migration, 2-3.

wrote, since he goes on to echo this in 1963, calling for nations to "enter into collaboration with each other, and facilitate the circulation of goods, capital and manpower."[180]

John XXIII's other encyclical of importance for Catholic social teaching on migration, *Pacem in Terris*, includes a treatment of human rights, which opens by teaching the right to life, to bodily integrity, and to all the means necessary for the proper development of life—including food, clothing, medical care, shelter, rest, and certain social services. Going on, John writes that all human beings have the right to security in any case wherein they are deprived of the means of subsistence through no fault of their own—including in sickness, old age, and unemployment.[181] These rights, though not addressing migration per se, are important for migrants, who in many cases are leaving their home nations because of insufficient means, a lack of security, or threats to their lives. It precisely when they are deprived of these rights and the means to

In the same section treating human rights, John writes that "every human being has the right to freedom of movement and of residence within the confines of his own State." When there are just reasons, he also "must be permitted to emigrate to other countries and take up residence there."[182] According to John, one's membership in one particular nation does not take away one's membership in the human family as a whole.[183]

John can be said to be speaking of dual rights: the right to migrate as well as the right not to migrate.[184] He states the right to migrate when there are just reasons, while simultaneously including the right to freedom of movement and residence within one's own country. The other rights mentioned—including the right to means suitable for the development of life and the right to security—can be seen as clarifications and elucidations of the right to migrate and to not migrate, since fulfillment of those rights can allow one the possibility of staying in one's home nation while the lack of those rights are some of the just reasons that might impel one to migrate elsewhere.

According to John, the right to migrate, like the right not to migrate, necessitates the establishment of conditions by which a person "may enter a political community" in which his or her rights are honored, particularly the right to "provide a future for himself and his dependents."[185] The host society has the obligation to establish as much as possible the

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[180] John XXIII, *Pacem in Terris* (11 April 1963); available from http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html ; accessed 3 May 2006, no. 101.
[181] John XXIII, *Pacem in Terris*, no. 11.
[182] John XXIII, *Pacem in Terris*, no. 25.
[183] John XXIII, *Pacem in Terris*, no. 25.
[184] See *Strangers No Longer*, no. 30. In paragraph of their pastoral letter, the bishops of the United States and Mexico mention *Pacem in Terris* as giving those dual rights and subsequently quote from no. 25 of the encyclical.

See also the mention of these dual rights in John Paul II's 2004 Message on the World Day of Migrants and Refugees. John Paul II, *Message for the 90th World Day of Migrants and Refugees 2004* (15 December 2003); available from http://www.vatican.va/holy_father/john_paul_ii/messages/migration/documents/hf_jp-ii_mes_20031223_world-migration-day-2004_en.html ; accessed 9 May 2007.
[185] John XXIII, *Pacem in Terris*, no. 106.

conditions in which the rights of immigrants are honored. This obligation comes with both a duty to accept immigrants and a duty to integrate them into the host society.[186]

Later in the encyclical, John comments on the nature of political authority and its limits, declaring that "of its very nature civil authority exists, not to confine men within the frontiers of their own nations, but primarily to protect the common good of the State, which certainly cannot be divorced from the common good of the entire human family."[187]

John examines the relationship between the right to migrate and the common good, in a manner not very dissimilar to Pius before him. Civil authority in his view exists for the sake of the common good. The same authority, if used for any other purpose to hinder migration, loses its legitimacy. This common good that authority must serve is both that of the local community and that of the entire human community. Thus, an appeal to the common good of a particular society is not a sufficient basis on which to regulate migration. The common good must be that of the whole human community, taking into account the well-being of all affected by public policy.

The pope, possibly in part because of his experience as a diplomat, knew that the nation-state system is weak in its ability to guarantee the rights he calls for, and that nation-states were failing in many regards to promote the universal common good.[188] For one thing, like Pius before him, John points out an imbalance between the number of inhabitants and the arable land in parts of the world.[189] In John's view, past governments have proven themselves incapable of providing for the universal common good.[190] John, speaking frankly of the situation at his own time, writes,

> In our own day,… mutual relationships between States have undergone a far reaching change. On the one hand, the universal common good gives rise to problems of the utmost gravity, complexity and urgency—especially as regards the preservation of the security and peace of the whole world. On the other hand, the rulers of individual nations, being all on an equal footing, largely fail in their efforts to achieve this, however much they multiply their meetings and their endeavors to discover more fitting instruments of justice. And this is no reflection on their sincerity and enterprise. It is merely that their authority is not sufficiently influential.[191]

Based on that reality, the pope concludes that "the shape and structure of political life in the modern world, and the influence exercised by public authority in all the nations of the world are unequal to the task of promoting the common good of all peoples."[192] In place of the existing political system, he calls for a new system of governance.

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[186] John XXIII, *Pacem in Terris*, no. 106.
[187] John XXIII, *Pacem in Terris*, no. 98.
[188] See Christiansen, 12.
[189] John XXIII, *Pacem in Terris*, no. 101.
[190] John XXIII, *Pacem in Terris*, no. 133.
[191] John XXIII, *Pacem in Terris*, no. 134.
[192] John XXIII, *Pacem in Terris*, no. 135.

> Today the universal common good presents us with problems which are world-wide in their dimensions; problems, therefore, which cannot be solved except by a public authority with power, organization and means co-extensive with these problems, and with a world-wide sphere of activity. Consequently the moral order itself demands the establishment of some such general form of public authority.[193]

Both the right to migrate and the right not to migrate must be guaranteed by society. However, as John points out, the structures of the organization of the globe are unable to make sufficient provision for the universal common good.[194]

John XXIII decisively admits this theme to Catholic social teaching. Christiansen, following up on the theme in 1996, argues that the globalized reality of movement today necessitates the erection of a "genuine global authority to meet the needs particularly of refugees and internally displaced persons"—a global refugee regime.[195] The problem lies in the lack of a global authority with the capacity and competence to handle in a timely manner the needs of victimized populations.[196] Christiansen recognizes recent initiatives by the United Nations, which have in some cases resulted in some success. However, while making explicit his desire to avoid denigrating the work done in these initiatives, he urges the creation of a new refugee regime with "the institutional capacity, the automatic funding, and the legal framework to carry it out effectively."[197] In this, Christiansen brings the teaching of John closer to the reality of today.

John XXIII is a key figure in the development of Catholic social teaching on migration. His teaching continued on from the right to migrate developed by Pius XII, complementing it with a clear 'right not to migrate,' fleshing out the rights of the human being that the common good should seek to protect, and critiquing global political systems in their inability to guarantee these rights and safeguard the common good. He too is a "father of Catholic social teaching on migration" in many respects.

b. The Second Vatican Council

Besides *Pacem in Terris*, John XXIII also contributed to Catholic social teaching on migration through that which he is best remembered for—the Second Vatican Council. One of the most significant documents produced by Vatican II, the 1965 pastoral constitution *Gaudium et Spes*, addresses the issue of migration. Migration is addressed in a context of

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[193] John XXIII, *Pacem in Terris*, no. 137.
[194] John wrote this in 1963, but it is doubtful that much progress has been made in changing the structures of governance in society even today. The globalized world has moved social problem in many cases beyond the reach of national authority. Migration in particular, as an inherently transnational phenomenon, is unable to be adequately addressed in the present system. See Global Commission for International Migration, 2-3.
[195] Christiansen, 12.
[196] Christiansen, 12. One can think of numerous examples from the present day in which refugee populations are left stateless and without recourse, such as the situation of Palestinians in Lebanon or Jordan.
[197] Christiansen, 13.

concern about growing economic inequalities—something which the bishops call for strenuous efforts to address. [198]

Gaudium et Spes, for the sake of justice and equity, calls for migration to be regulated in such a way as to prevent the lives of individuals and families from becoming insecure. Further, the pastoral constitution calls for careful avoidance of all discrimination in wages and working conditions. It also demands that all people—though especially those in public authority—treat migrants as persons, not as mere tools of production. *Gaudium et Spes* also calls for aid to migrants in several regards: reuniting families, providing decent housing for them, and incorporating them into the social life of the receiving community. Finally, the document calls for employment opportunities to be created in migrants' places of origin.[199]

Gaudium et Spes' treatment of migration is short—limited to a single paragraph—but packed with teaching. It calls for regulation of migration for the migrant's own security, avoidance of discrimination, and recognition of the human dignity of migrants. It even teaches something of the right not to migrate by encouraging the creation of jobs in the migrant's homeland so as to address the lack of opportunity that drives many migrants to leave their homeland.

Another document relevant to migration put out by the Second Vatican Council is the decree *Christus Dominus*, dealing with the pastoral office of bishops. The decree urges special concern and pastoral care for migrants, refugees, and others who move about regularly.[200] It is significant because it urges episcopal conferences to pay attention to the special concerns raised by the presence of these people and promote their spiritual care.[201] This document thereby helped to encourage bishop's conferences around the world to add their voices to Catholic social teaching on migration.

The Second Vatican Council, in terms of Catholic social teaching on migration, was not particularly revolutionary, nor did it contribute any major new principles to the teaching. However, the gathered body of bishops emphatically affirmed the combined teaching of Pius XII and John XXIII, though the teaching of *Gaudium et Spes* particularly bears close resemblance to the teaching of John, confirming the path of the development that the teaching had taken while further nuancing and extending the selfsame teaching.

c. Paul VI

Of course, *Gaudium et Spes* and *Christus Dominus* were promulgated not by John XXIII, but by his successor, Paul VI, who saw the council through after John's death. Sharing

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[198] See *Gaudium et Spes* (7 December 1965); available from http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html ; accessed 3 May 2006, no. 66.
[199] *Gaudium et Spes*, no. 66. It seems to hearken back strongly to John XXIII. No. 66 includes a reference to *Mater et Magistra*.
[200] *Christus Dominus* (28 October 1965); available from http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_christus-dominus_en.html ; accessed 3 May 2006, no. 18.
[201] See *Christus Dominus*, no. 18.

much the same vision as John and the other council fathers on migration, Paul issued his encyclical *Populorum Progressio* in 1967 on the topic of the development of peoples.

In that encyclical, Paul discusses Christian hospitality. He calls for multiplication of centers of welcome and hospitality for foreigners, to combat feelings of loneliness, abandonment, and distress. According to Paul, hospitality "is imposed by human solidarity and by Christian charity."[202] Addressing the case of migrant workers in particular, the pope emphasizes the importance of hospitality for those who frequently have to endure inhuman living conditions and live meagerly in order to send money to their families living in poverty in their homeland.[203]

Pope Paul, adding a bit of a twist to what preceded him in Catholic social teaching, declares that "human society is sorely ill. The cause is not so much the depletion of natural resources, nor their monopolistic control by a privileged few; it is rather the weakening of brotherly ties between individuals and nations."[204] Bonds of solidarity are weak or absent. This condition has implications for migration, undermining a society's willingness to work for the common good and opening up the possibility of denying the human dignity, and thus the human rights, of the other.[205]

Populorum Progressio goes on, in the same section on "welcoming the stranger," to include a note of particular concern for young people who, leaving their native lands to study and gain experience abroad, find their spiritual and cultural values undermined in the society in which they study. The pope affirms the value of formation abroad in order to render them more qualified to serve in their homeland, but expresses pain at the loss in some cases of "the priceless cultural heritage of their native land."[206]

In addition to *Populorum Progressio*, Paul VI also contributed to Catholic social teaching on migration with his apostolic letter to Maurice Cardinal Roy on 14 May 1971, known as *Octogesima Advieniens*. The pope writes of his concern at

> …the precarious situation of a great number of emigrant workers whose condition as foreigners makes it all the more difficult for them to make any sort of social vindication, in spite of their real participation in the economic effort of the country that receives them. It is urgently necessary for people to go beyond a narrowly nationalist attitude in their regard and to give them a charter which will assure them a right to emigrate, favor their integration, facilitate their professional advancement and

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[202] Paul VI, *Populorum Progressio* (26 March 1967); available from http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html ; accessed 3 May 2006, no. 67.
[203] Paul VI, *Populorum Progressio*, no. 69.
[204] Paul VI, *Populorum Progressio*, no. 66.
[205] The Global Commission on International Migration notes the persistence of negative attitudes toward migrants in many parts of the world, even in places where many of sectors of the economy depend on foreign labor. It also points out that many states are not implementing the provisions of the core UN human rights treaties, resulting in continuing abuse, discrimination and exploitation of migrants. Global Commission on International Migration, 2.
[206] Paul VI, *Populorum Progressio*, no. 68.

> give them access to decent housing where, if such is the case, their families can join them.[207]

In that selection from *Octogesima Advieniens*, Paul fleshes out a bit of his vision for what the results of achieving what he calls a "universal brotherhood" might look like. According to the pope, it is the duty of all people "to work with energy for the establishment of universal brotherhood, the indispensable basis for authentic justice and the condition for enduring peace."[208]

The notion of "universal brotherhood" is key in Paul's contribution to Catholic social teaching on migration. Out of "universal brotherhood" comes justice for migrants, and the concrete realization of their right to livelihood to support themselves and their families. Contrary to this "universal brotherhood" is nationalism and other attitudes which seek to exclude others from just participation in an economy.

Though *Populorum Progressio* and *Octogesima Advieniens* are Paul's most concrete contribution to Catholic social teaching on migration, another initiative of his has also had a significant impact on the development of Catholic social teaching on migration. On 15 August 1969, Paul VI issued the motu propio *Pastoralis migratorum cura*, which preceded and mandated the revised norms found in the 22 August 1969 instruction issued by the Congregration for Bishops on pastoral ministry to migrants.[209]

As was discussed in chapter 2, pastoral concern and accompanying pastoral norms have a certain influence on Catholic social teaching. However, one in particular of all the pastoral norms issued by Paul VI and the Congregation for Bishops had quite significant impact—the norm which asked conferences of bishops and local ordinaries to set aside an annual "Migrants' Day."[210] These days devoted to migrants proved to be advantageous days for popes and other bishops around the world to continue to teach about migration, thus encouraging further development of Catholic social teaching on the subject.

Paul VI, both in his direct contributions to Catholic social teaching on migration and in his instigation of days of migrants, made a significant mark. Even so, in terms of developing basic principles of the teaching on migration he arguably does not make as foundational of contributions as Pius XII and John XXIII.

d. The Synod of Bishops

During the pontificate of Paul VI, the Synod of Bishops—following up on the Second Vatican Council—met in 1971 to produce yet another document which developed Catholic

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[207] Paul VI, *Octogesima Advieniens* (17 May 1971) ; available from http://www.vatican.va/holy_father/paul_vi/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens_en.html ; accessed 8 May 2007, no. 17.
[208] Paul VI, *Octogesima Advieniens*, no. 17.
[209] See Paul VI, "Pastoralis migratorum cura," 825. *Sacra Congregatio pro Episcopis*, "On the pastoral ministry to migrants," 826.
[210] See *Sacra Congregatio pro Episcopis*, "On the pastoral ministry to migrants," 827.

social teaching on migration. The document, entitled *Justice in the World*, sees "silent, indeed voiceless, victims of injustice" because of the present oppressive character of society.[211] As an example of these victims of injustice, the bishops point to the case of migrants. The synod points out that migrants are often forced to leave their own country to find work, but then are closed off from opportunity in their new lands because of discrimination. Even if they successfully enter another nation looking for work, they are frequently forced into circumstances of insecurity and are treated in an inhuman manner.[212]

The synod fathers declare that, to respond to this set of injustices, "we must be prepared to take on new functions and new duties in every sector of human activity and especially in the sector of world society."[213] The bishops in *Justice in the World* recognize the immense amount of work that needs to be done in order to do justice for migrants. It is not a simple matter of just changing a few laws. The injustice so frequently done to migrants must be addressed in a comprehensive manner which may include changes in every aspect of how society interacts with migrants—in the legal process of immigration itself, in employment, in community services, and in the day-to-day way in which other members of society approach the other.

Justice in the World goes on to especially lament the case of refugees and "every group or people suffering persecution…for racial or ethnic origin or on tribal grounds."[214] The documents points out that this persecution can at times amount to nothing less than genocide.[215] The particular case of refugees demands immediate action, and in the long term demands the same scale of comprehensive change in society in order to realize justice for the refugee.

The following synod, in 1974, took up the theme of evangelization. However, in conjunction with that synod, Pope Paul VI issued a message on 23 October 1974 which included a piece on human rights, with mention of the particular rights of migrant workers.[216] He lists a number of rights under threat at the time in the world, and unequivocally states that "all in society, including migrant workers, must be guaranteed juridical protection of their personal, social, cultural and political rights."[217] In this, Paul and the 1974 synod echo what was stated in 1971, that society must actively protect the rights of migrants. It thus becomes clear in 1974 that the "new functions and new duties" mentioned in 1971 must include "juridical protection" of the human rights of migrants.[218]

The Synod of Bishops has fleshed out and contributed to the ongoing development of Catholic social teaching on migration. What particularly stands out is *Justice in the World*'s

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[211] World Synod of Catholic Bishops, *Justice in the World* (1971); available from http://www.osjspm.org/cst/jw.htm ; accessed 24 May 2006, no. 20.
[212] World Synod of Catholic Bishops, *Justice in the World*, no. 21.
[213] World Synod of Catholic Bishops, *Justice in the World*, no. 20.
[214] World Synod of Catholic Bishops, *Justice in the World*, no. 22.
[215] World Synod of Catholic Bishops, *Justice in the World*, no. 22.
[216] Paul VI, "Message of Pope Paul VI," in *Social Justice: Official Catholic Social Teachings*, ed. Vincent P. Mainelli (Wilmington, NC: McGrath Publishing Company, 1978), 330, 332.
[217] Paul VI, "Message of Pope Paul VI," 332.
[218] Quotations from World Synod of Catholic Bishops, *Justice in the World*, no. 20, and from Paul VI, "Message of Pope Paul VI," 332.

insistence on the necessity of a comprehensive approach on the part of society in order to address the injustice enacted upon migrants.

e. A concluding note

While Pius XII can be seen as the person who really got the ball rolling in Catholic social teaching on migration, his two immediate successors, the bishops at the Second Vatican Council, and the 1971 Synod of Bishops made significant contributions, extending and developing the body of Catholic social teaching on migration. They continued to work to draw the church's and world's attention to the plight of migrants, and engaged society seeking a more just system for migrants across the world.

In the era between the election of John XXIII in 1958 and the death of Paul VI in 1978, official Catholic social teaching on migration began to take on different forms and approaches, and certain "new" principles, at least insofar as they were directly related to Catholic social teaching on migration, began to appear in documents from Rome. The teaching of this period heavily influenced the years that followed, right up to the present day.

4. The most recent thirty years

The last three decades of papal teaching on migration are of course defined primarily by the pontificates of John Paul II and Benedict XVI. This era, which includes the teaching of both those popes and the work of the Roman Curia, continues the development of Catholic social teaching on migration, though it operates clearly in close relationship to the principles of Catholic social thought on migration developed in the past.

a. John Paul II

Though not nearly as foundational in his teaching on migration as Pius XII and John XXIII, John Paul II is nonetheless a very important figure in the development of Catholic social teaching on migration. His pontificate is known to have been prolific in its production of documents and teachings, and migration is a topic that was most certainly not ignored. John Paul draws heavily on the teaching of his predecessors, but does not hesitate to develop the teaching and at times even wade into some new ground.

The first significant document produced by John Paul that deals with migration is his 1981 encyclical on human work—*Laborem Exercens*. In the encyclical, he looks at the case of those who migrate in search of work. He reiterates the teaching of his predecessors, namely that human beings have "the right to leave [their] native land[s] for various motives—and also the right to return—in order to seek better conditions of life in another country."[219] However, John Paul points out that there are difficulties inherent in this process. The most important

[219] John Paul II, *Laborem Exercens* (14 September 1981); available from http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens_en.html ; accessed 3 May 2006, no. 23.

difficulty is that emigration in search of work "generally constitutes a loss for the country that is left behind." That country is left bereft of a member of the community, losing a subject of work whose efforts could have contributed toward the common good of that nation but are instead offered to another society and culture, which is in a sense has "less right" to the person.[220] John Paul is cautioning the world about a brain and brawn drain on migrant's home countries.[221]

Even if—because of this loss to the home country—migration is in some ways an evil, the pope unequivocally states that it is a necessary evil in certain circumstances. According to John Paul, every possible effort should be made to prevent migration from causing any greater harm and bring the best possible benefit to the migrant's personal, family and social life. Just legislation is essential to achieve this end and to avoid the exploitation of the migrant worker.[222]

Exploitation of migrants must be avoided, and they must not be placed at a disadvantage relative to society as a whole. Migrant workers in particular are vulnerable to exploitation because of their "situation of constraint." John Paul, in strong opposition to any possible attempt to legitimize a degree of exploitation, states that "capital should be at the service of labor and not labor at the service of capital."[223]

While *Laborem Exercens*'s mention of migration was in the context of work, the next document of interest, the apostolic exhortation *Familiaris Consortio*, which followed the 1980 Synod of Bishops, mentioned migration in the context of talking about the family. *Familiaris Consortio*, concerning itself with the pastoral care of the family, expresses special concern for the families of migrant workers, since they are placed in difficult circumstances. According to the exhortation, families of migrants should be able to find a homeland everywhere within the Church, as the Church by its nature is "the sign of unity in diversity."[224]

These migrants should be cared for, as much as possible, by priests of their own rite, culture and language. However, according to *Familiaris Consortio*, the responsibility of the Church does not end with providing parochial pastoral care. The Church has the obligation

> to appeal to the public conscience and to all those in authority in social, economic and political life, in order that workers may find employment in their own regions and homelands, that they may receive just wages, that their families may be reunited as soon as possible, be respected in their cultural identity and treated on an equal footing

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[220] John Paul II, *Laborem Exercens*, no. 23.
[221] Latoza, par. 36. Some scholars, responding to the this statement in *Laborem Exercens* and to other documents of the Catholic social teaching tradition that touch on "brain drain," argue that the tradition should take a less critical policy in this regard. See Michele R. Pistone, *Stepping Out of the Brain Drain: Applying Catholic Social Teaching in a New Era of Migration* (Lanham, MD: Lexington Books, 2007).
[222] John Paul II, *Laborem Exercens*, no. 23.
[223] John Paul II, *Laborem Exercens*, no. 23.
[224] John Paul II, *Familiaris Consortio* (22 November 1981); available from http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio_en.html ; accessed 3 May 2006, no. 77.

> with others, and that their children may be given the chance to learn a trade and exercise it, as also the chance to own the land needed for working and living.[225]

John Paul puts an onus on the Church to speak out on behalf of migrants.[226] The ecclesial community of believers has a substantial role to play in the vision forward offered by Catholic social teaching on migration. As Paul VI pointed out, societal change to address the reality of migration must be comprehensive in approach, a vision into which *Familiaris Consortio* is explicitly interjecting a central role for the Church.

In 1987, John Paul II issued a second major social encyclical, *Sollicitudo Rei Socialis*. It was issued on the twentieth anniversary of *Populorum Progressio*, and like that encyclical it included material contributing to the body of Catholic social teaching on migration.

John Paul, concerned about the reality of underdevelopment in many parts of the world, worryingly notes the frequent suppression of the right to economic initiative, "a right which is important not only for the individual but also for the common good."[227] The pope contends that, when this right is suppressed or limited "in the name of an alleged 'equality' of everyone in society," the result in practice is a complete demolition of the "spirit of initiative"—"the true creative subjectivity of the citizen."[228] The violation of this right results in

> not so much a true equality as a "leveling down." In the place of creative initiative there appears passivity, dependence and submission…, which is similar to the traditional dependence of the worker-proletarian in capitalism. This provokes a sense of frustration or desperation and predisposes people to opt out of national life, impelling many to emigrate and also favoring a form of "psychological" emigration.[229]

John Paul, in condemning the violation of the right to economic initiative, is—in the context of Catholic social teaching on migration—developing further the "right not to migrate" attributed to John XXIII. People have a right to live freely and develop themselves

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[225] John Paul II, *Familiaris Consortio*, no. 77.

[226] Another (more specific) example of this can be found in the apostolic exhortation *Ecclesia in America*, in which the pope calls on the Church in America to be a diligent advocate, "defending against any unjust restriction of the natural right of individual persons to move freely within their own nation and from one nation to another. Attention must be called to the rights of migrants and their families and to respect for their human dignity, even in cases of non-legal immigration." John Paul II, *Ecclesia in America* (22 January 1999); available from http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_22011999_ecclesia-in-america_en.html ; accessed 3 May 2006, no. 65.

[227] John Paul II, *Sollicitudo Rei Socialis* (30 December 1987); available from http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis_en.html ; accessed 9 May 2007, no. 15.

In this section of the encyclical, it would appear that he is taking a stab at communist regimes. His treatment of the right to economic initiative does nevertheless have implications for Catholic social teaching on migration in general.

[228] John Paul II, *Sollicitudo Rei Socialis*, no. 15.

[229] John Paul II, *Sollicitudo Rei Socialis*, no. 15.

in their home country, including through economic initiative, and have a right not to be forced into a position where they need to migrate and leave their native society behind.

In his 1991 encyclical *Centesimus Annus*, he approaches migration in a slightly different way. Instead of speaking in terms of the language of rights, the pope speaks directly of the Church's preferential option for the poor. That encyclical states that the Church's love for the poor, "which is essential for her and a part of her constant tradition," demands that she "give attention to a world in which poverty is threatening to assume massive proportions in spite of technological and economic progress."[230] *Centesimus Annus* points to migrants and refugees as groups very immediately experiencing this poverty, living on the margins of society. Internationally coordinated measures are needed to address the immediate poverty of migrants and refugees, according to John Paul, if "tragic crises" are to be avoided.[231]

In addition to his encyclicals, John Paul spoke frequently in less official contexts on the subject of migration, beginning early in his pontificate. The examples are numerous. In 1980 in Guatemala, he called for God's blessing upon "those who welcome and give a helping hand to the exiled and displaced."[232] In Costa Rica, he similarly encouraged "those who take care of their neighbors, the refugees, [and] the displaced."[233] In 1984, speaking to government authorities and the diplomatic corps, he declared,

> It is something repugnant and abnormal for hundreds and thousands of human beings to have to leave their countries because of their race, ethnic origin, political convictions or religion, or because they are in danger of violence or even death from civil strife or political turmoil. Exile seriously violates the human conscience and the norms of life in society; it is clearly contrary to the Universal Declaration of Human Rights and to international law itself.[234]

While not hesitating to invoke international law, John Paul emphasized that "for all migrants or refugees as for all other human beings, rights are not based primarily on juridical membership in a determined community, but prior to that, on the dignity of the person."[235] This theme comes up repeatedly in his annual statements for World Migration Day.

The pope issued at least 20 statements for World Migration Day during his pontificate.[236] He addressed issues related to globalization, cultural integration, racism and exaggerated nationalism, migration's relationship to inter-religious dialogue and world peace,

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[230] John Paul II, *Centesimus Annus* (1 May 1991); available from http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html ; accessed 3 May 2006, no. 57.
[231] John Paul II, *Centesimus Annus*, no. 57.
[232] qtd. in The Office for Refugee Policy…, *The Dispossessed*..., 17.
[233] qtd. in The Office for Refugee Policy…, *The Dispossessed*..., 17.
[234] qtd. in The Office for Refugee Policy…, *The Dispossessed*..., 18.
[235] From his 1990 message to the International Catholic Migration Commission. qtd. in The Office for Refugee Policy…, *The Dispossessed*..., 18.
[236] Twenty statements from John Paul on the World Day of Migration are available from the Vatican website at http://www.vatican.va/holy_father/john_paul_ii/messages/migration/index.htm . The material in those speeches presents a challenge to this thesis project, since the material of these twenty statements is simply too much to address in detail.

the preferential option for the poor, and the particular situation of undocumented migrants, to name but a few of the themes raised in those messages.[237] The World Migration Day messages renewed Catholic social teaching on the subject annually, putting it out again and again in front of the world and allowing papal teaching to address more particular aspects involved in the complicated reality of migration in the world.

John Paul II is one of the most important figures in the development of Catholic social teaching on migration, producing numerous statements about migration. Three of his encyclicals contain teaching about migration. In all those efforts in teaching on migration, he built well upon the foundation laid by his predecessors, especially Pius XII and John XXIII.

b. Benedict XVI

As it is still quite early in the pontificate of Benedict XVI, it still is hard to say with certainty what lasting legacy, if any, Benedict will leave on Catholic social teaching on migration. To date, he has produced two messages on migration for the 92nd and 93rd World Day of Migrants and Refugees, which so far are his most substantial contribution to Catholic social teaching on migration.

In his 2006 message, Benedict characterizes migration as one of the "signs of the times," using the language of *Gaudium et Spes*. According to Benedict, migration in the past century has taken on a certain structure, becoming an important part of the labor market under the influence of globalization.[238]

The 2006 message points out, as one of the "signs of the times," the growing feminization of migration. More women are migrating, and they are doing so in a much more autonomous manner than in the past, migrating apart from husband or father, sometimes in search of work to support a family for which she is the only breadwinner.[239] In the 2007 message, he again mentions the feminization of migration.[240]

Human trafficking is a concern for Benedict, and he points out that the victims are frequently women. Women and the other victims of human trafficking are exploited like slaves, and in many cases are forced into prostitution.[241] In his 2006 message, he includes an

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[237] These themes, mentioned as examples in no particular order, can be found in the following annual World Migration Day messages: globalization (2000), cultural integration (2005), racism and exaggerated nationalism (2003), inter-religious dialogue (2002), peace (2004), the preferential option for the poor (1999), and undocumented migration (1996).

[238] Benedict XVI, *Message for the 92nd World Day of Migrants and Refugees 2006* (18 October 2005); available from http://www.vatican.va/holy_father/benedict_xvi/messages/migration/documents/hf_ben-xvi_mes_20051018_world-migrants-day_en.html ; accessed 9 May 2007, par. 3.

[239] Benedict XVI, *Message for the 92nd*..., par. 6-7.

The Global Commission on International Migration offers some statistics on women migrants. At the time of issuance of the report, almost half of all the migrants in the world were women, and there were more female than male migrants in the Americas, Europe, Oceania, and the former Soviet Union. Global Commission on International Migration, 83.

[240] Benedict XVI, *Message for the 93rd World Day of Migrants and Refugees 2007* (18 October 2006); available from http://www.vatican.va/holy_father/benedict_xvi/messages/migration/documents/hf_ben-xvi_mes_20061018_world-migrants-day_en.html ; accessed 9 May 2007, par. 3.

[241] Benedict XVI, *Message for the 92nd*..., par. 9. Benedict XVI, *Message for the 93rd*..., par. 3.

explicit condemnation of "the widespread hedonistic and commercial culture which encourages the systematic exploitation of sexuality."[242]

The 2007 message is subtitled "the migrant family," and refers back to *Exsul Familia*, seeing in the "misfortune experienced by the Family of Nazareth, obliged to take refuge in Egypt," the opportunity to

> catch a glimpse of the painful condition in which all migrants lives, especially refugees, exiles, evacuees, internally displaced persons, [and] those who are persecuted.… The Family of Nazareth reflects the image of God safeguarded in the heart of every human family, even if disfigured and weakened by emigration.[243]

Benedict recommits the Church to act "not only in favor of the individual migrant, but also of his family, which is a place and resource of the culture of life and a factor for the integration of values. He points out some of the challenges involved in the family life of migrants, especially the difficulties involved in the distance of family members from each other and the real of possibility of failure in reunification. Benedict also mentions the challenge of new relationships and affections forming, and the possibility of forgetting the past "as they are subjected to the hard trial of distance and solitude."[244]

The migrant family, according to Benedict, must be assured "of a real possibility of inclusion and participation" for it to develop harmoniously. To this end, he "encourages the ratification of international legal instruments that aim to defend the rights of migrants, refugees, and their families," and asks the Church to be involved in advocacy and pastoral care to migrants.[245] He insists on genuine integration of the families of immigrants, and points out the particular challenge presented on a practical level by certain "defense mechanisms" that crop up in first generation migrants that may prove to be significant obstacles for the maturity of the young people of the second generation. These and all the challenges of integration must be addressed by comprehensive "legislative, juridical and social intervention."[246]

In the 2007 message, Benedict also addresses the particular situation of refugee families, whose conditions he describes as worse than in the past. He expresses concern about lingering trauma and emotional distress faced by many refugees, and the risk of sexual exploitation of women and children. To address the issues faced by refugee families, Benedict calls for an active "pastoral presence" on the part of the Christian community, and for everything possible to be done to guarantee their rights and dignity. For their part, Benedict asks refugees to "cultivate an open and positive attitude towards their receiving society and maintain an active willingness to accept offers to participate in building together an integrated community that would be a 'common household' for all.[247]

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[242] Benedict XVI, *Message for the 92nd*..., par. 10.
[243] Benedict XVI, *Message for the 93rd*..., par. 1.
[244] Benedict XVI, *Message for the 93rd*..., par. 2.
[245] Benedict XVI, *Message for the 93rd*..., par. 2.
[246] Benedict XVI, *Message for the 93rd*..., par. 3.
[247] Benedict XVI, *Message for the 93rd*..., par. 4.

One final element of Benedict's teaching on migration is worthy of note—that concerning international students. In both messages, Benedict expresses concern for students far from home, with a special set of pastoral problems, especially the absence of support and the risk of identity crisis.[248] What is especially notable about his teaching on students is the positive spin he gives—seeing in their experience abroad "an extraordinary occasion for spiritual enrichment."[249] In this positive assessment, he appears to differ from his predecessor Paul VI, who somewhat dourly bemoans the loss among international students of "the priceless cultural heritage of their native land."[250]

It is not yet possible to accurately place what Benedict's lasting contribution to Catholic social teaching on migration will be, but he seems to have made a promising start in his two small-scale messages on migration. In his teaching on migration, he depends on and builds upon what the principles and teaching of his predecessors. However, he does not hesitate to offer new insight and nuance to Catholic social teaching on migration by looking to the "signs of the times" which he observes today, whether that be a growing "feminization" of migration, the ugly reality of human trafficking, or a need for institutionalized protections of migrant families.

c. Other Vatican documents

During this most recent era, several other important documents from Rome relevant to Catholic social teaching on migration appeared on the scene. The first is the *Catechism of the Catholic Church*. The reference work includes a section relevant for migration under the subtitle of "the duties of citizens." As paragraph 2241 declares,

> The more prosperous nations are obliged, to the extent they are able, to welcome the foreigner in search of the security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him.
>
> Political authorities, for the sake of the common good for which they are responsible, may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants' duties toward their country of adoption. Immigrants are obliged to respect with gratitude the material and spiritual heritage of the country that receives them, to obey its laws and to assist in carrying civic burdens.[251]

This paragraph of the *Catechism* is packed with meaning. The right to migrate according to the same terms put forward by Pius XII is strongly implied. The *Catechism* allows some "juridical conditions" set down by the state, even as it makes clear the obligation

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[248] Benedict XVI, *Message for the 93rd*..., par. 5. See Benedict XVI, *Message for the 92nd*..., par. 5, 13.
[249] Benedict XVI, *Message for the 92nd*..., par. 13.
[250] See Paul VI, *Populorum Progressio*, no. 68. Benedict expresses similar concerns to Paul, but seems to have a more positive outlook in terms of the spiritual influence on the student himself/herself.
[251] *Catechism of the Catholic Church* (Liguori, MO: Liguori Publications, 1994), no. 2241.

of the state to accept such immigrants. It also emphasizes the need to guarantee protection of migrants, putting it in terms of a "guest-host" relationship with corresponding obligations from both parties.

An interesting thing to note about this passage from the *Catechism* is that it is immediately followed by a paragraph that declares that the citizen is obliged to not follow the commands of civil authorities when such commands are "contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel."[252] In that case, citizens should continue to do what is necessary for the common good, but "it is legitimate for them to defend their own rights and those of their fellow citizens against this abuse of authority."[253]

The juxtaposition of the contents of paragraphs 2241 and 2242 may be coincidental, but nonetheless an interesting implication emerges. When the right to migrate—as one of the fundamental rights of persons—is violated by laws of the state, citizens are not obliged to follow those laws. Furthermore according to the *Catechism*, it is legitimate to defend that right against the state.

A second important document put out by the Vatican, more recently than the *Catechism*, is an instruction from the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, entitled *Erga migrantes caritas Christi*. The detailed and lengthy instruction seeks "to respond to the new spiritual and pastoral needs of migrants and to make migration more and more an instrument of dialogue and proclamation of the Christian message."[254] Much of it is practical in orientation and therefore not directly bearing on Catholic social teaching, but it is still worth mentioning as significant.

Erga migrantes caritas Christi points out that even as some boundaries disappear with globalization, the circulation of peoples is still heavily arbitrated.[255] Given that, growing inequality between north and south, and the proliferation of conflict, it is no surprise that migration means enormous hardship and suffering for migrants, particularly women and children.[256] To protect against this, the instruction calls for the ratification of various international legal instruments to better protect the rights of migrants, refugees and their families.[257] It also puts forward that international migration must "be considered an important structural component of the social, economic and political reality of the world today" and requires closer collaboration of the countries of origin and destination.[258]

A third document worthy of mention in this section is the *Compendium of the Social Doctrine of the Church*, the most recent of the documents. The majority of the *Compendium*'s treatment of migration is found in the section entitled "the right to work." The document

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[252] *Catechism of the…*, no. 2242.
[253] *Catechism of the…*, no. 2242.
[254] Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Erga migrantes caritas Christi* (3 May 2004); available from http://www.vatican.va/roman_curia/pontifical_councils/migrants/documents/rc_pc_migrants_doc_20040514_erga-migrantes-caritas-christi_en.html ; accessed 3 May 2006, no. 3.
[255] Pontifical Council for the Pastoral Care..., *Erga migrantes caritas Christi*, no. 4.
[256] Pontifical Council for the Pastoral Care…, *Erga migrantes caritas Christi*, no. 5.
[257] Pontifical Council for the Pastoral Care…, *Erga migrantes caritas Christi*, no. 6.
[258] Pontifical Council for the Pastoral Care…, *Erga migrantes caritas Christi*, no. 8.

affirms work as "a good belonging to all people [that] must be made available to all who are capable of engaging in it." Full employment remains the goal of any economic system oriented to justice and the common good, and any society "in which the right to work is thwarted or systematically denied, and in which economic policies do not allow workers to reach satisfactory levels of employment" cannot be justified and will fail to achieve social peace.[259]

The *Compendium*, striking a similar cord to Pius, declares that immigration "can be a resource for development rather than an obstacle to it." It helps to overcome the "grave inequalities" still in existence. Though immigration is frequently seen as a threat to societal well-being in many parts of the developed world, the reality—according to the *Compendium*—is that immigrants are generally filling a genuine labor need that would otherwise go unfulfilled.[260]

It also calls for institutions to guard against exploitation of migrant laborers, and says that regulation of the process of immigration is an important part of integrating immigrants into their new society. Immigrants should be "received as person and helped, together with their families, to become a part of societal life." In this integration effort, the document particularly emphasizes "the right of reuniting families," and that there should be efforts to create "conditions that foster increased work opportunities in people's place of origin."[261]

Outside of the discussion of the right to work, the *Compendium* also adds to Catholic social teaching on migration in its section on unions. It declares that, in today's context of increasing globalization, unions are called to act in new ways, "widening the scope of their activity of solidarity so that protection is afforded not only to the traditional categories of workers," including immigrants and seasonal workers.[262] The organizations should direct efforts toward "the production of wealth and the creation of social, political and cultural conditions which will permit all who are able and willing to work to exercise their right to work in full respect for their dignity as workers."[263]

In an interesting addition to Catholic social teaching on migration, the *Compendium* also mentions migration in its dealing with environmental issues. The "present environmental crisis" affects the poorest of people, among whom are mentioned those subjected to forced migration. The *Compendium* says that, in some cases of environmental crisis, it may be necessary to relocate people, but efforts must be made to avoid heaping additional suffering on those that are relocated. In order to avoid this additional suffering, "adequate information needs to be given beforehand, with choices of decent housing offered, and the people directly involved must be part of the process."[264]

The *Compendium* emphasizes the value that migration has for the development of society, as well as the role it plays in realizing work as a good for all people. It also seeks to

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[259] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (Washington, D.C.: USCCB Publishing, 2005), no. 288.
[260] Pontifical Council for Justice and Peace, *Compendium of the…*, no. 297.
[261] Pontifical Council for Justice and Peace, *Compendium of the…*, no. 298.
[262] Pontifical Council for Justice and Peace, *Compendium of the…*, no. 308.
[263] Pontifical Council for Justice and Peace, *Compendium of the…*, no. 309.
[264] Pontifical Council for Justice and Peace, *Compendium of the…*, no. 482.

elicit institutional responses in order to protect individual migrants and ensure their integration into society. It emphasizes traditional elements of the tradition, such as the importance of facilitating the reunification of families, and of helping to realize 'the right not to migrate' by fostering work opportunities in migrants' homelands. At the same time, it also forges into some new territory by asking unions to widen their scope in terms of solidarity and by explicitly addressing and providing moral guidance on relocation in the face of environmental crisis.

d. Conclusions on the most recent thirty years

In the most recent era of development of Catholic social teaching on migration, which this thesis takes to be the last thirty years, the amount of material from Rome that operates within the tradition of Catholic social teaching on migration has grown dramatically. Papal teaching has continued in recent years to build upon the tradition on the subject of migration, though it remains very closely associated with the basic principles previously developed.

John Paul II extended Catholic social teaching into a concern for the loss to the home country in migration, concerned himself with numerous particular ways in which the human dignity of migrants is violated, and associated new concepts with the tradition, especially the right to economic initiative. Benedict XVI has also concerned himself with the particular ways in which human dignity in migration is violated, and gives a remarkably positive spin on migration as an opportunity for spiritual enrichment and building an integrated community. The *Catechism*, *Erga migrantes caritas Christi*, and the *Compendium* offer summaries of the tradition that end up adding distinctive colors to the teaching and extending it into new areas, such as migration's intersection with environmental concerns.

The last thirty years in papal teaching intersect Catholic social teaching on migration with new issues—such as the growing feminization of migration and "brain drain"—and concepts—such as the right to economic initiative and the possibility of civil disobedience against unjust immigration. The growing number of issues being dealt with and the increasingly varied contexts in which migration has been addressed increase the vitality and breadth of the particular tradition of Catholic social teaching on migration.

5. Conclusion

The teachings of Rome have been and remain central to the development of Catholic social teaching on migration. The tradition is wider certainly that just the pronouncements of popes, councils, and curial dicasteries, but the main elements of the tradition can be directly traced to Rome, especially core elements like the dual rights to migrate and to not migrate. The tradition has grown from its roots in human dignity, the land, and an emerging concept of universal destination of goods into a largely rights-based tradition containing contributions made using different sorts of language and addressing many different aspects of migration.

The tradition seems to be in many regards in quite stark contrast with the perspectives offered by much of the world. The central notion of the right to migrate is generally not

accepted by governments receiving migrants, and a general right to migrate across international borders is still not found in the United Nations' human rights treaties. The obligation to assist in solidarity to realize conditions where the right not to migrate can be realized is still only partially accepted, as international aid and commitment to ending conditions of oppression and poverty remains insufficient in a world torn apart by violence.

The teaching from Rome is also hampered by a couple of shortcomings. The most obvious one concerns the apparent impossibility of offering a teaching that adequately addresses all the particular circumstances found around the globe. Paul VI stated in *Octogesima Adveniens* that "[i]n the face of such widely varying situations it is difficult for us to utter a unified message and to put forward a solution which has universal validity." As Paul himself points out though, papal social teaching should not be meant as an absolute solution with universal validity, but rather as assistance to Christian communities in analyzing and engaging their own particular situation in the light of the Gospel.[265]

An additional shortcoming is a continuing lack of clarity in the teaching on the compromises that may be inherent to concrete efforts to realize the common good. The teaching recognizes the common good, even while it recognizes the individual's rights. The question remains in the teaching to what degree and under what circumstances the rights of a person—such as the natural right to migrate elucidated by Pius XII—might be limited in favor of the common good.

Despite these shortcomings, the teaching is meaningful and persuasive in the context of the Catholic Church. Local churches, particularly episcopal conferences as addressed in the next chapter, take up the challenge posed by Rome and adhere closely enough to the core principles offered by papal teaching that the local teaching and action of the Church achieves a remarkable unity in even quite disparate contexts.

[265] Paul VI, *Octogesima Adveniens*, no. 4.

CHAPTER FOUR: BISHOPS' CONFERENCES

Any thorough examination of Catholic social teaching on migration certainly cannot stop with just papal and conciliar teaching on the subject. Popes have been central in the development of the teaching, particularly with the pontificates of Pius XII and John XXIII. While acknowledging that fact and the continuing effort and teaching from popes and dicasteries of the Roman curia, the majority of the official "teaching" going on out in the world on the subject of migration is coming from bishops' conferences and individual bishops scattered throughout the world, particularly in regions where migration remains a hot-button issue today.

The teaching of bishops is a part of the ordinary magisterium and, far from being mere mouthpieces of the popes, they together with the pope share responsibility for the universal Church.[266] They also of course have responsibility for their local church, which frequently leads them to speak out.

When bishops and groups of bishops speak out around the world, they rely heavily on the already-articulated principles of Catholic social teaching on migration. They refer back to Pius XII and John XXIII, as well as to statements made by the Second Vatican Council, Paul VI, and John Paul II. They also at the same time refer back to the teaching of bishops in their own region of the world, which in some cases goes back quite a number of years, though still in relationship with the development of Catholic social teaching coming out of Rome.

These bishops, in many cases speaking quite boldly and counter-culturally about migration, bring Catholic social teaching to bear on their own particular context. They use different terminology, and are dealing with vastly different realities. The bishops of Spain, a country receiving what could be perceived as almost an onslaught of immigration, face a dramatically different situation than the bishops of the Philippines, where a huge slice of the population has emigrated to other parts of the world.[267] The bishops of Australia, teaching in a wealthy nation divided over how many refugees and migrants to admit, are in a context far removed from the context in which bishops in Mexico find themselves, as huge numbers of their flock migrate north from a land lacking opportunity.

With bishops around the world facing such widely disparate contexts, one could perhaps expect them to be saying disparate things in their attempt to address the problems of their particular group of people. Remarkably given that they are addressing such different contexts, bishops around the world appear to be teaching quite closely related things on migration and referring to the same principles of Catholic social teaching in much the same way.

Worldwide, the teaching material on migration produced by bishops is immense. Many bishops' conferences and a large number of individual bishops have addressed the issue in varied ways over the past century, putting out pastoral norms, policy recommendations for governments, and pastoral letters exhorting the faithful to action. A number of bishops'

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[266] See Richard R. Gaillardetz, *By What Authority? A Primer on Scripture, the Magisterium, and the Sense of the Faithful* (Collegeville, MN: Liturgical Press, 2003), 59.

[267] The Filipino diaspora as of 2005 consisted of approximately 7 million people. Global Commission on International Migration, 84.

conferences have issued pastoral letters specifically offering Catholic social teaching on migration, while in many other cases Catholic social teaching has been slipped in amid pastoral norms or into quite specific policy demands made upon a government by a bishop or group of bishops.

No region of the world has gone completely without bishops offering teaching on migration, though some groups of bishops are far more vocal on issues related to migration than others. Many bishops' conferences have offices for migrants or refugees, and some have a particular committee of bishops devoted to the issue.

A complete description of the writing of all the bishops' conferences of the world that contribute to Catholic social teaching on migration is not only beyond the scope of this paper, but is probably not even really necessary. Bishops around the world do have a certain responsibility to the universal Church and their teaching in their particular contexts does have applicability for the Church as a whole,[268] but in general the teaching of bishops about migration has remained very closely related with the principles laid out in the organic development by the papal magisterium of the tradition of Catholic social teaching on migration.

Thus, in order to be able to grasp and analyze Catholic social teaching on migration, one need not take up the task of analyzing each and every document produced by each and every bishop of the world, but instead can take a selection of bishops' conferences or other groupings of bishops that is representative of the range of what has happened and is happening in the development of the tradition.

The criteria for selecting bishops' conferences include several items. One of the first things that became obvious in the research for this paper is that some bishops' conferences have written far more on migration than others. Some groups of bishops have written nothing more than a few lines in a pastoral letter or two, perhaps just calling for some attention to the issue and nothing more. Keeping that reality in mind, one criterion for selecting which bishops conferences are worth including is that the particular conference must have written a significant amount of material on the subject, either individually or as a body.

Another important factor in the selection is that the bishops' conferences chosen should add up to at least a somewhat accurate representation of the world as a whole. Care must be taken to include representatives from as many different parts of the world as possible. Additionally, perhaps most importantly, the selection of bishops' conferences must include a representation of both countries that predominantly send migrants abroad, and a representation of countries that predominantly receive migrants from abroad.

One final factor in the selection of bishops' conferences is simply practical. The author is only really capable of working in two languages, English and Spanish, though it is possible to stretch a bit to include a particular important document or two in another language with the help of translators. A second practicality concerns the availability of documents. For instance, it was the intention of the author to include the bishops' conference of Ghana in this work, since it would a fine representative of sub-Saharan Africa and it boasts an episcopal conference that is apparently quite active on the issue of migration. However, the vast

[268] See Gaillardetz, 58.

majority of the documents produced by the conference are not available outside the country, and inquiries sent to the conference's office for migrants went unanswered.

This paper opts to examine in detail the development in Catholic social teaching found in four bishops' conferences: Australia, Mexico, the Philippines, and the United States. All four bishops' conferences have produced multiple documents bearing on Catholic social teaching on migration. They represent different parts and cultures of the world, and consist of two countries predominantly sending migrants (Mexico and the Philippines) and two countries predominantly receiving migrants (Australia and USA).

The choice of these four conferences was not easy, and means of course that other conferences were not chosen and their contributions therefore do not come through in the paper. A section is included on a particularly significant document by the bishops of France, but otherwise most of the contributions made by bishops of Europe are omitted. Likewise, the choice of two nations in the Americas, one in Asia, and Australia means that detailed discussion of the developments found in African bishops' conferences must be omitted. Much has been written by these other bishops' conferences and, if the scope of the paper permitted, it would probably have been beneficial to include detailed discussion of bishops' conferences such as those of Brazil, Ghana, Peru, Canada, Germany, the United Kingdom, Spain, Switzerland, or Italy, which are just a few of the episcopal conferences which have produced multiple documents of substance relevant to the development of Catholic social teaching on migration.

These omissions are a weakness, but are a necessary one. This necessity arises because the scope of the paper must be limited, especially when keeping in mind that it is not devoted exclusively to the contributions of bishops' conferences, but rather to the overall development of Catholic social teaching on migration. It is the contention of the author that the four bishops' conferences chosen are sufficiently representative of the overall tradition in order to appreciate, examine, and understand the contributions of bishops' conferences to the development of Catholic social teaching on migration.

1. Australia

The teaching of the Australian bishops on the subject of migration goes back to at least 1943, when the Episcopal Committee for Social Action issued a statement entitled "Pattern for Peace," in which they mentioned migration as a part of their teaching toward peace.[269] The same committee went on to issue two more statements in 1945 that touched indirectly on migration, "The Land Is Your Business" and "Hunger."[270]

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[269] Episcopal Committee for Social Action, "Pattern for Peace," in *Justice Now! Social Justice Statements of the Australian Catholic Bishops 1940-1966*, ed. Michael Hogan (Sydney: University of Sydney Department of Government and Public Administration, 1990), 39-47.

[270] See Episcopal Committee for Social Action, "The Land Is Your Business," in *Justice Now! Social Justice Statements of the Australian Catholic Bishops 1940-1966*, ed. Michael Hogan (Sydney: University of Sydney Department of Government and Public Administration, 1990), 64-76. See also Episcopal Committee for Social Action, "Hunger," in *Justice Now! Social Justice Statements of the Australian Catholic Bishops 1940-1966*, ed. Michael Hogan (Sydney: University of Sydney Department of Government and Public Administration, 1990), 177-185.

In a statement dated 6 September1952, the bishops of Australia issued their first statement devoted specifically to migration. They taught that

> [t]here is a natural right to immigration and emigration which may not morally be denied or nullified by the acts of governments. Reasonable regulation of migration is legitimate: to use apparently reasonable regulations in fact as a means of denying the right is not legitimate.[271]

The bishops of Australia, in that forceful statement, echoed Pius XII in challenging their society to accept the right to migrate. They were following directly on the heels of *Exsul Familia*, which had just been issued two months before, though—as pointed out in chapter two—Pius had already been teaching about the right to migrate since at least the Pentecost address of 1941.[272] Australia's bishops were following the lead of the pope in issuing strongly-worded statements affirming a positive right to migrate.

Having affirmed that starting point of Catholic social teaching on migration, the bishops of Australia were off and running, having begun a local teaching tradition that would subsequently continue in the same vein, developing along with the rest of the tradition worldwide.

The 1952 statement was followed by another annual declaration, published under the title "Australia's Bold Adventure" on 1 September 1957, which specifically dealt with issues of immigration and integration.[273] Their 1960 declaration also touched on migration, but it was apparently not until 1973 that the bishops again issued a joint declaration on migration.[274] On the 1 January 1973, the conference's National Commission for Justice and Peace issued its first statement on migration, entitled "Population in Perspective," which was followed by the 1977 statement "A New Australia" and the 1979 statement "Beyond Unemployment," both of which touched on migration.[275]

The 1980's saw at least three statements dealing with migration being issued by the episcopal conference of Australia, with the ones in 1983 and 1987 being ecumenical in origin.[276] The most important of the three probably is the one issued in 1988, which appears to have had some influence on later documents of the Australian conference.[277] Since then, the

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[271] qtd. in Zimmerman, *Pius XII and*..., 18.
[272] See chapter 2 for more on Pius.
[273] The Catholic Bishops of Australia, "Australia's Bold Adventure," in *Justice Now! Social Justice Statements of the Australian Catholic Bishops 1940-1966*, ed. Michael Hogan (Sydney: University of Sydney Department of Government and Public Administration, 1990), 187-195.
[274] The 1960 document touched on migration, but the title was "International Social Justice."
[275] See Roger Berthouzoz, Roberto Papini, Carlos Pinto de Oliveira, and Ramon Sugranyes de Franch, *Economie et dévelopment: Répertoire des documents épiscopaux des cinq continents (1891-1991)*, (Fribourg : Editions Universitaires Fribourg Suisse, 1997).
[276] The two documents that were jointly issued with other parties were entitled "Changing Australia," which was issued on 1 Jan 1983, and "A Just and Proper Settlement," issued on 1 January 1987. See Berthouzoz *et al*.
[277] The 1988 document is not available today, which probably shows a certain lack of importance. However, its influence in mentioned in the May 2000 Statement of the Australian Catholic Bishops' Conference. See Australian Catholic Bishops' Conference, *Statement on the Pastoral Care of Migrants*

Australian bishops have issued two significant documents on migration—the *Statement on the Pastoral Care of Migrants and Refugees* in 2000 and *Refugees and Asylum Seekers* in 2002.

The *Statement on the Pastoral Care of Migrants and Refugees* gives a history of migration in the Australian context, brief reflection from scripture, and a number of specific pastoral recommendations. All that material is placed within the context of the claim that "the future of the Church's mission in Australia is strongly linked with the presence of migrants."[278] This statement has implication on both practical and theological levels. First, it means that on a practical level the Church's ministry will include an apostolate to migrants that will take a significant amount of resources. On a theological level, it implies that the Church in its self-understanding identifies itself with the migrant.

The bishops, in the 2000 statement, cite scripture and several documents of the Church as background to their teaching. From their presentation of the tradition of the Church on migration, they distill seven guiding principles for the pastoral letter. The first two and the last two of these principles can be considered a part of Catholic social teaching, while the middle three deal exclusively with the Church context.

The first principle given by the Australian bishops that bears on Catholic social teaching is the need for a more equal distribution of the world's resources and recognition of the right to migration under orderly regulation. Concretely, in order to help realize this, the bishops urge the Australian government to open "the shores of this rich continent to people from other parts of the world, and particularly [to give] protection to refugees." The quota set by the government on the numbers of migrants it accepts should be "generous," according to the bishops.[279]

The second principle deals with issue of integration. The Australian bishops teach that migrants and refugees should receive help in the process of integration into their new society and assisted in finding "a place where they can celebrate their faith in their own culture and language."[280] This statement obviously has implications for the pastoral ministry of the Church, but it also points out certain obligations on the part of society as a whole in the process of welcoming migrants of other cultures and faith traditions.

The sixth principle—the third to deal with Catholic social teaching—is the recognition that integration must respect the time frame of the migrant "and cannot be rushed."[281] Integration, the bishops write, will come into the host society "surely and effectively if it is done voluntarily and gradually, without any compulsion or hindrance."[282]

The final guiding principle laid out by the bishops is that migrants should be allowed and encouraged to retain their language and culture. Having affirmed that, however, the bishops go on to point out that the migrants' new circumstances cause both migrant and host

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and Refugees (May 2000); available from http://www.acmro.catholic.org.au/policies/pastoral_care.htm ; accessed 3 May 2006, no. 3.4.

[278] Australian Catholic Bishops' Conference, *Statement on the*..., no. 5.1.

[279] Australian Catholic Bishops' Conference, *Statement on the*..., no. 3.4.

[280] Australian Catholic Bishops' Conference, *Statement on the*..., no. 3.4.

[281] Australian Catholic Bishops' Conference, *Statement on the*..., no. 3.4.

[282] Australian Catholic Bishops' Conference, *Statement on the*..., no. 3.4. This statement cites chapter one of the motu propio *Pastoralis Migratorum Cura*, issued by Paul VI in 1969. That motu propio is discussed in chapter three.

cultures to evolve.[283] Furthermore, migrants should make every effort to "become acquainted with the culture and traditions of their new country and of the local church," even while maintain the culture, language, and tradition of their old country.[284]

Besides these four of the seven principles, there are at least two more teachings given in the document that have bearing on Catholic social teaching. The first is a moral demand placed upon migrants to recognize "the special place of the aboriginal people and culture in Australia."[285] The dignity and rights of those native people must be respected. The second is also a moral imperative directed to the migrants. "People who come from countries or regions beset by long rivalries and conflicts should make every effort to leave behind the past and work together towards reconciliation and unity."[286] Both teachings—the special place of the native people of Australia and the obligation to work for reconciliation—affirm the migrant's obligation to respect the human dignity of the other and work to build amiable relations with other residents of his or her new land.

The statement *Refugees and Asylum Seekers*, promulgated on 26 March 2002, focuses on migrants fleeing persecution or fear. It opens with a "call for intense cooperation with other countries" in order to address root causes of population movements.[287] According to the bishops, only long-term efforts to address the root causes will successfully reduce the number of people fleeing persecution.[288] At the present time however, the flow of refugees continues and poor nations receive the majority of the refugees. Those poor nations receiving refugees have the right to be supported by wealthier nations.[289]

In *Refugees and Asylum* Seekers, the Australian bishops also teach that such persons have the full range of human rights and those rights should be respected.[290] However, since governments do not provide adequate means to process asylum claims, many are forced to seek other means, namely by approaching people smugglers.[291] The bishops call people smuggling "an evil and life-threatening practice" and applaud efforts to stamp it out.[292]

Finally, in *Refugees and Asylum Seekers*, the bishops lament a decline in the spirit of generosity under a developing atmosphere of fear.[293] In response, they call for an increase in the number of asylum cases accepted by the government, and call for recognition of the human dignity of the asylum seekers in the legal process of immigration—eschewing the current practices of turning boats of refugees away and of detaining asylum seekers for long periods of time.[294] Generosity to migrants—according to the bishops—has proven

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[283] Australian Catholic Bishops' Conference, *Statement on the*..., no. 3.4.
[284] Australian Catholic Bishops' Conference, *Statement on the*..., no. 4.6.
[285] Australian Catholic Bishops' Conference, *Statement on the*..., no. 4.1.
[286] Australian Catholic Bishops' Conference, *Statement on the*..., no. 4.6.
[287] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers* (16 March 2002); available from http://www.acmro.catholic.org.au/docs/statement.pdf ; accessed 3 May 2006, par. 6.
[288] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 6.
[289] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 8.
[290] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 13.
[291] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 20.
[292] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 21.
[293] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 23.
[294] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 27-29, 33.

"abundantly fruitful" for Australia in the past and will be the path to Australia's progress in the future.[295]

To this end, Australia's bishops make a recommendation that is fairly peculiar in the development of Catholic social teaching on migration. Countering arguments made by the two major political parties of the country, they contend that Australia can in fact afford to increase the refugee program to 12,000 people per year.[296] Even more, the bishops argue, Australia can and should step forward and increase the quota from 12,000 to at least 20,000 per year.[297]

The bishops are urging the government of Australia to admit a substantially larger number of refugees. They are actually being very specific in their recommendations, putting out specific numbers. This teaching is an interesting development and interpretation of the balance between the right to migrate and the common good. Catholic social teaching on migration, going back to Pius XII, includes a balancing act between the natural right to migrate and the possible threat to the common good that mass migration could represent. The Australian bishops themselves in 1952 described "a natural right to immigration and emigration which may not morally be denied or nullified by the acts of governments."[298]

The question can be put to the Australian bishops whether a government can legitimately choke off the flow of migration past a certain point—for instance, at 12,000 or 20,000 refugees per year. The Australian bishops may only partially answer the question. By entering into the debate and offering definite numbers for what they call the Australian government to accept, they seem to be giving at least a partial 'yes.' However, in offering these two numbers, they appear to be challenging the Australian government to new heights of generosity and openness. Rather vaguely call on the government to simply be more open, they engage in a concrete debate toward greater and greater acceptance of the right to migrate.

The bishops of Australia present an interesting case of a nation with a long tradition of entering into the ongoing development of Catholic social teaching on migration. They have contributed substantially to the growth of the teaching, and offer interesting new insight with implications for the universal church in their teaching.

2. Mexico

The Mexican bishops' conference brings a very interesting perspective to the table. Among the four episcopal conferences that were chosen to be addressed in detail in this paper, the one of Mexico has probably written the least about migration. They have nevertheless issued several statements on migration, and officially co-issued the important 2003 pastoral letter *Strangers No Longer* with the bishops of the United States.[299] The Mexican bishops, like those in the Philippines, come from the context of a nation that is producing a vast

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[295] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 44.
[296] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 24.
[297] Australian Catholic Bishops' Conference, *Refugees and Asylum Seekers*, par. 27.
[298] qtd. in Zimmerman, *Pius XII and…*, 18.
[299] *Strangers No Longer* will be treated in the section on the U.S. bishops, as it more closely reflects developments in the teaching in the United States than in Mexico.

diaspora of emigrants. Being on the other side of the world from the Philippines though, it offers a unique perspective that is worthy of attention.

It is difficult to trace with certainty the full development of Catholic social teaching on migration in Mexico due to a lack of availability of some documents, but several nonetheless appear on the radar of Catholic social teaching on migration. In 1981, the bishops of Mexico issued a short response to John Paul II's encyclical *Laborem Exercens*, in which they touch on emigration for work.[300] On 12 December 1987, a lengthier pastoral letter specifically on the subject of migration was released by the bishops of the north of Mexico.[301]

For the purpose of examining the development of Catholic social teaching on migration, it is however a more recent document that stands out. The Mexican bishops' 2000 pastoral letter, entitled *Del Encuentro con Jesucristo a la Solidaridad con Todos*, looks at migration through the lens of the poverty which drives so many in their country to uproot themselves and migrate to the north.

According to the Mexican bishops, poverty has grown in the last twenty years in Mexico. Not just the traditional sorts of poverty, but a new manner of impoverishment in both the countryside and the cities, consisting of marginalization and exclusion of large social groups, especially rural folk and indigenous people.[302] These dispossessed people, lacking real possibilities for employment, are increasingly migrating to new places both inside and outside Mexico.[303] As the immense process of the migration of millions of Mexicans takes place, with all its difficulties, there is now a possibility to build a better relationship with the Mexico's northern neighbor. The Church of the Americas, united in a common faith and growing in communion and solidarity, finds Jesus living in the history of America, serving to unite all in brotherhood, with the Church as the sign of that unity.[304] This improved unity means that the Church must revise its attitudes and pastoral conduct, stretching its horizons.[305]

According to the bishops of Mexico, the poor are tremendously relevant to building a culture of democracy. The poor are not merely a minority that should be treated as an exception, but rather require a large portion of our attention and require dignified conditions for their subsistence and development.[306] Among the poor, migrants require particular attention, because they are doubly marginalized. They are forgotten by all. Everyone, Church

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[300] Conferencia del Episcopado Mexicano, "La encíclica "Laboren Exercens" en América Latina," *L'Osservatore Romano*, 4 April 1981, 13-14.

[301] This document is unavailable in Belgium. A reference referred to the document being printed in the journal *Stimmen der Weltkirche*, but the relevant volume number is not available either in the library system of K. U. Leuven or in any other library of Belgium from which it could be ordered.

[302] Conferencia del Episcopado Mexicano, *Del Encuentro con Jesucristo a la Solidaridad con Todos* (25 March 2000); available from http://www.cem.org.mx/doctos/cem/colectivos/trienio0103/cartapastoral1.htm ; accessed 3 May 2006, no. 57.

[303] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 58.

[304] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 151.

[305] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 155. Related to this is what the bishops say in no. 218, where they emphasize the diverse nature of the multitude of migrants from all over the Americas, and remind us that this communion and solidarity that they refer to transcends the borders of Mexico and is still growing.

[306] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 415.

and society, believers and non-believers, should ask pardon for their omissions and failings in not working for the poor and the most vulnerable.[307]

The answer to this grinding poverty in Mexico, according to the bishops, lies with solidarity.[308] The bishops' statement declares that when the poor are ignored, societal institutions weaken, losing their credibility and legitimacy. There will be no real change in Mexico without the participation of the poor.[309]

Unlike the 2003 pastoral letter which the Mexican bishops sign along with the U.S. bishops, *Del Encuentro con Jesucristo a la Solidaridad con Todos* is not specifically dedicated to migration. It does however contain a number of teachings relevant to Catholic social teaching on migration, particularly when it is looked at as coming from the perspective of a nation that is quite poor and is producing a massive wave of migration directed into neighboring nations that are more economically wealthy.

In the treatment of migration found in the 2000 pastoral letter there can be found the core principles of Catholic social teaching on migration—human dignity and the right to develop, from which arise the classic dual teachings of the right to migrate and the right not to migrate. The bishops of Mexico urge development, specifically for and with those who need it most, the poor, who otherwise cannot fulfill their right to support themselves and their families in their homeland. The grinding poverty of the present situation leads many of the poorest to migrate, though this too becomes a source of hope and opportunity for unity.

3. Philippines

The Philippines represents a dramatically different culture and part of the world than any of the other three episcopal conferences examined in detail in this paper. The Philippines has "a long history of sharp and colorful religious experiences." The archipelago nation has deep roots and memory, extending back into pre-Christian times and through the centuries of Spanish colonization and evangelization, the influence of American Protestantism during the Commonwealth era, the occupation by the Japanese in World War II, and the present-day republican context.[310]

The bishops, writing in their 2005 *Catechism for Filipino Catholics*, list four recent specific ecclesial happenings that have a profound influence on the Filipino Church: (1) the "Second Pentecost" of Vatican II, (2) the "People Power" movement and overthrow of the Marcos dictatorship, (3) the Second Plenary Council of the Philippines, and (4) the Basic Christian Communities of the present day. The bishops write that the Filipinos' "understanding and love of Jesus Christ has been colored by our personal and national historical experiences of pain and struggle, of victory and celebration." All these experiences

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[307] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 418.
[308] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 421.
[309] Conferencia del Episcopado Mexicano, *Del Encuentro con…*, no. 425.
[310] Catholic Bishops' Conference of the Philippines, *Catechism for Filipino Catholics*, special subsidized edition for Filipino catechists (Manila: Episcopal Commission on Catechesis and Catholic Education, 2005), no. 31.

contribute and clarify their "unique identity as persons, as Christians, as Filipinos, as a nation."[311]

Development of Catholic social teaching on migration by the bishops of the Philippines is a relatively recent phenomenon, particularly compared to the bishops' conferences of Australia and the United States. The development of the teaching by the Filipino bishops has centered particularly on the annual celebration of the Philippines' National Migration Day, which was in its twenty-first year in 2007.

The tradition of National Migration Days was begun in large part in response to "an unprecedented exodus of [the Filipino] people to all points of the globe." The archbishop of Caceres and president of the bishops' conference, Leonardo Legaspi, who wrote the 1988 statement *On the Occasion of National Migration Day* on behalf of the whole episcopal conference, not only calls the mass emigration "unprecedented" but claims that the Philippines has been impacted by this emigration in recent years "more than any other country in Asia." The statement cites estimates placing the number of Filipinos abroad as three million, and the bishop points out that if on average each belongs to a family of five, then some fifteen million Filipinos are directly affected by emigration.[312]

The statement comes from a context of massive emigration, and for that reason focuses not so much on the right to migrate and the obligation of governments to allow immigrants. Instead, Legaspi focuses on the conditions of poverty which leave people in the Philippines with "little choice when faced with the option to migrate." He emphasizes the importance of the prayer and work of all in the ongoing economic recovery effort, which has as its goal the elimination of the circumstances that have forced the migration of these Filipinos.[313] Legaspi emphasizes and encourages the realization of the right not to migrate, the right to find sustenance and work in one's homeland.

This right is especially important, in the view Legaspi presents, because, "although many good things come from migration, it is also attended by many evils, such as exploitation, broken families, moral degradation, loneliness and other psychological suffering."[314] The bishop particularly expresses concern in the 1988 statement about illegal recruiting agencies, those that exploit the need for work and are involved in human trafficking. He urges government agencies to "leave no stone unturned in stopping these exploiters" and encourages parishes and all local Christian communities to aid the process by providing information about the traffickers to authorities.[315]

A second issue that Legaspi tackles is the exploitation and abuse of workers abroad, especially by their employers. He urges the government to take measures to protect Filipino migrant workers abroad.[316] The bishop also urges the president of the Philippines "to ban

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[311] Catholic Bishops' Conference of the Philippines, *Catechism for Filipino Catholics*, no. 31.
[312] Leonardo Legaspi, *On the Occasion of National Migration Day* (21 February 1988); available from http://www.cbcponline.org/documents/1980s/1988-national_migration.html ; accessed 21 February 1988, par. 1.
[313] Legaspi, *On the Occasion of National Migration Day*, par. 12.
[314] Legaspi, *On the Occasion of National Migration Day*, par. 6.
[315] Legaspi, *On the Occasion of National Migration Day*, par. 8.
[316] Legaspi, *On the Occasion of National Migration Day*, par. 9.

temporarily the deployment of Filipina domestic workers [and entertainers] abroad until protection for them is assured."[317]

In 1991, the first significant document for Catholic social teaching on migration in the Philippines outside of the National Migration Day statements was produced. The Second Plenary Council of the Philippines, occurring in January and February of 1991, made mention of migration several times in the body of documents produced. On interesting mention in the document concerns the missionary potential of these migrants, which "dawned upon" the bishops at the council.[318] This vision of Filipino migrants as missionaries abroad is an image that persists in documents of Catholic social teaching on migrants produced in the Philippines and serves as a part of the theological background in which the teaching operates.

The decrees of the Second Plenary Council of the Philippines proclaim that the Church in the Philippines must concern itself in solidarity with the whole Church on issues faced by migrants, overseas workers, and refugees.[319] Special pastoral attention must be directed toward migrants, and a special apostolate was mandated to help migrant workers "to defend and promote their fundamental rights and to help them live up to their Christian vocation."[320]

It may have been that call to concern in solidarity by the plenary council that led the Filipino bishops in 1995 to produce the pastoral letter *Comfort My People, Comfort Them*. The pastoral letter—signed by Carmelo Morelos, the archbishop of Zamboanga and the president of the conference at the time—opens with a discussion of and operates against the background of the tragic abuse and deaths of Filipino migrant workers abroad. The pastoral letter focuses on the protection of those migrant workers abroad.[321]

The pastoral letter affirms two recent initiatives taken by the Filipino government to protect migrant workers abroad, namely the "Migrant Workers and Overseas Filipinos Act of 1995" and the ratification of the United Nation's International Convention on the Protection of All Migrant Workers and Members of Their Families. The bishops call on the government to effectively implement the first act, and express their hope that enough other governments around the world will sign the United Nations convention in order to bring it into effect.[322]

The bishops in *Comfort My People, Comfort Them* recognize that many good things come from migration, including the raising of the standard of living for many and increased economic development.[323] However, they call on the government to not promote migration, and even to only allow it "if protective measures are in place so that the dignity and human

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[317] Legaspi, *On the Occasion of National Migration Day*, par. 10.
[318] The bishops may be getting this idea in part from John Paul II's statement to Filipino migrant workers in 1987: "Indeed in Europe you are called to be the new and youthful witness of that very faith which your country received from Europe many generations ago." qtd. in *Acts and Decrees of the Second Plenary Council of the Philippines* (Pasay City, Philippines: Paulines Publishing House, 1992), 42.
[319] *Acts and Decrees of the Second Plenary Council of the Philippines*, 241.
[320] *Acts and Decrees of the Second Plenary Council of the Philippines*, 251.
[321] See Carmelo Morelos, *Comfort My People, Comfort Them* (1995); available from http://www.cbcponline.net/ecmi/letters/COMFORT%20MY%20PEOPLE,%20COMFORT%20THEM.htm ; accessed 16 May 2007, par. 1.
[322] Morelos, *Comfort My People, Comfort Them*, par. 3-4.
[323] Morelos, *Comfort My People, Comfort Them*, par. 5.

right [sic] of the Filipino migrant workers be not compromised or violated."[324] Having called on limitations on migration, the bishops do go on to acknowledge that

> The Church teaches that a person, because an intolerable political or economic situation in one's country has a right to emigrate, to select a new home in foreign lands, and to seek conditions of life worthy of human being. We, however, would like to remind our people that there is a human and social cost to overseas work. Some price is too high for just a better salary [sic]. Loss of life, loss of human dignity, moral degradation, or a broken family is too high a price.[325]

The bishops are asking for a limitation on the right to migrate. This action is somewhat puzzling in light of the right to migrate, which has been affirmed again and again in Catholic social teaching and which the bishops themselves affirm. However, one possible interpretation that solves the apparent conflict is that the right to migrate is itself based on the fundamental dignity of the human person. When migration itself seriously harms the dignity of the human person, the right to migrate disappears.

Comfort My People, Comfort Them goes on to point the way out of the dilemma that they face, and ask for government protection of migrants, both by the country of origin and by the receiving country. All Filipino migrants workers, regardless of legal status, "are entitled to the protection and care of the State by virtue of their Filipino citizenship."[326] Receiving countries have an even stronger obligation toward migrants, made all the more so by the "fact that the work of a migrant worker benefits more that receiving country than the country of origin."[327] Legal and governmental protection of migrants will create a more just order, and allow the realization of the right to migrate.

A decade later, in 2005, the bishops offer a slightly different perspective on the situation. In the statement *Message for the 19th National Migrants' Sunday*, Bishop Precioso Cantillas, the bishop of Maasin and chairman of the episcopal conference, continues to acknowledge the "widespread poverty and the poor economic situation of our country, [which] make[s] many of our fellow citizens long to seek greener pastures.[328] However, he "does not discourage [the Filipino] people from working for 'more bread' abroad, nor does it judge unfavorably the motivations of those who migrate for work."[329] The bishops thereby recognize the value of "the great contribution our migrant workers give not only to our national economy… but more importantly, to the promotion of the Church's mission."[330]

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[324] Morelos, *Comfort My People, Comfort Them*, par. 7.
[325] Morelos, *Comfort My People, Comfort Them*, par. 8.
[326] Morelos, *Comfort My People, Comfort Them*, par. 12.
[327] Morelos, *Comfort My People, Comfort Them*, par. 14.
[328] Precioso Cantillas, *Message for the 19th National Migrants' Sunday* (13 February 2005); available from http://www.cbcponline.net/ecmi/letters/19th%20National%20Migrants%20Sunday.htm ; accessed 16 May 2007, par. 2.
[329] Cantillas, *Message for the 19th National Migrants' Sunday*, 3.
[330] Cantillas, *Message for the 19th National Migrants' Sunday*, 1.

One might question the motivation of the bishops on their change in position on allowing migration. If the bishops are no longer discouraging emigration because the conditions of migration are less oppressive, then they are consistent with the genuine concern they expressed in 1995. If however

Over the course of two decades, the Filipino bishops have issued several statements touching on Catholic social teaching on migration. In their statements, they operate from the context of a nation that is the source of a vast diaspora in which migrants have at times found themselves in very precarious situations. The Filipino bishops develop Catholic social teaching on migration in their own way, but still in close relationship with the larger tradition of Catholic social teaching on migration.

4. USA

The bishops of the United States have said a great deal about migration, and should definitely be mentioned in a history of the development of Catholic social teaching on migration. The United States—like Australia and the United Kingdom—is a country made up of a mixed ethnic origin that is receiving migrants from the poorer regions of the world. The history of the United States, from colonization to today, is made of up waves of immigrants, which has created the nation as it is today and created difficulties and tensions in every era. Migration has been a hot-button issue for years in the United States, and the United States Conference of Catholic Bishops (USCCB) have issued a large number of statements on migration, as have numerous individual American bishops.

The United States conference's statements on migration stay in close relationship and refer extensively to statements from Rome. However, the conference's statements also refer back to and build upon a body of teaching produced within the United States that can be traced back at least a century.

The U.S. tradition of teaching about migration has its roots clear back in their 1919 pastoral letter, which among the many things that it mentions includes a discussion of the origins of the Church in the United States, an origin found in successive waves of migration, especially in the 19th century.[331] In the 1919 pastoral, the bishops applaud the growth of the Church in the United States, and the rise in the number dioceses in just one century from a

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the change is because the bishops became convinced that Filipinos abroad serve as missionaries, then perhaps one could argue that the bishops are ignobly conceding the human dignity of migrants for the sake of a queer sort of evangelization.

AsiaNews ran a story on this in 2006. It quotes the conference's president, Archbishop Angel Lagdameo, as saying "that 'the bishops' notion of the Filipino diaspora has been redefined' after they were given a clearer picture of the 'new situation of migrants.'" Giving a clue as to what this "new situation might be, the news story goes on put forth a vision of these migrants as being "equipped with the disposition and skills of lay missionaries." Santosh Digal, "Filipino Bishops: 'Migrants, modern missionaries of Catholic faith,'" *AsiaNews* (19 September 2006); available from http://www.asianews.it/view_p.php?l=en&art=7247 ; accessed 16 May 2006, par. 3-4.

[331] From 1790 onward, the Catholic Church developed and grew at an incredible pace, largely due to a surge in migration from France, Ireland, Germany, and to a lesser extent from the Caribbean and the Azores. Dolores Liptak, "The Incorporation of Immigrants into the American Catholic Community (1790-1990)," in *Today's Immigrants and Refugees: A Christian Understanding*, ed. Office of Pastoral Care of Migrants and Refugees, National Conference of Catholic Bishops (Washington, D.C.: United States Catholic Conference, Inc., 1988), 44.

single one to seventy-five. The letter notes that "at present one-sixth of the citizens of the United States are members of the Catholic Church, in a hundred flourishing dioceses."[332]

In the 1919 letter, the U.S. Catholic hierarchy calls those movements "deplorable" that divert attention away from

> matters of public import that really call for improvement and from problems whose solution requires the earnest cooperation of all our citizens. There is so much to be done in behalf of those who, like our forefathers, come from other countries to find a home in America. They need an education that will enable them to understand our system of government and will prepare them for the duties of citizenship. They need warnings against the contagion of influences whose evil results are giving us grave concern. But what they chiefly need is that Christian sympathy which considers in them the possibilities for good rather than the present defects, and instead of looking upon them with distrust, extends them the hand of charity. Since many of their failings are the consequence of treatment from which they suffered in their homelands, our attitude and action toward them should, for that reason, be all the more sympathetic and helpful.[333]

Twenty-two years before Pius asserts the right to migration his 1941 Pentecost address, the U.S. bishops are already strongly teaching on migration. This section of the 1919 pastoral letter, titled "Care for Immigrants," follows an extensive treatment of "Industrial Relations" with repeated reference to *Rerum Novarum*.[334] The 1919 letter says a great deal about care of migrants, putting a duty upon society to actively reach out and extend a hand to immigrants, many of whom fled suffering and hardship in their homelands.

The pastoral letter goes on, in the same section on immigrants, to declare that—while "we are solicitous that those who seek American citizenship should possess or speedily attain the necessary qualifications"—"it behooves us to see that our political system is healthy."[335] The U.S. bishops in 1919 may actually be questioning to some degree the legitimacy of a government that limits migration against the will or best interests of the people. They propose a political solution to correct any problem in this regard, calling for greater citizen participation and action in fulfilling political duties.[336]

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[332] Roman Catholic Hierarchy of the United States, "Pastoral Letter: September 26, 1919," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan (Washington, D.C.: United States Catholic Conference, 1984), 1:276.

[333] Roman Catholic Hierarchy of the United States, "Pastoral Letter: September 26, 1919," 1:321. In speaking generally about migrants in the way that they do, the bishops are to some extent reacting and responding to the demands of Rome that Italian immigrants in particular be cared for. The U.S. bishops were bothered by what they saw as unwarranted complaints about the way that they were handling immigration issues. The bishops saw Rome's concern for Italians as too narrow, and instead opted to join it to concern for all immigrants. Liptak, 46.

[334] See Roman Catholic Hierarchy of the United States, "Pastoral Letter: September 26, 1919," 1:314-9.

[335] Roman Catholic Hierarchy of the United States, "Pastoral Letter: September 26, 1919," 1:321.

[336] Roman Catholic Hierarchy of the United States, "Pastoral Letter: September 26, 1919," 1:321.

The healthiness of the political system, according to the bishops, will proportionally increase the power of assimilation, allowing the fuller integration of yet more immigrants. The bishops speak of the "soundness of the organism," and state that the influx of migration may actually have negative consequences if a healthy national life is not maintained.[337]

After 1919, the U.S. bishops appear to not have spoken much about migration again until 17 November 1946, when they issued the statement "Man and the Peace!" which concerned itself with the plight of displaced persons. The bishops said that providing for these refugees and giving opportunity to begin life anew is the "inescapable responsibility of the nations," a responsibility that must be carried out without discrimination. "A perfect solution to the problem would be to give them the full guarantee for the enjoyment of their native rights in their countries of origin." However, recognizing that this is not possible in many cases and it would in fact be immoral to forcefully send them back to their countries of origin, "the nations must find a way to resettle them in countries where opportunities to begin life anew await them."[338]

Thirteen years later, in 1959, the American bishops again spoke out on migration, issuing two pastoral statements, "Explosion or Backfire?", which dealt with questions of population, and "World Refugee Year and Migration," which placed the question of migration within a Christian and American perspective. "Explosion or Backfire?" gives migration as a good and reasonable solution to the "population explosion," and affirms that the U.S. can accommodate many more people.[339] "World Refugee Year and Migration," a statement on the occasion of World Refugee Year, is the first document by the U.S. bishops to cite John XXIII on the issue of migration. It affirms the "natural right of the individual to be unhampered in immigration or emigration," in accord with the universal destination of goods, but it also affirms that economic development in the home country of migrants might be a still more effective source of aid and helps many for whom migration is impossible. The bishops place whole matter in the context of the love of neighbor, which should guide national policy and motivated people to assist migrants "in attaining the measure of justice that is rightfully theirs and to share with them in charity the temporal abundance God has given us."[340] In the U.S. context in particular, they call U.S. immigration laws "restrictive" and encourage Catholics to reflect on their society's commitment to realizing the rights due to all.[341]

After the two big statements contributing to Catholic social teaching on migration in 1959, the next significant year for teaching on migration by the episcopal conference of the

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[337] Roman Catholic Hierarchy of the United States, "Pastoral Letter: September 26, 1919," 1:321.
[338] National Catholic Welfare Conference, "Man and the Peace!" in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan (Washington, D.C.: United States Catholic Conference, 1984), 2:69-70.

The U.S. bishops are on the same page as Pius XII, who began teaching the right to migrate just five years earlier.
[339] Catholic Bishops of the United States, "Explosion or Backfire?" in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan (Washington, D.C.: United States Catholic Conference, 1984), 2:223.
[340] National Catholic Welfare Conference Administrative Board, "World Refugee Year and Migration: November 19, 1959," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan. (Washington, D.C.: United States Catholic Conference, 1984), 2:227.
[341] National Catholic Welfare Conference Administrative Board, "World Refugee Year and Migration…," 2:228-229.

United States is 1976. It was the 1976 *Resolution on the Pastoral Concern of the Church for the People on the Move* that sparked movement again in terms of social teaching on migration. The document was, among other things, a response to a recent immigration law that made it more difficult for families from Mexico to reunite legally in the United States. The statement was bold in underlining the Church's support for immigrants, though in the end it had very minimal effect on immigration law.[342]

In that document, the United States' bishops begin by pointing out migration is a growing phenomenon and that immigrants are doubly marginal—forced to migrate because of inadequate resources and subjected to new injustices in their new country. The document, referring back to Paul VI's motu propio "Pastoralis migratorum cura," affirms that a "careful balancing of the immigrant's rights and duties" is necessary. The right to emigration must be balanced with the common good of the country being left behind, according to the bishops, who specifically mention the phenomenon of "brain drain." Similarly, "the right to be accepted as an immigrant is limited by the common good of the country receiving the immigrant."[343]

Referring back to *Gaudium et Spes*' reference to migration as a sign of the times, the U.S. bishops point out the Church's pastoral obligation toward migrants. As a part of this pastoral concern, the bishops are moved to contribute to the political discussion underway. They refer to the passage of more restrictive immigration laws, and express their concern particularly with the October 1976 law further restricting visa issuance.[344]

The bishops issue a number of specific principles for the reform of immigration law. First of all, laws must permit and aid family unification. Concretely, in order to aid in this regard, the document calls for immigration law to allow any child who is an American citizen, regardless of age, to facilitate the legal immigration of the parents. Second, a general amnesty should be enacted across the United States to legalize those undocumented immigrants already residing in the country, in order to avoid a humanitarian crisis and immoral division of families.[345] Third, immigration policy must be reformed in order to cut down on the arbitrariness of the immigration process and reflect humanitarian concerns. Fourth, the definition of refugee must be revised and made broader, so as to provide a haven for oppressed people from anywhere in the world and thereby avoid discrimination.[346]

Interestingly, in the 1976 resolution, the United States bishops make a similar move to what the Australian bishops would later do in 2000. The U.S. bishops recommend a

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[342] Hugh J. Nolan, introduction to *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan. (Washington, D.C.: United States Catholic Conference, 1984), 4:27.
[343] National Conference of Catholic Bishops, "Resolution on the Pastoral Concern of the Church for the People on the Move: November 11, 1976," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan. (Washington, D.C.: United States Catholic Conference, 1984), 4:167.
[344] National Conference of Catholic Bishops, "Resolution on the Pastoral Concern of the Church for People on the Move," 4:168.
[345] National Conference of Catholic Bishops, "Resolution on the Pastoral Concern of the Church for People on the Move," 168.
[346] National Conference of Catholic Bishops, "Resolution on the Pastoral Concern of the Church for People on the Move," 169.

specific degree of increase in the quota policy. The resolution calls for "quota ceilings for natives of Mexico and Canada [to] be increased to 35,000 persons per year."[347]

The question is thus raised for Catholic social teaching: is it legitimate to impose a set number of migrants allowed to be admitted to a particular country for a set time period? As Catholic teaching has affirmed again and again, the right to migrate can only be limited when migration threatens the common good. The U.S. bishops may be implying that legitimate protection of the common good can at least in theory include a numerical cap on the number of migrants admitted. However, as would be the case in 2000 for the Australian bishops, it is fairly clear that what they are doing in the document is attempting to push the bar higher and thereby contribute to greater realization of the right to migrate. Whether a numerical cap is entirely legitimate is a question not really addressed, and the bishops do not make entirely clear at what point the common good would be threatened enough to justify violating the right to migrate.

In the four years following the 1976 resolution, the episcopal conference of the United States issued at least three statements related to the plight of refugees. The first, on Haitian refugees, was promulgated on 2 May 1977.[348] The second, dealing with the plight of small-boat refugees from Laos, Cambodia, and Vietnam, was published on 16 February 1978.[349] The third, a resolution passed by the conference in their meeting in May of 1980, addressed the plight of Cuban and Haitian refugees.[350] All three statements urge the government of the United States to respect the human rights of refugees and open up opportunities for asylum in the face of a refugee crisis.

In 1985, the National Conference of Catholic Bishops passed a "Resolution on Immigration Reform," which gave concrete recommendations for immigration reform to the U.S. government.[351] These concrete recommendations are guided by several notable principles of Catholic social teaching on migration, elucidated by the bishops in quite concise resolution. Legalization, according to the bishops, should be "treated as the centerpiece" of immigration policy. Until that is the case, and measures are taken to avoid any discrimination or disproportionate harm to a particular group, any sanctions against employers who hire undocumented workers are wrong, in the eyes of the bishops, and will be opposed.[352]

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[347] National Conference of Catholic Bishops, "Resolution on the Pastoral Concern of the Church for People on the Move," 168.

[348] Ad Hoc Committee on Migration and Tourism, National Conference of Catholic Bishops, "Resolution on Haitian Refugees: May 2, 1977," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1984), 4:198-199.

[349] Administrative Committee, National Conference of Catholic Bishops, "Resolution on Small-Boat Refugees in Southeast Asia: February 2, 1978," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1984), 4:241-242.

[350] United States Catholic Conference. "Resolution on Cuban and Haitian Refugees," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1984), 4:378.

[351] National Conference of Catholic Bishops, "Resolution for Immigration Reform: November 14, 1985," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1989), 5:213.

The 1985 resolution repeated many of the same teachings as the one in 1976.

[352] National Conference of Catholic Bishops, "Resolution for Immigration Reform," 5:213.

Notably, the 1985 document contains a rare sort of note of defiance. By opposing any restrictions on employers, the bishops—having pointed out the injustice of the immigration system and the need for reform—are discouraging any attempt to crack down on employers violating the law and employing undocumented migrants. Those employers are doing something illicit under U.S. law, but are providing much-needed jobs to migrants that could not otherwise take them under U.S. law. The U.S. bishops appear in the 1985 resolution to be moving toward a tacit support of civil disobedience of unjust immigration laws. The bishops are of course backed up in their teaching in this regard by the publication of the *Catechism of the Catholic Church* in 1992, which—perhaps coincidentally—juxtaposes a treatment of the rights of migrants with the obligation to disobey unjust laws.[353]

The 1985 document ended up being somewhat trumped in importance, because in 1986, the United States bishops followed up with "Together a New People," a lengthy pastoral statement on migrants. In that document, the bishops declare that it is a task of the Church to welcome "immigrants, refugees and displaced persons into full participation in the Church and society with equal rights and duties."[354] On a societal level, they called for a vision of the future which has a broader understanding of the root cause of migration and a clearer acceptance of international responsibility.[355]

A couple of minor statements round out the bishops' teaching on migration in the 1980s. "Political Responsibility: Choices for the Future" and the "Statement on Central America," both published in 1987, deal with the sad situation faced by much of Central America and the situation of the many refugees forced to flee those nations. The bishops insist applications for asylum must be treated seriously and the conditions for asylum should be interpreted broadly.[356]

In recent years, the United States Conference of Catholic Bishops has continued to build on its teaching of the past and strongly teach in the American context on migration. In 1995, the bishops issued *One Family Under God*, a statement which summarizes several of the key elements of Catholic social teaching on migration that are relevant to the U.S. context. First, it emphasizes the special status of refugees, as well as the special consideration that they merit by society. Second, it affirms the rights of workers, especially the right to work itself and to be free from exploitation. Third, *One Family Under God* insists on family reunification as a fundamental basis for just immigration policy. Fourth, efforts should be made to avoid harmful 'brain drain,' and thus those who are highly skilled or educated should be encouraged

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[353] See chapter three for a treatment of the *Catechism*'s mention of migration.
[354] National Conference of Catholic Bishops, "Together A New People: Pastoral Statement on Migrants and Refugees: November 8, 1986," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1989), 5:337.
[355] National Conference of Catholic Bishops, "Together A New People," 5:341.
[356] United States Catholic Conference, "Statement on Central America: November 19, 1987," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1989), 5:626. See also United States Catholic Conference, "Political Responsibility: Choices for the Future: September 1987," in *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, (Washington, D.C.: United States Catholic Conference, 1989), 5:537.

to stay in their homeland. Finally, the bishops teach that any efforts that attempt to put a lid on migration without addressing the underlying causes are bound to be ineffectual.[357]

In 2000, the United States Conference of Catholic Bishops put out two important documents on migration. Both were issued at the annual bishops' meeting. The first and the most lengthy is entitled "Welcoming the Stranger Among Us: Unity in Diversity." The statement rejects "the anti-immigrant stance that has become popular in different parts of our country and the nativism, ethnocentricity and racism that continue to reassert themselves in our communities."[358] It first gives a purposeful sketch of the history of recent migration to the United States, and then proceeds to lay out the complicated cultural reality and pastoral work of the immigrant Church in that country. The statement introduces an interesting tri-fold flavor to documents on migration by the U.S. bishops: a threefold call to the Church: a call to conversion, a call to communion, and a call to solidarity.

While not completely falling within the purview of Catholic social teaching as such, this threefold call to the Church included in "Welcoming the Stranger Among Us" definitely colors recent social teaching on migration coming from the U.S. bishops. The call to conversion recognizes that immigrants have not always encountered a full welcome in American Catholic churches, leading to "a call for a renewal of baptismal vows, through repentance and a sharing in the mercy of the one Lord, who would gather all to himself in the unity of the children of God."[359] The call to communion includes "working to strengthen understanding among the many cultures" and "promoting intercultural communication," though most importantly for the migration context it means hospitality, and the recognition that coming to understand others is the "first form of hospitality."[360] The call to solidarity takes many forms, and means taking on the role of a "vigilant advocate, defending against any unjust restriction the natural right of individual persons to move freely within their own nation and from one nation to another."[361]

The second important document on migration issued at the annual meeting of the U.S. bishops' conference in 2000 is yet another "Resolution on Immigration." Bearing striking similarities in form and content to the resolutions proffered in 1976 and 1985, the resolution calls for reform of immigration laws in response "the negative effects" that current immigration policies have had, "undermining the human dignity of immigrants and dividing immigrant families."[362]

The 2000 resolution makes several specific demands for reform in immigration law. First, it demands legalization "for the maximum number of persons in an undocumented or irregular legal status" living in the country. Second, the bishops insist that enforcement policies, particularly along the U.S.-Mexican border, respect the human dignity of migrants

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[357] United States Bishops' Committee on Migration, *One Family Under God* (Washington, D.C.: United States Catholic Conference, 1995), 9-10.
[358] United States Conference of Catholic Bishops, "Welcoming the Stranger Among Us: Unity in Diversity," *Origins* 30, no. 26 (7 December 2000): 407.
[359] United States Conference of Catholic Bishops, "Welcoming the Stranger Among Us," 412.
[360] United States Conference of Catholic Bishops, "Welcoming the Stranger Among Us," 414.
[361] United States Conference of Catholic Bishops, "Welcoming the Stranger Among Us," 419.
[362] United States Conference of Catholic Bishops, "Resolution on Immigration," *Origins* 30, no. 26 (7 December 2000): 422.

regardless of legal status. Third, they demand revision of the 1996 immigration laws, "which undermine the procedural due-process rights of immigrants in our country, limit protections for asylum seekers and are retroactive in nature." Fourth, the 1996 welfare law must be revised so as to undo the restrictions on legal immigrants receiving public benefits.[363] Fifth, policies requiring the detention of immigrants must be repealed, alternatives to detention must be found, especially for women and children, and immigrants must be released who have served their time but are not accepted back in their country of origin. Sixth, the workplace and civil rights of immigrant workers must be respected and policies enforced to protect them. Seventh, the legal system must be revamped so as to reduce waiting times and operate in a manner that is more "equitable, generous and based upon family reunification." Eighth, U.S. foreign and economic policy must work to "address the conflict, poverty and denial of human rights which pressure persons to come to this country." Ninth and last, a religious worker program must be implemented which would work more efficiently and permit foreign religious workers to do pastoral work.[364]

In 2001, the U.S. bishops complemented their 2000 resolution on immigration with a "Resolution on Refugee Protection." They call on the nation to "do more for refugees through increased support for refugees overseas and increased admissions of refugees into the United States," and speak out against a decline in admissions of refugees and the failure of overseas assistance "to keep pace with inflation" while the number of refugees has increased.[365] According to the bishops,

> most important, our nation and the international community should seek solutions to the root cause of population movements. Without continued initiatives toward conflict resolution and sustainable development in regions of instability, refugees and asylum seekers inevitably shall become a part of the global landscape.[366]

This long tradition of the bishops of the United States of teaching on migration came together in 2003 to produce a quite lengthy pastoral letter in conjunction with the Mexican Episcopal Conference. The 2003 pastoral letter, entitled *Strangers No Longer: Together on the Journey of Hope*, brings together the history of teaching and pastoral care into one grand pastoral letter directed at the particular context of today. It is in many regards a monumental work that manages to present and develop Catholic social teaching on migration in one of the most comprehensive ways found in the whole history of its development.

The pastoral letter has a short introduction, which places the pastoral letter in the context of *Ecclesia in America*, the 1999 apostolic exhortation of John Paul II which followed the Synod of Bishops in America. According to the letter, it was the "spirit of ecclesial solidarity begun in that synod and promoted in *Ecclesia in America*" and the awareness "of

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[363] United States Conference of Catholic Bishops, "Resolution on Immigration," 422.
[364] United States Conference of Catholic Bishops, "Resolution on Immigration," 422.
[365] United States Conference of Catholic Bishops, "Resolution on Refugee Protection," *Origins* 31, no. 8 (5 July 2001): 142.
[366] United States Conference of Catholic Bishops, "Resolution on Refugee Protection," 143.

the migration reality our two nations live" that led to the bishops of the United States and Mexico cooperating to write *Strangers No Longer* together.[367]

The first chapter of the letter gives a brief overview of the common history of migration and faith in Jesus Christ that serves as the background of the pastoral letter. In the second to last paragraph of the chapter, the bishops invoke Our Lady of Guadalupe as the light under which "our continent's past and present receive new meaning."[368]

The second chapter approaches migration from the perspectives of scripture and Catholic social teaching on migration. The letter cites both Old and New Testaments, and goes on to cite the Church's "long and rich tradition in defending the right to migrate."[369] This tradition is elucidated by the several paragraphs that the pastoral letter spends sketching key figures in the development of Catholic social teaching on migration, particularly Pius XII, John XXIII, and John Paul II.[370]

Drawing on this development, the bishops opt to summarize the teaching that they see as important for their context. The pastoral letter offers five principles that emerge from the tradition of church teachings on the subject of migration.[371]

(1) People have a right to find opportunity in their homeland—a way to live in dignity, which requires available work with a living wage.[372] (2) People have the right to migrate to support themselves and their families, because the goods of the earth are meant for the sustenance of all.[373] (3) States have the right to control their borders, but not in order to acquire wealth. Wealthier states have correspondingly higher obligations to accommodate more migrants.[374] (4) Refugees and asylum seekers should be protected by the international community, meaning that at a minimum they can claim refugee status and have it heard by the competent authority without incarceration.[375] (5) The human dignity and rights of migrants should be respected, regardless of their legal status.[376]

Strangers No Longer goes on to offer clarification about right of the sovereign state to control its borders. That right and the right of the person to migrate are—according to the bishops—complementary. While reasonable limits may placed by the state on migration, the

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[367] USCCB and CEM, *Strangers No Longer*, par. 3.
[368] USCCB and CEM, *Strangers No Longer*, par. 20.
It is important to realize that the invocation by the bishops of the appearance of Mary at Guadalupe is not just a manifestation of popular piety, though it is that. Roberto Goizueta points out that the appearance of Mary on Tepeyac hill to Juan Diego shows Mary's "historical commitment to and identification with the poor." The message of Mary's appearance on Tepeyac as an olive-skinned indigenous woman incorporates a strong element of identification with and care for the poor and vulnerable. Mary herself becomes identified with the poor emigrants of Mexico. Roberto Goizueta, *Caminemos con Jesús: Toward a Hispanic/Latino Theology of Accompaniment* (Maryknoll, NY: Orbis Books, 2003), 43.
[369] USCCB and CEM, *Strangers No Longer*, no. 28.
[370] See USCCB and CEM, *Strangers No Longer*, no. 29-31.
[371] USCCB and CEM, *Strangers No Longer*, no. 33.
[372] USCCB and CEM, *Strangers No Longer,* no. 34.
[373] USCCB and CEM, *Strangers No Longer*, no. 35.
[374] USCCB and CEM, *Strangers No Longer*, no. 36.
[375] USCCB and CEM, *Strangers No Longer*, no. 37.
[376] USCCB and CEM, *Strangers No Longer*, no. 38.

common good in the context of today demands that the presumption be in favor of the people migrating to support themselves.[377]

The 2003 pastoral letter goes on in chapter three to give a framework for pastoral challenges faced by the Church. Though this section is not directly Catholic social teaching as such, it colors the document as a whole. The bishops in 2003 opt to use the same threefold call that they used in "Welcoming the Stranger Among Us," and in essentially the same way.

The final and fourth chapter approaches public policy, and seeks to concretely implement the five principles of Catholic social teaching that the bishops lay out in chapter two. Headings within this chapter introduce points that are quite familiar in the development of Catholic social teaching on migration, namely "addressing the root causes of migration," "creating legal avenues of migration," "family-based migration," "legalization of the undocumented," "employment-based immigration," "human enforcement policies," and "due process rights," to quote a few of the subtitles in the section.[378]

Strangers No Longer is a remarkable document in many ways, and contributes a great deal to Catholic social teaching on migration while also taking on the role of a foundational document for the Church in the United States in her ongoing work for justice as an integral part of her mission. It represents the culmination of the teaching of the bishops of the United States as a whole body on the subject of migration.

While the teaching of the bishops' conference is in the development of Catholic social teaching in the United States quite critical, it does not include the whole of the phenomenon. Individual bishops have also contributed a great deal in their individual and small group pastoral letters on migration. Recently, the number of bishops writing on migration has multiplied rapidly, as bishops across the United States respond to the sharpening immigration debate in the United States. The statements of at least two bishops are worth mentioning, though there are many more that will have to be left aside.

The first, Nicholas DiMarzio, the diocesan bishop of Brooklyn, has said a great deal about migration in recent years.[379] On 11 April 2000, he gave an address entitled "Immigration Law: The Impact on Families" at an immigration conference on families. The bishop presented family reunification as what should be "the cornerstone of U.S. immigration policy," and presented a framework of how immigration law in the United States should be fashioned in order to better protect the immigrant family.[380]

According to DiMarzio, current immigration law "severely punishes undocumented family members who enter the United States to reunite with their loved ones." Migrants are left with the choice "to either obey U.S. law or honor their moral commitment as parent or spouse. In most cases they choose the latter, and suffer unjust and disproportionate

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[377] USCCB and CEM, *Strangers No Longer*, no. 39.
[378] See subtitles in USCCB and CEM, *Strangers No Longer*, no. 59-100.
[379] Nicholas DiMarzio has in recent years served in various roles, including as chairman of the U.S. bishops' committee on migration, chairman of the board of the Catholic Legal Immigration Network (CLINIC), and as a member of the Global Commission on International Migration, whose report is cited so frequently in the first chapter of this paper.
[380] Nicholas DiMarzio, "Immigration Law: The Impact on Families," *Origins* 30, no. 1 (18 May 2000): 6.

consequences."[381] In response, he argues for a lessening of the impact of immigration law on families, offering practical recommendations for how immigration policy can be changed to avoid it being an attack on the immigrant family.[382]

The second bishop worth mentioning is Roger Cardinal Mahony of Los Angeles. Mahony has issued numerous statements on migration over the years, but one recent stands out, though it was not even officially issued as a pastoral letter. In remarks made to the news media on the 1 March 2006, Mahony stated that he would instruct the personnel of his archdiocese to defy a federal law prohibiting assistance to undocumented immigrants that was being proposed in the U.S. congress.[383]

Media-savvy Mahony succeeded in catching attention with a sound-byte statement, but it has more implications for the teaching. In accord with what was implied in the 1985 "Resolution on Immigration Reform" of the U.S. bishops and the *Catechism*, Mahony affirmed an obligation to defy unjust immigration laws if necessary in order to protect the human rights of migrants.

The bishops of the United States have made a substantial and valuable contribution to Catholic social teaching on migration. Their teachings, issued in the context of the United States over the course of a century, draw on the rich tradition of the Church while continuing the development of the tradition of Catholic social teaching on migration.

5. A note on France

This paper looks at four bishops' conferences in detail in an attempt to grasp a sense of the overall flow of the development of Catholic social teaching on migration. The four conferences were chosen in order in part to provide as representative of a picture as possible. However, there is at least one more specific document by another bishops' conference that must be mentioned because of its special significance and uniqueness.

One document that is quite interesting in the development of the teaching comes from the episcopal conference of France. France, like virtually every other nation on earth, has had waves of immigrants over the course of its history, with each new wave bringing a new set of challenges and potential conflicts. Being a highly developed nation, it has in recent years received substantial numbers of immigrants. The bishops of France established a commission on migration as early as 1974.[384] It was in 1985, however, when the French bishops for the first time spoke out as one on migration.[385]

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[381] DiMarzio, "Immigration Law," 6.
[382] DiMarzio, "Immigration Law," 8.
[383] The Boston Globe was one of the many news media outlets to pick up the story. See Peter Prengaman, "Cardinal vows to defy anti-immigrant bill," *The Boston Globe* (1 March 2006); available from http://www.boston.com/news/nation/articles/2006/03/01/cardinal_vows_to_defy_anti_immigrant_bill/ ; accessed 15 May 2007, par. 1-2.
[384] Denis Maugenest, *Le Discours Social de l'Église Catholique de France* (Paris: Les Éditions du Cerf, 1995), 582. Translation of document and Maugenest's interpretation by Msgr. Denis Carlin in collaboration with the author of this paper.
[385] Maugenest, 583.

In that 1985 letter, the bishops went beyond the commonly accepted views of French Catholics and of French society as a whole—defending the rights of foreigners. Their stance was in contrast with that of the various successive French governments as well, especially the right-wing governments brought into power in 1986 and 1993. Most notably, the French bishops opted for a new society—multicultural and multi-religious—which is the contemporary scene within which evangelization must occur.[386]

The French bishops begin their letter by pointing out that migration is a question which concerns everyone's future—both native French and immigrants—and that the difficulties that it raises are shared. The bishops warn that legitimate questions about this phenomenon can fall into unjustified fears, that can in turn lead to victimizing foreigners or people of foreign origin—especially those that are black or Muslim.[387]

The presence of foreigners is legitimate in France, according to the bishops, and Muslim people have a future in that country. French and Islamic culture, far from being incompatible, rather should evolve together based on common agreements of non-confessionality (*laïcité*) guaranteed by the government. The letter calls on Christians to make their contribution by daily acts of commitment that can lead to better integration of the national community and more fraternal living together.[388]

This radical option taken by the French bishops is significant. They are not just speaking of a right to migrate. They go beyond it, and value a multicultural evolution toward a future together with Muslim immigrants. It has bold implications for Catholic social teaching on migration, and introduces a note of challenge that will not be an easy sell on the worldwide market.

6. The broad picture

The four bishops' conferences examined in detail, combined with the presentation of the 1985 pastoral letter by the French bishops, paint a good deal of the overall picture of the contribution of bishops' conferences around the world to the ongoing development of Catholic social teaching on migration. Having laid out and examined the process of development of ideas and teaching on migration in those episcopal documents, it is possible to approach the contributions of bishops' conferences on the whole.

Catholic social teaching bears heavily the mark of Rome, and the true fathers of Catholic social teaching on migration are really all popes. Pius XII with his right to migrate leaps to mind, but John XXIII's contributions to the teaching ended up being almost as important. Leo XIII and John Paul II also had a great deal to add and, by the time a person brings in the influence of Paul VI as well, the basic principles and process of development of Catholic social teaching are already clear.

Recognizing the papal origins of most of the core elements of the teaching, a person could question the importance of the contributions of the bishops' conferences on the

[386] Maugenest, 583.
[387] Maugenest, 585.
[388] Maugenest, 585.

teaching. After having examined the teaching of the bishops of Australia, Mexico, the Philippines, and the United States, this question should be put to rest.

Bishops' conferences contextualize the teaching to their own time and place. In the development of Catholic social teaching on migration, they rely heavily on papal teaching on the subject for guidance and inspiration, particularly with core ideas. This fact is seen again and again in the documents by the bishops' conferences. References to papal documents abound, and many of the specific documents were produced as a direct response to something coming out of Rome. The papal teaching is brought to the various local churches, and is applied, frequently in bold and prophetic ways. The Australian bishops write in 1952, directly influenced by *Exsul Familia*, proclaim the same right to migrate as Pius XII, and proceed to call on the government to open up opportunities.

This contextualization is not just a process of parroting. The Filipino bishops wrestled with teaching from Rome. While acknowledging and referring to the right to migrate as articulated in papal social teaching, they went on in responding to their own particular circumstance, leading them at one point to directly call for curbs on that right to migrate for the sake of human dignity. The U.S. bishops in 1976 and the Australian bishops in 2000 offer concrete numerical suggestions to raise the government-imposed cap on numbers of immigrants accepted, effectively giving their own particular judgment about the relationship of the right to migrate and the common good in context.

The bishops' conferences enrich and enliven Catholic social teaching. They extend the length and breadth of the teaching, reaching into new situations and addressing complicated realities. The complex situation produced, for instance, in Western Europe by an influx of immigrants from the Muslim world creates questions on levels that papal teaching has yet to address. The bishops of France, in their remarkable 1985 letter, opt for an evolution together with Muslim culture. They address questions of culture in migration in a radical way and so offer a concrete contribution to Catholic social teaching on migration.

Another example of an enlivening of Catholic social teaching by bishops is found in the United States. The development of Catholic social teaching there has produced a wealth of material, including a growing current of something quite remarkable. In the face of injustice marring the immigration system of the United States, the U.S. bishops chose in 1985 to oppose the attempt to enforce the law through punishing employers illegally hiring undocumented migrants. In 2006, Cardinal Mahony took the issue a step further and publicly announced his intention to instruct the personnel of his archdiocese to defy a proposed law to criminalize assistance to undocumented migrants. In the context of laws contravening the teaching of the tradition, the U.S. bishops offer a contribution to the tradition—civil disobedience to unjust laws.

As shown in the two cited examples, the response of bishops' conferences in their particular contexts gives new dimensions to Catholic social teaching, bringing the tradition to bear on complex situations and thereby arriving at new conclusions. The bishops' teaching engages the Church in a direct struggle for justice in society, seeking to realize the human rights of migrants.

As John Paul II states in *Centesimus Annus*, "the Church is aware that her social message will gain credibility more immediately from the witness of actions than as a result of its internal logic and consistency."[389] The teachings of popes are very influential and critical in the development of Catholic social teaching on migration, but they are only to a limited extent able to directly engage a particular society through witness of actions. Other bishops around the world, speaking and acting on a more local level, can give their witness very directly to their particular society, as shown to some extent in the options taken by the French bishops in 1985 and Cardinal Mahony in 2006.

The teaching of each of the bishops' conferences has impact not just for the local church, but for the Church all over the world. The migration situation faced by Australia is not identical to the situation found in the United States, but it is similar. Mexico may be on the other side of the world from the Philippines, but it faces a similar reality of emigration and abuse of some of its citizens abroad. The United States and Mexico may be on opposite ends of the flow of migrants, but they share concern about the same people as well as a more than 3,000 kilometer border.

If it is similarity in contexts that allows the statements of one conference to be applicable in some way to that of another, it only actually becomes applied in practice because of increasing globalization and improved communications. The statements of many, if not most, bishops' conferences are at least partly available online, and the news media allows for fast and easy distribution of statements.

In the literature surveyed, it is true however that there are precious few references across national boundaries to the statements of other bishops' conferences, though there are many to papal and conciliar documents. This may change in years to come, perhaps especially if recognition grows of how bishops in vastly disparate circumstances have nevertheless produced teachings that stand in a common tradition which—while being far from completely uniform—is remarkably consistent and interrelated with papal and conciliar teaching.

[389] John Paul II, *Centesimus Annus*, no. 57.

CHAPTER FIVE: THE UNOFFICIAL TEACHING

These statements of popes and other bishops dealt with in the third and fourth chapter represent the official teaching on migration, but they are not the whole of the phenomenon.[390] There is broader tradition of interpretation and reflection which surrounds the official pronouncements.[391] The bishops, in making their statements, rely on the realm of theological discourse, and perhaps even more on the statements and actions of Catholic organizations concretely working for justice out in the field. This reliance comes in varying degrees. Some bishops' statements may be more personal in origin. However, there is always influence from other parts of the body of the Church.

What the bishops rely upon is not just a source of the teaching. As should be made clear by the long, complicated, and multifaceted development already laid out in chapters three and four, Catholic social teaching is a tradition that develops in context. It develops specifically in an ecclesial response to the human reality of migration. Part of the response involves pastoral care. Another part involves prayer and worship. Yet another part of that ecclesial response is social teaching.

The social teaching ecclesial response does not just come from bishops. It comes from all members of the Church that encounter the human reality of migration, with all its facets and issues, and in turn speak out to address and better the situation they encounter. Marvin Krier Mich points out the responsibility of the whole Church in shaping the tradition of Catholic social teaching,[392] referring to *Gaudium et Spes*, which reminds us that

> [t]he People of God believes that it is led by the Lord's Spirit, Who fills the earth. Motivated by this faith, it labors to decipher authentic signs of God's presence and purpose in the happenings, needs and desires in which this People has a part along with other men of our age.[393]

The development of the tradition on migration is the responsibility and work of the whole Church. The authority of bishops gives them the right and duty to speak officially on behalf of the whole, and their statements by reason of that authority have great weight in the tradition and occupy a central place. However, there are other parts of the body of Christ that offer teaching on migration and the fact that their teaching is not official in the same sense does not make it any less a part of the rich and developing tradition of Catholic social teaching on migration.

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[390] Marvin Krier Mich addresses the phenomenon of Catholic social teaching from both 'official' and 'unofficial' perspectives in his 1998 book, entitled *Catholic Social Teaching and Movements*. The introduction to the book opens by talking about a tendency among Catholics to, when talking about Catholic social teaching, focus only on encyclicals and pastoral letters. He points out that the "bottom up" story of the "activists and leaders who lived out the teaching and, in the process, helped to forge that living tradition" is not told as often. Marvin L. Krier Mich, *Catholic Social Teaching and Movements* (Mystic, CT: Twenty-Third Publications, 1998), 1.

[391] See Verstraeten, 63.

[392] Krier Mich, 4.

[393] *Gaudium et Spes*, no. 11.

These other parts of the body of Christ certainly include theologians and the level of academic discourse. People like Donald Kerwin of the Catholic Legal Immigration Network and Drew Christiansen have published extensively on the issue of migration, engaging the tradition of Catholic social teaching and at times pushing it in addressing new situations and issues.[394] Some academics have even directly challenged certain aspects of Catholic social teaching, as Michele Pistone attempts to do on the issue of "brain drain."[395]

Andrew Yuengert, an economist at Pepperdine University, is a prime example of how the level of academic discourse enriches the tradition of Catholic social teaching on migration. The economist sees Catholic social teaching as a richly beneficial source for developing a more just economic order, but he also critiques and challenges Catholic social teaching on migration in some regards. For one, he argues that Catholic social teaching needs to more fully recognize "labor flows as one of the many interrelated flows (including goods and capital) that have similar effects in an integrated international economy."[396] He also goes on to challenge Catholic social teaching to more fully resolve the question of whether restrictions on immigration can ever be just, since he sees the question as still unresolved in the development of the teaching.[397]

The level of academic discourse plays an important role in development of Catholic social teaching. However, in the case of Catholic social teaching on migration, it takes a back seat to the influence of Catholic organizations, which play an influential role in not just the concrete realization of the teaching but also in the development of the teaching itself.

1. Catholic organizations

Associated with the body of Christ in many ways are an immense variety of Catholic organizations. Ranging from fraternal organizations like the Knights of Columbus to developmental NGOs like Catholic Relief Services and from religious orders like the Society of Jesus to the smallest of local community groups, Catholic organizations are dealing with issues of migration all the time. Some, such as Catholic Legal Immigration Network, Inc. (CLINIC), have even been founded by the Church specifically to respond to the growing issue of migration today.[398] Many engage in concrete pastoral care, but also many speak out and issue policy statements in the hope of having a wider impact in the social sphere.

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[394] See Donald Kerwin, "Immigration Reform and the Catholic Church," *Migration Information Source* (1 May 2006); available from http://www.migrationinformation.org/feature/display.cfm?ID=395 ; accessed 17 May 2007.

[395] See Michele R. Pistone, *Stepping Out of the Brain Drain: Applying Catholic Social Teaching in a New Era of Migration* (Lanham, MD: Lexington Books, 2007).

[396] Andrew M. Yuengert, "Catholic Social Teaching on the Economics of Immigration," Journal of Markets and Morality, vol. 3, no. 1 (Spring 2000); available from http://www.acton.org/publicat/m_and_m/2000_spring/yuengert.html ; accessed 15 April 2007, par. 30.

[397] Yuengert, par. 35.

[398] The CLINIC website states that the organization was founded in 1988 by the United States Conference of Catholic Bishops "as a legally distinct 501(c)(3) organization to support a rapidly growing network of community-based immigration programs. CLINIC's network originally comprised 17 programs. It has since increased to 156 diocesan and other affiliated immigration programs with 255 field offices in 48 states. The network employs roughly 1,200 attorneys and "accredited" paralegals who, in turn, serve 400,000 low-income immigrants each year." "About Us," *Catholic Legal*

There are far too many Catholic organizations in the world to even begin to attempt a sketch of their overall contribution to Catholic social teaching on migration. However, it is perhaps still worthwhile to look at the contributions that at least a few of these organizations are making in order to begin to understand their role in the ongoing development of Catholic social teaching on migration. The author here opts to look at a smattering of some of the more well-known and well-promulgated statements on migration issues by Catholic organizations in the Americas in the last two years.

a. Jesuit Refugee Services[399]

The first organization chosen to be examined is Jesuit Refugee Services, which like many bishops' conferences has taken to the practice of issuing statements annually on International Migration Day. The 2006 statement by the division of JRS for the Caribbean and Latin America offers a couple interesting contributions to Catholic social teaching on migration. The statement begins by reflecting on the mission of JRS, and by talking of the poverty—a lack of opportunities and the dehumanization involved in conflict—which violates the most basic principles of human rights, and forces millions of people to go from their homes and migrate.[400] The statement from JRS goes on to offer more details about this human reality of migration that the region is facing, citing statistics to show the immensity of movement.[401] The statement goes on to offer a damning analysis of the political and social handling of this movement.

> En medio de esta realidad, observamos un contexto regional contradictorio, en el cual, mientras se adelantan esfuerzos de conciliación de posturas y negociaciones de integración económica en la región (CAN, MERCOSUR, ALCA, ALBA), se mantienen las visiones de seguridad nacional y de medidas restrictivas de ingreso, permanencia o movilización de poblaciones, quedando las personas cada vez más vulnerables a ser detenidas y deportadas; y en el mejor de los casos, son sumergidas en procesos lentos, ineficaces o ausentes de obtención de documentación, regularización de su estatus migratorio, acceso a protección como refugiados, o

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Immigration Network, Inc ; available from http://www.cliniclegal.org/Aboutus.html ; accessed 17 May 2007, par. 4.

[399] Jesuit Refugee Services is an international organization run by the Society of Jesus that has as its mission accompanying, serving, and defending the rights of refugees and forcibly displaced people. It was founded in 1980 as an apostolate of the Jesuit order. Its headquarters are based in Rome and its programs are found in over fifty countries worldwide. "JRS: About the Jesuit Refugee Service," *Jesuit Refugee Service*; available from http://www.jrs.net/about/index.php?lang=en ; accessed 28 May 2007, par. 1-2.

[400] Alfredo Infante, S.J., and Bárbara Nava, "América Latina y el Caribe: migrantes, refugiados y desplazados un caminar de peregrinos," *Jesuit Refugee Service* (18 December 2006); available from http://www.jesref.org/news/index.php?lang=en&sid=1555 ; accessed 17 May 2007, par. 2.

[401] Infante and Nava, par. 3.

> protección como reubicados dentro de sus países, que les permita reconstruir sus vidas.[402]

The 2006 statement goes on to make a very interesting and important conclusion. It insists on the necessity of incorporating more effective international solidarity into regional society and go on to insist on the need for greater integration of the societies of the region, which the statement argues would allow the reconstruction of lives torn apart by contradictory policy-making and greater human and cultural exchange, which would in turn further advance economic integration and regional security.[403] In this process of increasing solidarity and integration, states must begin by modifying those policies which violate fundamental human rights and create mechanisms to protect those same human rights.[404]

b. Knights of Columbus[405]

A second Catholic organization speaking out about migration in the Americas is perhaps a bit more surprising, because—as a fraternal organization not generally involved in direct services to migrant—it is not one that most people would normally associate with immigration advocacy. The Knights of Columbus Board of Directors adopted a "Resolution on U.S. Immigration Policy" on 11 April 2006, which called for immigration reform.

The statement urges a reform of immigration law which must not only include "concerns regarding sovereignty and the lawful and orderly control of cross-border travel."[406] Recognizing that "the vast majority of undocumented Mexicans and other Latin Americans in the United States have come simply to try and build better lives for themselves and their families, but must struggle to do so from the shadows of American society,"[407] the Knights call upon the federal government of the United States to

> agree upon immigration legislation that not only gains control over the process of immigration, but also rejects any effort to criminalize those who provide humanitarian assistance to undocumented immigrants, and provides these immigrants

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[402] Infante and Nava, par. 4. The statement is observing a striking contradiction in regional policies, which are increasingly moving toward economic integration while simultaneously maintaining old notions of national security and restrictive immigration measures. This contradictory context keeps whole populations especially vulnerable.
[403] Infante and Nava, par. 5.
[404] Infante and Nava, par. 6.
[405] According to the organization's official website, "The Knights of Columbus is a Catholic men's fraternal benefit society that was formed to render financial aid to members and their families. Mutual aid and assistance are offered to sick, disabled and needy members and their families. Social and intellectual fellowship is promoted among members and their families through educational, charitable, religious, social welfare, war relief and public relief works." The organization has more than 13,000 chapters and 1.7 million members worldwide. "Learn About Us," *Knights of Columbus*; available from http://www.kofc.org/un/about/index.cfm ; accessed 28 May 2007, par. 1, 3.
[406] Knights of Columbus Board of Directors, "Resolution on U.S. Immigration Policy" (11 April 2006); available from http://www.kofc.org/un/news/legislative/detail.cfm?id=59086 ; accessed 17 May 2007, par. 4.
[407] Knights of Columbus Board of Directors, par. 6.

> an avenue by which they can emerge from the shadows of society and seek legal residency and citizenship in the U.S.[408]

The Knights are clearly inspired by the U.S. bishops in crafting their resolution, even referring directly to the 1997 Synod for America.[409] Their advocacy has at least some impact on the social and political sphere, and they further extend the teaching tradition of the Church on migration by stepping out in charity in pursuit of justice, citing the message of Benedict's first encyclical.[410]

c. Maryknoll[411]

A third Catholic organization that has been speaking about migration in the last couple of years is Maryknoll. The missionary order and organization issued at least two statements in 2006 on migration. The first statement focused on immigration to the United States, opposing any legislation criminalizing the undocumented or those who provide them assistance. They argue that such legislation would violate "U.S. identity as a gathering place for all the world's peoples" and is based on "the fear of the 'other.'"[412]

On 10 September 2006, Maryknoll's leadership issued a second statement, entitled "Toward Global Solidarity," which is directed at the United Nations' efforts on international migration and development. The twenty paragraph document makes a number of concrete recommendations, and cites and repeats the five point summary of Catholic social teaching on migration put forward by the U.S. bishops in *Strangers No Longer*.

The Maryknoll statement begins by talking about their own perspective as voluntary migrants who journey with the people they serve. It speaks of some of the issues Maryknoll missionaries observe, including the phenomenon of "brain drain."[413]

"Toward Global Solidarity" also cites how far too often immigration policies have resulted in death.

> In the past 10 years, for example, thousands of migrants have died along the Mexico-U.S. border. Draconian immigration policies, instituted in the mid-1990s, sealed major urban crossing areas in the southern U.S. and forced migrants into deadly desert regions. Policy makers assumed that the desert would prove a deterrent to undocumented migration, but tragically, that has not been the case.[414]

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[408] Knights of Columbus Board of Directors, par. 7.
[409] Knights of Columbus Board of Directors, par. 2.
[410] See Knights of Columbus Board of Directors, par. 5.
[411] Maryknoll is a U.S.-based Catholic missionary movement that includes a male religious order, a female religious order, and a lay mission program.
[412] Maryknoll Leadership, "Statement on U.S. Immigration," *Catholic.org* (31 March 2006); available from http://www.catholic.org/prwire/headline.php?ID=1902 ; accessed 17 May 2007, par. 4, 6.
[413] Maryknoll Leadership, "Toward Global Solidarity," *Catholic.org* (10 September 2006); available from http://www.catholic.org/prwire/headline.php?ID=2150 ; accessed 17 May 2007, par. 2.
[414] Maryknoll Leadership, "Toward Global Solidarity," par. 4.

In addition to questioning the validity of immigration policies that produce such death, the Maryknoll statement finds disturbing how some immigration officials in the United States have claimed remittances as a positive contribution from the U.S. toward development in poorer nations. The statement claims that remittances "are a particular complex aspect of the migration." It commends the dedication of migrants who go abroad to work and support their families back home, but laments "the cost in divided families and bereft communities" and is concerned about the long term impact of the present system of remittances, which is still to be seen.[415] Society should not rely on remittances "to replace just and sustainable national and local economies."[416]

"Toward Global Solidarity" also prods into the arena of asylum seekers and refugees, reminding the reader that they "are often treated like undocumented migrants until proven otherwise. For those escaping conflict, repression or persecution, such definitive proof is often impossible to obtain." It exposes the U.S. practice, shared by many other countries, of detaining people in that situation for long periods without legal advice or even translation services.[417]

d. Catholic Charities USA[418]

The brief statements of Maryknoll pale by comparison with the lengthy 2005 policy paper issued by a fourth organization speaking out on migration, Catholic Charities USA. The policy paper, entitled *Justice for Newcomers*, contributes to Catholic social teaching in at least two of the major parts of the document.

The first part in which it contributes and helps develop Catholic social teaching is in a systematic presentation of the authors' view of Catholic social teaching on migration. The second section of the policy paper is a summary of Catholic social teaching on migration. The authors do not opt to present it chronologically, but rather present it under four main points: (1) human dignity, natural rights and responsibilities, (2) the common good, (3) the preferential option for the poor, and (4) solidarity and justice.

The first point—human dignity, natural rights and responsibilities—affirms that all migrants are foremost human beings with rights that are derived from the dignity that comes with humanity itself. It is not citizenship that confers rights, but rather personhood. Of particular relevance, according to the policy paper, is "a right to productive work, to wages 'adequate for the maintenance of the worker and the family,' to humane working hours and to belong to a union."[419] The dignity and rights of migrants "must be respected at every stage of the migration process, from their uprooting, to their journeys, to their reception in their adopted countries." That dignity and those rights are not always respected, and it is the policy

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[415] Maryknoll Leadership, "Toward Global Solidarity," par. 5.
[416] Maryknoll Leadership, "Toward Global Solidarity," par. 19.
[417] Maryknoll Leadership, "Toward Global Solidarity," par. 6.
[418] Catholic Charities USA is an association of Catholic social service networks in the United States, affiliated with Caritas Internationalis.
[419] *Justice for Newcomers: A Catholic Call for Solidarity and Reform*, Catholic Charities 2005 Policy Paper (Alexandria, VA: Catholic Charities USA, 2005), 5. The quotation within the quotation is from *Centesimus Annus*.

of Catholic Charities that "U.S. immigration policies deny many immigrants a legal way to meet their most solemn responsibilities, particularly to their families." The government must not violate the right to humane treatment, and at a bare minimum its policies "should not contribute to the separation of families, to human rights abuses or to crossing deaths." The host country should allow immigrants "to assume the rights and responsibilities of their adopted country."[420]

The second point—the common good—is a lens through which immigration policy must be viewed. The paper cites *Pacem in Terris* to define the common good as "the sum total of those conditions of social living whereby men are enabled to achieve their own integral perfection more fully and more easily."[421] Catholic social teaching, according to *Justice for Newcomers*, affirms a state's right and duty to control borders and enforce laws for the sake of the common good. However, Catholic social teaching points out that there should be no conflict between rights of the migrant and the common good. "States can assure the orderly entry of migrants. They can deny entry to those who, whether for benign or malign reasons, will not advance the common good."[422]

The third point—the preferential option for the poor—requires that all policy decisions be evaluated based on the impact on the poor. Given the widespread persecution and poverty that is found in so many parts of the world, the Church teaches that "persons must migrate in order to support and protect themselves and that nations who are able to receive them should do so whenever possible."[423]

The last point is solidarity and justice. "Solidarity requires standing with those in need based on a recognition of our interdependence and common humanity." Justice complements this, requiring "giving others their due, protecting their rights and honoring their agency…. Social justice requires that newcomers be allowed to contribute fully to the good of their adopted society."[424]

The second part in which *Justice for Newcomers* helps to contribute to Catholic social teaching is in five sets of issues raised: (1) immigrant families, (2) low-wage laborers, (3) the undocumented, (4) refugees, asylum-seekers, and others in need of protection, and (5) newcomers treated as security threats. The first issue, immigrant families, reminds the reader that most immigrants "want nothing so much as to live securely with their families."[425] Flouting this earnest desire in spite of that the system is designed in some regards to reflect the nations' commitment to families, immigration law in the United States creates huge burdens on families.[426]

The second set of issues concerns low-wage laborers. In this, Catholic Charities points out that immigrants come to the U.S. to work and work hard, but end up in thankless

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[420] *Justice for Newcomers*, 6.
[421] *Justice for Newcomers*, 7. Quotation is from John XXIII, *Pacem in Terris*, no. 58.
[422] *Justice for Newcomers*, 7. The question remains as to who this is whose admittance would not advance the common good.
[423] *Justice for Newcomers*, 7. The paper cites *Strangers No Longer*, no. 39.
[424] *Justice for Newcomers*, 9.
[425] *Justice for Newcomers*, 13.
[426] *Justice for Newcomers*, 14-15.

jobs with inadequate pay.[427] Newcomers suffer from public benefit restrictions, and labor laws do not cover and protect large categories of immigrants.[428]

Third, the undocumented are an issue of rising concern. *Justice for Newcomers* points out that the undocumented population has risen to nearly 11 million, without an end in sight. Enforcement strategies have so far completely failed at their primary purpose, while serving to increase the number of deaths in the desert and fostering smuggling rings. The undocumented living in the U.S. live in a second class status, subject to exploitation and fear.[429] The only option to address the problem is a path to legalization.[430]

The fourth set of issues are refugees, asylum-seekers, and others in need of protection. The policy paper points out that recent years have made it more difficult for refugees to reach the United States, and obtaining the proper travel documents beforehand is frequently impossible. Aggressive immigration policies and enforcement increase the problem.[431]

The final set of issues concerns the recent tendency in the United States to treat newcomers as national security threats. While immigration systems have a role to play in counter-terrorism, newcomers must not be confused with terrorists. Tactics to fight terrorists must respect human rights, not harming legitimate newcomers.[432]

Catholic Charities USA re-presents Catholic social teaching to the world as a genuinely Catholic organization striving to help make a better society. In doing so, it adds nuances of its own to the teaching

e. The New Sanctuary Movement[433]

On 9 May 2007, an interfaith group calling itself the New Sanctuary Movement publicly announced the launching of its campaign. The movement follows the example of the 1980s church-based network that protected Central American refugees fleeing civil wars from deportation by the American government by hosting them on Church property.[434]

Their plans are to enlist religious congregations from around the United States to publicly take in people threatened with deportation. Of particular concern to the organization are those people in families of mixed citizenship, in which case the threatened deportation would break up a family.[435]

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[427] *Justice for Newcomers*, 17.
[428] *Justice for Newcomers*, 18.
[429] *Justice for Newcomers*, 20.
[430] *Justice for Newcomers*, 21.
[431] *Justice for Newcomers*, 22.
[432] *Justice for Newcomers*, 23.
[433] The New Sanctuary Movement is a loosely-organized faith-based movement. According to their website, they have the "goal of protecting immigrant families from unjust deportation, affirming and making visible these families as children of God and awakening the moral imagination of the country through prayer and witness." "The Convening," *The New Sanctuary Movement*; available from http://www.newsanctuarymovement.org/the-convening.htm ; accessed 28 May 2007, par. 2.
[434] Patricia Zapor, "Religious groups launch sanctuary program for immigrants," *Catholic News Service* (10 May 2007); available from http://www.catholicnews.com/data/stories/cns/0702657.htm ; accessed 17 May 2007, par. 2.
[435] Zapor, par. 2.

As of the announcement on 9 May 2007, Catholic, Lutheran and Quaker churches in New York, Los Angeles, and San Diego had already arranged to take in particular persons at risk of deportation.[436] Fifteen congregations in New York had already promised to take in families. Press conferences were held by the movement in Chicago, Los Angeles, New York, San Diego and Seattle.[437]

According to one of the figures announcing the movement, Father Juan Carlos Ruiz, a Catholic priest in New Jersey, the movement is concerned primarily for "the separation of families, the anguish and suffering they endure under the current law that doesn't have a heart."[438] Ruiz went on to state that the situation of families like those being sheltered shows that "the law needs to adapt to the demands of justice." He interprets the action of the movement as "speaking from our prophetic roots."[439]

According to Ruiz, the Catholic hierarchy in New York has as yet made no statement on the movement.[440] The spokesman for the Archdiocese of Los Angeles said that Cardinal Roger Mahony is leaving it up to individual pastors to decide whether to join in with the movement.[441]

The New Sanctuary Movement is still small and new, but could have a big impact depending on how the situation develops in terms of immigration law in the United States. The group's Catholic participants, through concrete action and witness, may end up significantly influencing the tradition of Catholic social teaching on migration in the United States, influencing a possible turn in the tradition toward civil disobedience of unjust migration laws.

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[436] Zapor, par. 4-7.
[437] Zapor, par. 11.
[438] Zapor, par. 8.
[439] Zapor, par. 10.
[440] Zapor, par. 17.
[441] Zapor, par. 18.

CHAPTER SIX: CONCLUSIONS

This final chapter, in light of the first five, seeks first to systematically lay out the author's distillation of the heart of the tradition of Catholic social teaching on migration. That distillation leads into a discussion of one of the most important current questions in the tradition, concerning the relationship of the right to migrate to the common good. Finally, the chapter will conclude by relating the teaching to the present day situation found in some parts of the world, a climate of fear that attempts to choke off paths of migration.

1. The heart of the tradition

The particular tradition of Catholic social teaching on migration, itself developed over the course of more than a century of reflection and response to human reality, is centered on several closely linked ideas. The tradition is broad in scope, deals with a wide variety of issues, and has been inculcated in a startling variety of contexts, but operates primarily based upon a compact set of interrelated teachings.

Catholic social teaching on migration rests upon the foundation of intrinsic human dignity. This human dignity is common to all and does not depend on any other worldly factor. The dignity is the free gift of God as the Creator and as the Redeemer. John XXIII writes on this fundamental human dignity, citing scripture to remind the world that

> God created man 'in His own image and likeness,' endowed him with intelligence and freedom, and made him lord of creation. All this the psalmist proclaims when he says: 'Thou hast made him a little less than the angels: thou hast crowned him with glory and honor, and hast set him over the works of thy hands. Thou hast subjected all things under his feet.'[442]

From this human dignity—being made in God's own image and likeness—flows all the rest of Catholic social teaching on migration. Because each human being is endowed with this dignity in his or her very nature, he or she has certain rights and duties "which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable."[443]

The starting point for these rights is that every human being has the "right to live," as well as "the right to bodily integrity and to the means necessary for the proper development of life."[444] Upon these rights all of Catholic social teaching on migration is built, as the teaching attempts to coax the world into a fuller realization of these rights.

As Catholic social teaching makes clear, these aforementioned means necessary for the proper development of life in particular include at a minimum "food, clothing, shelter,

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[442] John XXIII, *Pacem in Terris*, no. 3. The scriptural quotations are from Genesis 1:26 and Psalm 8:5-6..
[443] John XXIII, *Pacem in Terris*, no. 9.
[444] John XXIII, *Pacem in Terris*, no. 11.

medical care, rest, and, finally, the necessary social services."[445] Those basics are the due of all, since every human person has the right to the use of the goods of the earth.[446] The universal destination of goods means that all the goods of the earth are God's gift to humanity, and that a fair distribution of the world's goods is a precondition for the restoration of humanity's true dignity.[447]

These rights—including the right to the use of the goods of the earth under the universal destination of goods—are of course not always realized, a fact that Catholic social teaching certainly recognizes. It is at this point that migration enters the picture. Pius XII in 1941 stated that "the rights of families to acquire living space must be preserved."[448] This right to acquire living space, intimately related to the right to property as expounded by Leo XIII, is a vital in many concrete cases for the realization of the right to life, to bodily integrity, and to the means necessary for development of life.

It is in fulfilling these rights that migration "attains the purpose toward which it tends by nature, and which experience approves."[449] The realization of these rights is the just reason for "the right to emigrate to other countries and take up residence there." This right is a natural one, which is "founded in the very nature of land"[450] according to Pius XII and which "sovereign nations must provide ways to accommodate."[451]

In Catholic social teaching on migration, the right to migrate is complemented by a second right arising from the same foundation: the right not to migrate. As John XXIII pointed out, every human person has the right "of residence within the confines of his own State."[452] Migration is generally a forced phenomenon; people generally migrate because they have to in order to realize their basic rights to life, bodily integrity, and means sufficient for development of life. Catholic social teaching, while providing the right to migrate, recognizes that no one should be forced to do so.

These dual rights, the right to migrate and the right not to migrate, are individual rights with which every human person is endowed. While Catholic social teaching recognizes this, it also recognizes that the human person does not operate in a bubble, but rather lives in the web of relationships that is human society. In Catholic social teaching on migration, the right of every human being to migrate and to not migrate are taken as a whole—the common good.

The common good thus becomes a central piece of Catholic social teaching, taking into account the sum total of "all those social conditions which favor the full development of human personality."[453] The common good in Catholic social teaching on migration arises directly from the intersection of all of humanity's dual rights to migrate and to not migrate

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[445] John XXIII, *Pacem in Terris*, no. 11.
[446] See Pius XII's Christmas message of 1942. Quoted in Palathinkal, 146.
[447] Palathinkal, 146.
[448] The quotation is from Pius XII's 1941 Pentecost address. Qtd. in Zimmerman, *Pius XII and…*, 6-7.
[449] From Pius XII's 1941 Pentecost address. Qtd. in Zimmerman, *Pius XII and…*, 6-7.
[450] Pius XII, *Exsul Familia*, par. 109. The land is of course meant for the good of all, under the universal destination of goods.
[451]USCCB and CEM, *Strangers No Longer*, no. 35.
[452] John XXIII, *Pacem in Terris*, no. 25.
[453] John XXIII, *Pacem in Terris*, no. 58.

taken together. Thus, the rights to migrate and to not migrate and the common good are intimately related.

2. A question on limiting the right to migrate

One question that has been insufficiently dealt with in Catholic social teaching on migration is whether this natural right to migrate based on fundamental human dignity can ever morally be limited by the state. The tradition on migration seems to admit of the possibility that, for the sake of the common good and for the sake of the common good alone, an individual's right to migrate might possibly be cut short. This appears puzzling though in light of the tradition's roots, because of the close interrelationship of the common good and the right to migrate. The right to migrate itself contributes to the common good.

In the world today as in years gone by, migration is frequently viewed as a threat to society. If it is only a threat to extra wealth or to other superfluous things in society, then—in the tradition of Catholic social teaching on migration—it is certainly wrong to disallow migration. However, the threat may be that migration could harm a society's capability to realize the fundamental human rights of the members already living in or migrating to that society.

In that case, if it is possible that migration in some times or places could threaten a society's capability to provide for basic human rights, then the question shifts. How much of a threat justifies limits on migration? Is it, for instance, morally permissible to limit migration because the health care system might be a bit stretched? Alternatively, recognizing the debate going on in some parts of the world today, is it moral to limit migration because of the possibility or reality of violence or terrorism?

Civil authorities are the agents that have the right—and possibly the duty—to regulate migration. According to Catholic social teaching, authorities should do this solely on the basis of the common good. Other bases, such as the desire for wealth, are not valid reasons. John XXIII writes,

> We must bear in mind that of its very nature civil authority exists, not to confine men within the frontiers of their own nations, but primarily to protect the common good of the State, which certainly cannot be divorced from the common good of the entire human family.[454]

Civil authority's obligation to the common good is expansive, and the tradition seems to have been very clear in stating that the right to migrate must only be limited for grave and serious reasons, if at all. The U.S. bishops in *Strangers No Longer* write that,

> While the sovereign state may impose reasonable limits on immigration, the common good is not served when the basic human rights of the individual are violated. In the current condition of the world, in which global poverty and persecution are rampant,

[454] John XXIII, *Pacem in Terris*, no. 98.

> the presumption is that persons must migrate in order to support and protect themselves and that nations who are able to receive them should do so whenever possible.[455]

To the question of whether civil authorities can ever put a limit on migration, the answer according to the tradition would seem to be that such limitation is only allowed when the common good would be seriously harmed otherwise. Official documents of the tradition have generally demurred from laying out what such serious harm to the common good would be.

This demurral is problematic, however, because of the nature of the debate. Immigration opponents frequently refer to something like the common good, citing strain on societal systems, on the degradation of culture, and even the possibility of violence. The tradition of Catholic social teaching on migration has not offered sufficient clarification about what sorts of threats to the common good are legitimate reasons to limit migration (if any), and which are not.

In keeping with the aforementioned presumption stated by *Strangers No Longer* in favor of the person's right to migrate, it would seem that the threat to the common good must be serious. Putting a slight strain on a system or threatening to change cultural elements like language would seem therefore to not be admissible criteria. The author sees at least two possible categories of threats that could be deemed sufficient threats to the common good in further reflection.

One possibility that could potentially entail such serious harm could be found in credible threats of serious violence or terrorism. In that case, the limitations put on migration would have to only be such that would serve to directly protect against such violence and nothing more. This would likely mean that policies and enforcement would have to carefully discriminate among migrants, working to limit the right to migrate to the least amount possible, and as much as possible providing alternate means for the affected individuals to still realize their fundamental rights.

A second possibility could be that a particularly massive flow of migrants could so destabilize the structures of society that all in that society would be put at a substantially greater risk of having their fundamental human rights violated. Such is a real possibility in some parts of the world such as Africa, and in today's globalized and heavily-populated world it is a theoretical possibility anywhere if regulation by civil authorities were for some reason to completely cease.[456]

Catholic social teaching has not sufficiently reflected on what a serious threat to the common good entails, but the tradition point to some sort of local balancing of the common good with the right to migrate being necessary. This balancing is perhaps what the Australian and U.S. bishops are pointing to in their respective pastoral letters in 2000 and 1976, when

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[455] USCCB and CEM, *Strangers No Longer*, no. 39.

[456] Thomas Betz, calling Catholic social teaching realistic, interprets Catholic social teaching as saying that "no country has the duty to receive so many immigrants that its social and economic life are jeopardized." Thomas Betz, *A Guide to Understanding Catholic Social Teaching on Immigration and the Movement of Peoples*, (Washington, D.C.: United States Conference of Catholic Bishops, 2001), 3.

they offer concrete numerical suggestions to the Australian and U.S. governments in an attempt to better balance the situation. Each nation or region must, if facing possible threats which would justify migration controls on behalf of the common good, create a policy which balances the obligation to protect the common good with as much as possible accepting the right to migrate.

What seems very clear in Catholic social teaching on migration as it has developed is that few or no nations seem to have achieved a proper, local balance. Both the U.S. bishops and Australian bishops, in offering concrete numerical suggestions, attempted to push the bar much higher and to encourage acceptance of more immigrants. Statements from the Vatican and from other bishops around the world give the same sort of push for more openness to migration.

In order to achieve a proper balance and thereby resolve this puzzling conflict between the right to migrate and common good, the tradition needs to reflect more on what constitutes a sufficient threat to the common good to justify limiting migration. Currently, a substantial degree of ambiguity remains, with the potential to decrease the tradition's ability to positively affect and change societal treatment of migrants.

3. Catholic social teaching on migration in a climate of fear

In the present context of the post-9/11 world, heightened concerns about terrorism have led to—among other things—attempts to limit migration in some societies. A climate of increased fear has led to popular sentiment turning more against openness to outsiders.

The bishops of the U.S. and Mexico, in *Strangers No Longer*, address the climate of fear, saying that the attacks of 11 September 2001 "have added another dimension to the migration relationship between the United States and Mexico," putting "national security concerns at the forefront of the migration debate." The bishops affirm that a certain security response is necessary to confront credible terrorist threats, and suggest such possible measures as "improved intelligence sharing and screening, enhance visa and passport security, and thorough checks at the United States-Mexico border."[457]

Recognizing this dimension, however, the bishops insist that a reduction of legal migration between the two nations will not make either country more secure. They urge cooperation for security, but ask the governments not to enact "policies that undermine human rights, reduce legal immigration, or deny asylum seekers opportunities for protects."

Strangers No Longer points out the critical problem for today's world that increasing concerns about national security in a climate of fear present. Catholic social teaching on migration is perhaps now more threatened than ever, at least in some parts of the world, as some societies clamp down and attempt to stifle further the right to migrate. If the climate of fear also contributes to decreasing generosity or the collaborative development of poorer societies, then it also threatens Catholic social teaching's insistence on the right to find opportunities in one's homeland—the right not to migrate.

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[457] USCCB and CEM, *Strangers No Longer*, no. 100.

The vision offered by Catholic social teaching on migration challenges the Church and all people to overcome this climate of fear, change public policies on migration, and open up global society to the migrant and the stranger. These changes and call for openness mean sacrifice and even more specifically mean solidarity. As Paul VI wrote in 1967, "we cannot insist too much on the duty of giving foreigners a hospitable reception. It is a duty imposed by human solidarity and by Christian charity…."[458]

In terms of migration, the tradition of Catholic social teaching offers a clear response to fear. That response is solidarity and improved hospitality toward the stranger in love. Today, Catholic social teaching on migration faces a serious, fundamental challenge that it can only overcome by a return to the roots of the tradition in a spirit of solidarity.

[458] Paul VI, *Populorum Progressio*, no. 67.