KATHOLIEKE UNIVERSITEIT LEUVEN

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A QUESTION OF THE ARGUMENT OF THE COMMON GOOD IN CATHOLIC SOCIAL TEACHING ON MIGRATION:

THE LIMITS OF THE RIGHT TO MIGRATE

A research paper presented in partial
fulfillment of the requirements for the
Advanced Master's Degree in Theology
and Religion

Promoter

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by

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FOREWORD

My last few years of theological study, though encompassing a wide variety of topics and perspectives, have seen me return again and again to the subject of migration. The impetus for it comes from the experience of my local church in the northwest of the United States, which has been profoundly influenced by recent immigration from Latin America. The experience of becoming a church that is at the same time host and immigrant has altered my consciousness and encouraged me to enter into a new reality in which the face of Christ is preeminently found in the stranger who becomes a brother or sister in the Lord.

My reflection upon this experience in my native church in Idaho has coincided with an alarming phenomenon which a recent editorial in *The New York Times* calls the "Great Immigration Panic."[1] A "fever" of sorts for the brutal enforcement of immigration law has hit the population of my native country. In the words of the *Times* editors, "a nation of immigrants is holding another nation of immigrants in bondage, exploiting its labor while ignoring its suffering, condemning it to lawlessness while sealing off a path to living lawfully."[2]

It is my hope that this research paper may in some small way aid the Church in resisting this grave evil that has overtaken my native country. I pray for her strength of will and that the communion of the baptized with God may hold strong against the evils of oppression and greed.

In the completion (for now) of this research project and my program of studies, I owe thanks to my fellow residents of the American College for their encouragement and interest in the project. I also must express a special thanks to my promoter, Prof. Dr. Johan Verstraeten, for working with me and helping me to succeed in this endeavor.

Brian Thomas May
8 July 2008

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[1] "The Great Immigration Panic," *The New York Times* (3 June 2008); available from http://www.nytimes.com/2008/06/03/opinion/03tue1.html ; accessed 3 June 2008.

[2] "The Great Immigration Panic," par. 2.

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INTRODUCTION

In his monumental work *Catholicism*, Henri de Lubac writes that "the unity of the human family as a whole is the subject…of the deepest yearnings of our age. It longs to organize it, to bring it to complete awareness of itself, in fine to humanize it by making it fully one."[3]

De Lubac first published these words in their French original in 1938, which is most assuredly a very different time and context than that in which we now find ourselves seventy years later. However, it is my fervent conviction and hope that something of that desire that de Lubac describes persists today, even if many now feel that the challenges and conflicts that divide global humanity are insurmountable.

One of the most challenging issues of our day is the growing movement of peoples, which has brought people and cultures from around the globe into more direct contact with one another and has raised a plethora of social, cultural and political questions in the contemporary context. Migration has become a contentious topic, sparking divisive political debate in a wide variety of nations around the world.

Though in practice many migrants maintain positive and beneficial relations with their communities of origin and live in a relative state of harmony with their community of arrival, significant difficulties persist in regard to the movement of people. Societies remain deeply and legitimately concerned about questions of language and the maintenance of culture, the phenomenon of "brain drain," and maintaining or improving local and national standards of living..

A hypothetical outsider, examining how the human race views and deals with the phenomena of migration, would probably not see anything approaching the unity for which de Lubac describes the world as yearning. De Lubac himself would probably describe this status as at least partially good, since he was concerned that the desire for unity in his time was only a stifled and perverted desire, falling short of the full unity to be found through the threshold of Catholicism.[4]

De Lubac's objection to a certain human program for unity—one in which the full unity found in the transcendental destiny of humanity is ignored for a lesser, stifled unity—reflects an important concern of the present day about the existence of a pluralism of human understandings of the meaning of unity. Today's obvious pluralism of understandings of the meaning of unity is a threat to the very possibility of resolving the problems and conflicts of migration and establishing a common order. Robert Schreiter articulates this threat clearly, pointing out that denial of similarities between cultures and worldviews has the potential to create a situation of anomie in which only power prevails and dialogue is impossible.[5]

David Hollenbach, in *The Common Good and Christian Ethics*, states the problem in a particularly helpful way. He writes that "the issue we face is whether it is reasonable to hope that adherents of different religious and cultural traditions can identify aspects of the good life that are common to the lives of all human beings."[6] Is it even possible for society to come to a shared understanding of the goods involved in questions of migration?

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[3] Henri de Lubac, S.J., *Catholicism: A Study of Dogma in Relation to the Corporate Destiny of Mankind*, trans. Lancelot C. Sheppard (London: Burns, Oates, & Washbourne, 1950), 195.

[4] de Lubac, 195.

[5] Robert Schreiter, *The New Catholicity: Theology between the Global and the Local* (Maryknoll, NY: Orbis, 1997), 43.

The Catholic social teaching tradition offers a particular vision of migration, seen at least partially through the lens of the common good, which as a concept functions as a centerpiece of sorts within the tradition. Catholic social teaching—with its emphasis on the dignity of the migrant, the right to the opportunity to support oneself and one's family, and the universal destination of goods—offers a particular vision of what is good in relation to the phenomena of migration.

However, the voice and vision of Catholic social teaching, which speaks so eloquently of the common good, can have no impact on the actual situation of migrants and the communities in which they find themselves unless it enters into a process of dialogue. As Lisa Cahill argues,

> any approach to defining the content of the common good that will be persuasive and useful today must be inductive and dialogical. It must seek a better comprehension of human goods, the priorities among them, the routes of fair access to them, and resolution of conflict situations by means of an interaction among different cultural perspectives.[7]

Catholics enter into dialogue to participate in establishing, out of a shared commitment to resolve the problems surrounding migration, a practical sort of interaction through which "identity politics are transcended without losing their rootedness and values, and without homogenizing their dialogue partners or the group to which they belong."[8] It is the hope of the common good tradition in Catholic social teaching that the inductive and dialogical approach described by Cahill may yield a basis of agreement similar to the tradition's understanding of migration, the human person, and the common good.[9]

This paper seeks to provide fodder for this process of dialogue, and do so by exploring a point of tension within the Catholic social teaching tradition's understanding of the right to migrate. Through investigation of the tradition's presentation of the limits of the right to migrate through the lens of the common good, one hopes to carry forward the tradition's engagement with the reality of migration and to aid in making a Catholic view of migration persuasive in the contemporary context.

The specific topic with which this paper concerns itself is the limits of the right to migrate, which the tradition has generally identified as having to do with the common good.

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[6] David Hollenbach, S.J., *The Common Good & Christian Ethics* (Cambridge: Cambridge University Press, 2002), 13.

[7] Lisa Sowle Cahill, "Globalization and the Common Good," In *Globalization and Catholic Social Thought: Present Crisis, Future Hope*, ed. J. A. Coleman and W. F. Ryan (Ottawa: St. Paul University Press, 2005), 48.
Cahill links this perspective to what Hollenbach calls "dialogic universalism." See Hollenbach, 152-159.

[8] Cahill, 48.

[9] See Cahill, 48. She speaks the Catholic common good tradition making a "wager" of sorts that the result of this process will more or less resemble the vision of the good found in the tradition.

The right to migrate is a centerpiece of Catholic social thought on migration, but it is a right that is far less than widely accepted in the world today. In order to persuasively and consistently present this understanding to the world, it is vital that the meaning of the right to migrate in Catholic social teaching be well understood.

The main problem with understanding the right to migrate is that its limits are not well understood or developed within the tradition. The tradition insists on a personal, natural and universal right to migrate on the one hand, but on the other hand it also gives frequent acknowledgement of the possibility of limiting the right to migrate for the sake of the common good. Very little has been said about the relationship of the common good to the right to migrate, and even less has been said about what the common good means in the context of migration.

The difficulty is exacerbated by the nature of public debate, into which many different notions of the common good enter. Many different people invoke the common good with many different meanings, leading to vastly different implications for public policy on migration. In politics, legislators and public officials can and do justify restriction of legal immigration pathways based on a wide variety of criteria, all of which can be said to have something to do with the common good. In academic political thought, as Louis Dupré points out, "the term common good has been used in so many ways that it would be difficult to find any political thinker, however individualistically oriented, who has not in one form or another, embraced it."[10] It is thus important for the applicability and credibility of the tradition of Catholic social teaching on migration that further reflection takes place about what the common good means in the context of migration and what factors, coming out of the framework of the common good, justify limiting the right to migrate.

This paper thus explores the notion of the common good as understood in the Catholic social teaching tradition and attempts to bring it into dialogue with the tradition's understanding of migration, particularly the right to migrate. This task has the explicit end of achieving improved understanding of the limits of the right to migrate from a Catholic social teaching perspective. From this dialogue of two elements of Catholic social teaching—the common good and the right to migrate—new directions in Catholic social thought on migration emerge.

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[10] Louis Dupré, "The Common Good and Open Society," In *Catholicism and Liberalism: Contributions to American Public Philosophy*, ed. R. B. Douglas and David Hollenbach (Cambridge, Cambridge University Press, 1994), 172.

CHAPTER ONE: THE QUESTION FACED BY THE TRADITION

When entering into dialogue to build up a common understanding of the goods related to the topic of migration, a Catholic operating out of the tradition of Catholic social teaching is faced with a number of questions and challenges. Many important questions need to be asked and resolved, but among the most important are those that concern the persuasiveness and credibility of the Catholic social teaching tradition.

Among the challenges that could affect the persuasiveness and credibility of the tradition would be anything that casts the consistency of the tradition into question. If the right to migrate is incompatible or is perceived to be incompatible with the understanding of the common good, then there is a serious theoretical issue to be resolved. Likewise, if the tradition lacks the ability to define and explain the right to migrate—including being able to clearly state what sort of circumstances would justify abridging the right—the tradition must resolve the problem in order to be able to be persuasive in its public engagement on the question.

Catholic social teaching, which presents the right to migrate as central to a good understanding of migration, has left a great deal of ambiguity in regard to the limits of this right to migrate. The right itself is clearly articulated in multiple magisterial documents of the Roman Pontiff and various episcopal conferences, but the limits of the right are not well articulated nor easily explained. The common good is invoked, but any tension between an individual right migrate and the "common" nature of the common good remains largely unexplored within the context of Catholic social teaching on migration.

In order to deal with this difficulty with understanding the right to migrate, this paper seeks to explore and reinterpret the right to migrate through the lens of the common good, in relationship with the living sources of the Christian tradition. Before exploring and adding the lens of the common good to discussion of the limits of the right to migrate, it is first important to look at and evaluate what has already been said within the tradition about the limits of the right to migrate. With the aim of achieving new understanding of the right to migrate, the intent of this chapter is to explore the *status quaestionis* and establish an understanding of what has already been written and said about the right to migrate and its limits.

c. The right to migrate prior to Pius XII

Within the particular set of traditions that is Catholic social teaching, Pius XII was the first to assert the right to migrate. However, within the Christian tradition and the societal contexts in which the tradition has operated, Pius was far from the first to postulate a universal right to migrate. The notion of a right to migrate can be found quite early in the development of the modern notion of human rights.

Indeed, the right to migrate is one of earliest articulated natural rights and is found as early as the sixteenth century in the writings of the Spanish Dominican Francisco de Vitoria. Long before the appearance of the theories of Thomas Hobbes or John Locke, Vitoria conceived of the notion of a right to migrate (*ius migrandi*).[11] In 1539, Vitoria's *Relectiones de Indis recenter inventis* was published in the University of Salamanca. In that work, he postulated a universal right to migrate, deriving it from another universal right, the *ius communicationis ac societatis*.[12]

Vitoria's postulation of the right to migrate may well have had in mind a cosmopolitan conception of the relations between peoples and a sort of universal fraternity. However, a principal immediate end of his articulation of the right to migrate was the justification of the Spanish conquest of the Americas.[13] In his *Relectiones de Indis recenter inventis*, it is "the Spaniards [who] have a right to travel into the lands in question and sojourn there, provided they do no harm to the natives, and the natives may not prevent them."[14] The right to migrate, as articulated by Vitoria, thus is in danger of becoming a weapon of the powerful, as it is de facto only the Spanish and not the native peoples of Latin America who possess the right to migrate.

Even recognizing the colonialism and racism that would now be understood to pervade Vitoria's articulation of the right to migrate, his sixteenth century assertion of the *ius migrandi* is remarkable both because it is done within the context of Christian faith and because it is put forward so early in the development of the modern notion of human rights. There are thus sources within the tradition from a time prior to *Rerum Novarum* and the invention of the tradition of Catholic social teaching that can serve as a background in which to understand the right to migrate.

It is definitely worth noting that, although Vitoria gives the right to migrate early within the development of the modern notion of human rights, the right to migrate remains a far from universally accepted human right. José Manuel Bermudo does argue that a right to migrate is implicit in the early, idealized understanding of citizenship in the French Revolution, but even he recognizes that the right to migrate was not stated in the *Declaration of the Rights of Man and Citizen*, nor in any of the French constitutions that followed.[15] Even in the twentieth century, the Universal Declaration of Human Rights in 1948 only partially recognized the right. In Article 13, it declared a right to freedom of movement within one's own country, as well as a right to leave one's country—emigrate. However, the only country that a person has a right to go to, according to the 1948 declaration, is one's own.[16] The right to emigrate is recognized, but—without recognition of the right to immigrate—it amounts to only a partial and in fact sharply limited recognition of the right to migrate.

2. The right to migrate according to Pius XII

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[11] Luigi Ferrajoli, "Libertad e inmigración," *Revista Internacional de Filosofía Política* 22 (December 2003), 41.

[12] Francisco de Vitoria, "De indis et de ivre belli relectiones," ed. Ernest Nys, trans. John Pawley Bate, in *The Classics of International Law*, ed. James Brown Scott (New York: Oceana Publications Inc., 1964), XII, part 2, sect. III, prop. 1, par. 1.

[13] Ferrajoli, 41.

[14] Vitoria, XII, part 2, section III, prop. 1, par. 1.

[15] José Manuel Bermudo, "El derecho olvidado," *Revista Internacional de Filosofía Política* 25 (July 2005), 96.

[16] Universal Declaration of Human Rights (10 December 1948); available from http://www.un.org/Overview/rights.html ; accessed 23 April 2008, art. 13.

In the same decade as the Universal Declaration of Human Rights, Pius XII began to speak of the right to migrate. In doing so, the pope re-introduced into Catholic theology a notion that had not appeared in a clearly articulated official form since the activities of Vitoria and the Salamanca School. He also introduced the right in such a way as to give it a fuller character than the limited right to emigrate found in the 1948 declaration by the United Nations.

In a radio address on the solemnity of Pentecost in 1941, Pius XII gave a lengthy talk in the tradition of Catholic social teaching, speaking on a variety of topics including on the use of material goods. One of the occasions for the speech was the fiftieth anniversary of *Rerum Novarum*. In paragraph 25 of the speech—the one most centrally dealing with migration—he hearkens back to that foundation encyclical of Leo XIII, citing the right of families to acquire living space.

Pius, unlike Leo, explicitly applies this right of families to acquire living space to the phenomenon of migration. In making this application, Pius makes some interesting comments that deal with the right to migrate.. He speaks of a "planet…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."[17] Given this vast world of plentiful land, Pius contends that it is inevitable that families migrate and look for new fatherlands. Recognizing this as a reality, he further argues for the right of families to acquire living space so that migration "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."[18] Pius thus views migration as something natural and inevitable which beneficially helps to redistribute the goods of the earth.

Migration may be natural and inevitable in Pius' view, but he recognizes early on the existence of what he apparently perceives as problematic limits set upon it by societies. In the 1941 address, he urges both that people be permitted to leave their native lands and be admitted into other lands. In Pius' argument, removing barriers to migration and thus creating a higher degree of confidence between countries of emigration and immigration contributes incrementally to human well-being and the progress of human culture.[19]

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[17] 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), 6.

[18] Zimmerman and the Committee on Social Questions, 7.
As a side issue, it is worth noting that at least one commentator has observed a tendency in the thought of Pius XII to use the notion of the universal destination of goods to justify colonization. This observation is worth noting, particularly in light of the attempt by Francisco de Vitoria to justify colonization using the right to migrate in 1539. For more on this point, 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), 168-169.

[19] Pius XII, *Radiomensaje de su Santidad Pío XII en el 50 Aniversario de la ´Rerum Novarum´* (1 June 1941); available from http://www.vatican.va/holy_father/pius_xii/speeches/1941/documents/hf_p-xii_spe_19410601_radiomessage-pentecost_sp.html ; accessed 24 April 2008, no. 25. The document is not available online in English. It is available only in Italian, Portuguese, and Spanish. The reference here is to the Spanish version, since it is the only one of those three languages that I speak and understand.

The right to migrate is implied, but is not yet explicitly stated as such in the 1941 address. Likewise, the pope's 1942 Christmas message does not include an explicit reference to the 'right to migrate.' He does however speak of several closely related rights—including the fundamental "right to the use of the goods of the earth"—and is critical of human laws that "proceed on the insecure ground of materialistic postulates" and fail to respect human dignity.[20]

An explicitly stated right to migrate finally appears in the 1952 apostolic constitution *Exsul Familia*. In that document, Pius actually reads the right to migrate back into his 1941 address, interpreting himself as speaking "of the right of people to migrate, [a] right is founded in the very nature of land."[21]

Exsul Familia also refers back to the 1942 Christmas message, allowing for a 'migration' re-interpretation of that message in light of the 1952 document. Those human laws that fail to respect human dignity—mentioned as being born out of the "juridical positivism" at which Pius was taking aim in the 1942 address—become understood as a part of the machinery opposing the worker and God's plan and purpose for creating the earth.[22] In light of the 1952 document, Pius appears to view laws hindering the migration of families as a part of this "machinery" obstructing human beings from coming into their rightful share of the goods of the earth.[23]

This re-interpretation of the 1942 address is supported by what is condemned in *Exsul Familia* itself. In the 1952 apostolic constitution, 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 states' practice of compelling emigration of some of their population.[24] According to Anthony 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.[25] Zimmerman interprets Pius quite broadly, though the pope probably had in mind the particular situation in Eastern Europe and East Germany at the time.

Regardless of the situation that Pius had in mind, his text is very clear in its condemnation of limitations on the right to migrate. He speaks of the natural right to migrate, a right "founded in the very nature of land," as something that, in his statements, seems almost absolute. If indeed the right to migrate is absolute, it would necessarily mean that all restrictions on it are unjustified and wrong.

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[20] In the 1942 message, Pius is highly critical of a "juridical positivism which attributes a deceptive majesty to the setting up of purely human laws" (par. 22). It is not immediately clear in the document at which political group or ideology he is taking aim, but one may suppose that Italian or German fascism would be likely.
Pius XII, *The Internal Order of States and People: Christmas Message of 1942* (December 1942); available from http://www.ewtn.com/library/PAPALDOC/P12CH42.HTM ; accessed 11 February 2008, par. 22, 34. (Paragraph numbering is mine; the online document lacks such notation.)

[21] Pius XII, *Exsul Familia* (1 August 1952); available from http://www.papalencyclicals.net/Pius12/p12exsul.htm ; accessed 8 September 2007, par. 104.

[22] c.f. Pius XII, *The Internal Order of States and People*, par. 32.

[23] Zimmerman and the Committee on Social Questions, 9.

[24] Pius XII, *Exsul Familia*, par. 114.

[25] Zimmerman and the Committee on Social Questions, 13.

Despite a marked tendency in Pius' thoughts to speak of the right to migrate as nearly absolute, he does make at least one important acknowledge that the right to migrate is not entirely absolute. In *Exsul Familia*, he quotes a 1948 letter to the bishops of the United States, in which he states,

> The natural law itself, no less than devotion to humanity, urges that ways of migration be opened to these people. For the Creator of the universe made all good things primarily for the good of all. Since land everywhere offers the possibility of supporting a large number of people, the sovereignty of the State, although it must be respected, *cannot be exaggerated to the point that access to this land is, for inadequate or unjustified reasons, denied to needy and decent people from other nations, provided of course that public wealth, considered very carefully, does not forbid this* [emphasis added].[26]

In the quotation, Pius mentions "inadequate or unjustified reasons" used to deny the right to access land. However, he does not explain what would potentially be an 'adequate' or a 'justified' reason. Likewise, when he provides for the possibility that the "public wealth, considered very carefully," might be a justification for the denial of the right to migrate, he does not explain what he means by "public wealth." The concept of the common good can easily be read into Pius' mention of "public wealth," but it is not as such explicitly mentioned in either *Exsul Familia* or the 1948 letter to the U.S. bishops.[27]

The common good is mentioned explicitly in the 1942 Christmas message. According to that document, the common good is served by a "legal order and practice" that depends "on the respect of human dignity in oneself and in others."[28] A few paragraphs after making explicit the central role that respect of human dignity plays in building the common good, Pius further states that the "dignity of the human person…requires normally as a natural foundation of life the right to use the goods of the earth."[29]

If [A] the right to use the goods of the earth (which is, as already mentioned, reinterpreted later as the right to migrate) serves [B] the dignity of the human person, and [B] the dignity of the human person serves [C] the common good, then by deduction Pius is saying that [A] the right to use the goods of the earth serves [C] the common good. The right to migrate actually benefits and contributes to the common good.

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[26] qtd. in Pius XII, *Exsul Familia*, par. 111.

[27] Though the 'common good' is usually rendered into Latin as 'bonum commune,' there are quite a number of additional Latin phrases can be rendered in English as 'common good,' including 'res publica,' 'res communis,' 'communis utilitas,' or even in some contexts simply 'communis.' When one looks at the multiplicity of phrases for something like the 'common good' in Latin and the different translations that can be made into English, 'public wealth' looks like a suspiciously similar concept to the 'common good.' For more on Latin translation to English on this point, see Raymond Canning, "Common Good," in *Augustine through the Ages: An Encyclopedia*, ed. Allan D. Fitzgerald (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1999), 219.

[28] Pius XII, *The Internal Order of States and People*, par. 21, 24.

[29] Pius XII, *The Internal Order of States and People*, par. 34.

If the right to migrate benefits and contributes to the common good, then its relation with the common good is made more complicated. The common good in some way bounds the right to migrate, since it serves as a possible justification of abridging that right, but it is understood as simultaneously being benefited by the right to migrate.

Already in the thought of Pius XII on migration one can find a tension within Catholic social teaching. The right to migrate appears on the one hand in his thought to be something natural and universal, founded in the very nature of the earth. On the other hand, he includes a proviso that the common good (or public wealth), properly considered, can serve to legitimately limit the realization of the right to migrate. Further complicating this tension is the further elaboration that the right to migrate (or right to use the goods of the earth) serves and benefits the common good.

Pius provides quite limited, yet key lines of thought on the nature of the right to migrate, the limits thereof, and the relation of the right to migrate to the common good. He gives lines of thinking, which come to characterize Catholic social thought as a whole on the subject. These lines of thinking are quite limited in depth, giving only a sketch of how he thinks that migration should be understood from a Catholic point of view. Much further reflection is required, though first it is necessary to explore how later magisterial documents deal with the question of the limits of the right to migrate.

3. John XXIII and the Second Vatican Council

For a decade, the small amount that Pius wrote about the limits of the right to migrate remained the only official pronouncements on the subject. However, a decade later, both a pope and an ecumenical council commented on the subject in a way that would further influence official reflection on the subject even up to the present day.

The 1963 encyclical *Pacem in Terris* impacted Catholic social teaching on migration in multiple ways, including its important affirmation of a sort of 'right not to migrate,' which is a turn of phrase used in later interpretations of John to denote his articulation of a right to find opportunities in one's homeland.[30] Even more important though, for the question at hand, is the encyclical's oblique discussion of the limits of the right to migrate. John writes,

> Again, 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 in favor of it, he must be permitted to emigrate to other countries and take up residence there. The fact that he is a citizen of a particular State does not deprive him of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of men.[31]

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[30] John contends that "it is most opportune that as far as possible employment should seek the worker, not vice versa. For then most citizens have an opportunity to increase their holdings without being forced to leave their native environment and seek a new home with many a heartache."
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 2008, no. 102.

[31] John XXIII, *Pacem in Terris*, no. 25.

The passage foremost is about a universal human right, the right to freedom of movement including full-out migration, a right that to some extent extends over national borders. John includes an important caveat on the right to migrate beyond national borders—specifying that this right is apparently only to be realized "when there are just reasons in favor of it." He does not at this point specify a right to freely acquire another nationality.

These "just reasons" are not defined in this passage. The passage is placed in the context of the pope's treatment of human rights, which raises the possibility that it is precisely the lack of the ability to realize fundamental human rights that provides just cause for international migration. However, that interpretation of the pope's intention remains only an interpretation, since the pope does not explicitly clarify the phrase's meaning in the text.

While the exact meaning of Pope John's "just reasons" remains unclear, he does indicate a direction later in the encyclical that offers the beginnings of an answer. In the third section, which deals with relations between states, John writes,

> And among man's personal rights we must include his right to enter a country in which he hopes to be able to provide more fittingly for himself and his dependents. It is therefore the duty of State officials to accept such immigrants and—so far as the good of their own community, rightly understood, permits—to further the aims of those who may wish to become members of a new society.[32]

In that passage, John again speaks of a universal right to migrate, even calling it "personal" in this particular passage. Following Pius before him, he links a person's right to migrate with the end of being able "to provide more fittingly for himself and his dependents." This personal right is juxtaposed to a duty on behalf of the state to accept immigrants. However, this duty does not appear to be absolute, since it hinges upon "the good of their own community, rightly understood."

The common good appears here as the factor upon which any possible limitations of the right to migrate rest. The state has a duty to allow realization of the personal right to migrate, insofar as the common good, "rightly understood, permits." John has pointed to the common good as the factor determining the limits of the right to migrate, but says relatively little about how it can be applied to migration or even exactly what he means by "the common good, rightly understood."

One interesting observation that can be made about John's understanding of the common good in this passage is that it is "the good of their own community."[33] The addition of the prepositional phrase "of their own community" points to an interpretation here of the common good as a specifically national or local common good, vis-à-vis the universal

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In this passage in the encyclical, a footnote reference is made to the 1952 Christmas Address of Pius XII, in which the pope called for a lessening of restrictions on immigration laws and warned against the depersonalization of human beings by reduction them to mere material objects in society. Pius XII, "Christmas Message of 1952," *Acta Apostolica Sedis* 45 (1953), 36-46.

[32] John XXIII, *Pacem in Terris*, no. 106.

[33] John XXIII, *Pacem in Terris*, no. 106

common good. This addition is made all the more interesting by the encyclical's frequent invocation of "the universal common good, the good…of the whole human family."[34]

John's treatment of the common good points to the importance of clarifying the meaning and different levels of the common good. The universal common good is a distinct concept from the local or national common good, and may lead to different implications. In *Pacem in Terris*, John places priority in the case of the right to migrate on the national or local common good, apparently concerned for the well-being of communities unable to accommodate a large number of immigrants.

The 1965 document of the Second Vatican Council, *Gaudium et Spes* also indirectly addresses the limits of the right to migrate. The common good is a central notion that appears many times in the text, and it is linked at least once with discussion of the right to migrate.

The council fathers—writing in the section on economic development—speak about the right and duty of citizens "to contribute to the true progress of their community" and support the common good. Their words are so strong on the subject that they insist that "all resources must urgently be employed [and] those who hold back their unproductive resources or who deprive their community of the material or spiritual aid that it needs…gravely endanger the common good."[35]

However, in the midst of this strong language insisting on an obligation to not deprive a community of resources, the text gives an exception—the personal right to migrate.[36] From what the council has written, it would seem that a person has a serious obligation to contribute their work and support toward the common good of their community, especially if their community is in an undeveloped area. However, the right to migrate is taken so seriously by the council fathers that they believe that it can trump the obligation.

The implications of their teaching are tremendous. Person X, living in developing country Y, has an obligation to his or her community the same as anyone else. However, if he or she opts to migrate and take up residence in another country, that personal right trumps the obligation and frees the human person to seek better circumstances and opportunities for themselves and their families.

Gaudium et Spes thus gives a remarkably strong personal and individual character to the right to migrate, very nearly approaching the status of an absolute individual right. However, it recognizes every person's obligation to contribute the common good. The emphasis of the passage though is distinct in content from that of *Pacem in Terris*'s discussion of the limits of the right to migrate because it focuses on obligations to the migrant's original community. The tension in *Gaudium et Spes* is not between the "common good" of the sending community and the personal right of the migrant, but is rather between the migrant's obligation to contribute to the common good in their native country and the personal right to migrate in order to seek a better life. The council fathers, when speaking of this tension, give preference to the personal right.

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[34] John XXIII, *Pacem in Terris*, no. 132. For additional references to the universal common good in *Pacem in Terris*, see no. 133, 134, 137, 138, 139, 140, 155.

[35] *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 9 April 2008, no. 65.

[36] *Gaudium et Spes*, no. 65.

In the following paragraph, the council fathers do seem to mitigate their interpretation, giving an indication that the right is not really absolute. The council fathers write,

> Justice and equity likewise require that the mobility, which is necessary in a developing economy, be regulated in such a way as to keep the life of individuals and their families from becoming insecure and precarious…. All the people, moreover, above all public authorities, must treat them not as mere tools of production but as persons, and must help them to bring their families to live with them and provide themselves with decent dwelling; they must also see to it that these workers are incorporated into the social life of the country or region that receives them. Employment opportunities, however, should be created in their own areas as far as possible.[37]

The paragraph pleads for the protection of migrant workers. Discrimination and depersonalization (treating as "mere tools of production") are prohibited. Furthermore, the bishops affirm a positive obligation to protect immigrants and incorporate them into the local community in which they are living.

This paragraph—apparently out of concern for the protection of vulnerable migrants—also encourages regulation of migration in order "to keep the life of individuals and their families from becoming insecure and precarious." If migration can and should be regulated, then the right to migrate is not a completely autonomous and absolute right. It apparently, according to the council, can be limited to some degree in order to protect the good of the migrants and the migrants' family. However, the document does not elaborate any further on the degree to which a government or any other societal institution could limit the personal right to migrate.

Gaudium et Spes, like *Pacem in Terris*, emphasizes the personal nature of the right to migrate, though it demurs from giving it the character of an absolute right. The common good is linked with the right to migrate, but in a way that reverses the focus of *Pacem in Terris*, instead concerning itself with the good of the migrant's native community. It allows for regulation of migration, but gives as the reason the protection of the life of individuals and their families from insecurity instead of the national or local common good of the receiving community.

Taken together, *Gaudium et Spes* and *Pacem in Terris* do shed some light onto some of the factors to be considered vis-à-vis the right to migrate. Those factors to be considered include both the common good of the sending and receiving communities and the good of the migrants themselves and their families. Thereby, the two documents color and influence subsequent teaching on the right to migrate and contribute some indications of how the right to migrate should be understood from a Catholic perspective.

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[37] *Gaudium et Spes*, no. 66.

4. Recent discussion of the limits of the right to migrate: The episcopal conferences of the United States / Mexico and the Philippines

Two recent documents, one written by the episcopal conference of the Philippines and the other jointly by the episcopal conferences of the United States and Mexico, offer some additional official contribution to the Catholic Church's understanding of the limits of the right to migrate. The two documents—coming at the question from the opposite perspectives of sending (Philippines and Mexico) and receiving countries (United States)—open up the question a bit more, as well as beginning to demonstrate the importance of further reflection on the limits of the right to migrate.

In 1995, the Filipino bishops issued a pastoral letter entitled *Comfort My People, Comfort Them*. The pastoral letter, addressing what the bishops saw as the tragic situation of many Filipino migrant workers, called for governmental action to create structures to protect migrant workers and even for governmental limits on migration in order to accomplish that goal.[38]

The pastoral letter takes a fairly nuanced approach to the issue of migration, giving a lengthy listing of aspects of migration to be considered in the protection of migrant workers. The bishops affirm a number of positive developments coming from there being so many Filipino migrant workers abroad, including their significant contribution to the national development of the Philippines itself, especially through remittances.[39]

At the same time, the bishops express concern about the considerable evils inflicted upon Filipino migrant workers abroad—"injustice, loss of life and human dignity, inhuman abuse and maltreatment, exploitation, moral degradation, broken families, loss of faith, loneliness, and other sufferings."[40] Because so much evil accompanies migration, the bishops insist that the state should cease to promote overseas migration as a means for economic development and in fact should not allow overseas employment until protective measures are in place to shield the dignity and human rights of Filipino workers.[41]

The 1995 pastoral letter does go on to mention that the Church teaches that every person has a right to emigrate "because of an intolerable political or economic situation in one's country."[42] While recognizing this teaching, the bishops say again that there is a substantial "human and social cost to overseas work" and that some prices are "too high for just a better salary. Loss of life, loss of human dignity, moral degradation, or a broken family is just too high a price."[43]

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[38] This is not the first time that the bishops of the Philippines made a statement in this vein. A previous important example is the 1988 statement on the occasion of National Migration Day. See Leonardo Legaspi, *On the Occasion of National Migration Day* (21 February 1988); available from http://www.cbcponline.org/documents/1980s/1988-national_migation.html ; accessed 1 March 2008.

[39] Carmelo Morelos, *Comfort My People, Comfort Them* (1995); available from http://www.cbcponline.net/ecmi/letters/COMFORT%20MY%20PEOPLE,%20COMFORT%20THEM.htm ; accessed 1 March 2008, par. 5.

[40] Morelos, par. 6.

[41] Morelos, par. 7.

[42] Morelos, par. 8.

[43] Morelos, par. 8.

The Filipino bishops, coming from a nation that as of 2005 had an estimated seven million émigrés living abroad,[44] give a certain interpretation and consideration to the limits of the right to migrate. The government has an obligation to protect its citizens from the harms that can accompany migration, even to the point of putting a stop-gap in front of the individual Filipino's right to migrate.

The Filipino bishops' 1995 document exudes a high degree of tension. On the one hand, the bishops affirm and recognize the right to migrate as both a personal right and something of value to the common good. On the other hand, they urge that the government put in place limitations on the right to migrate because of the harm involved to the migrant workers themselves. *Comfort My People, Comfort Them* may be inspired by *Gaudium et Spes*, which similarly placed the right to migrate in tension with the possibility of regulating migration for the sake of the protection of the migrant workers themselves.

However, there is at least one striking difference between the 1995 pastoral letter and *Gaudium et Spes*. The council fathers gave preference to the personal right to migrate, whereas the Filipino bishops call for a virtual cessation of emigration through governmental action until means are in place to protect migrants.[45] Though the Filipino bishops later abandoned their position on the subject in favor of more openness toward the right to migrate,[46] the position that they took in 1995 shows the need for further reflection within the Catholic social teaching tradition on the nature of the right to migrate and whose well-being is of most concern when speaking of the common good in relation to the right to migrate.

A second recent document of significance for the question at hand is the landmark pastoral letter issued jointly in 2003 by the bishops of the United States and Mexico—*Strangers No Longer: Together on the Journey of Hope*. The lengthy document contributes in multiple ways to Catholic social teaching on migration. One of its most important contributions is its summary of five principles of Catholic social teaching on migration and the subsequent tension that it raises concerning the limits of the right to migrate.

Two of the principles offered by the document are of particular significance for the question of the limits of the right to migrate. On the one hand, the bishops state,

> Persons have the right to migrate to support themselves and their families. The Church recognizes that all the goods of the earth belong to all people. When persons cannot find employment in their country of origin to support themselves and their

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[44] Global Commission on International Migration, *Migration in an interconnected world: New directions for action* (Switzerland: SRO-Kundig, 2005), 84.

[45] Morelos, par. 7.

[46] Subsequent to the 1995 statement, the bishops do a full about-face on the question of whether the Philippine government should limit emigration. Their 2005 *Message for the 19th National Migrants' Sunday* reverses the bishops' previous stance and states that they do "not discourage [the Filipino] people from working for 'more bread' abroad, nor [do they] judge unfavorably the motivations of those who migrate for work" (par. 1). The bishops explain their support of migrant's option to migrate as due to "the great contribution our migrant workers give not only to our national economy… but more importantly, to the promotion of the Church's mission" (par. 3).
Precioso Cantilla, *Message for the 19th National Migrants' Sunday* (13 February 2005); available from http://www.cbcponline.net/ecmi/letters/19th%20National%20Migrants%20Sunday.htm ; accessed 2 May 2008.

> families, they have a right to find work elsewhere in order to survive. Sovereign nations should provide ways to accommodate this right.[47]

The right to migrate is something that belongs to persons, and is therefore universal. The bishops, following the example of Pius XII, link the right with the universal destination of goods. Like John XXIII, they explicitly place a condition upon the right—that migration must be necessary to find the means to support the person and their family. The bishops, when speaking of the right to migrate, insist that sovereign nations must bow before the right and find a way to accommodate it. At the same time though, the bishops write,

> Sovereign nations have the right to control their borders. The Church recognizes the right of sovereign nations to control their territories but rejects such control when it is exerted merely for the purpose of acquiring additional wealth. More powerful economic nations, which have the ability to protect and feed their residents, have a stronger obligation to accommodate migration flows.[48]

Juxtaposed to an affirmation of the right to migrate, the U.S. and Mexican bishops proclaim that sovereign nations have a right to control their borders. Thereby, a limit on the right to migrate is acknowledged. It is apparently not a radically individual right, since the bishops deem it correct for a state to regulate it borders.

The state's right to control its borders is not absolute either, according to *Strangers No Longer*. It must serve a correct purpose, and "acquiring additional wealth" is immediately rejected as a possible end by the bishops.[49] Indeed, three paragraphs after affirming the right of sovereign nations to control their borders, the bishops state that they recognize that right to control borders "in furtherance of the common good."[50]

The "common good" is left undefined by the pastoral letter. Though what the bishops write in the section on "Public Challenges and Responses"—with categories like "family-based immigration," "legalization of the undocumented," and "employment-based immigration"—can be interpreted as directions for thought in this regard, little to nothing is actually said about what the common good means in the context of migration and how it should be understood as a framework through which one can understand the limits of the right to migrate.

The most direct statement that *Strangers No Longer* makes toward an understanding of the limits of the right to migrate in a common good framework can be found in paragraph thirty-nine, immediately after the document's recognition of the right of the state to control its borders in furtherance of the common good. The bishops write that these two rights—the right of the state to control its borders and the right of human person to migrate—

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[47] 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 2008, no. 35.

[48] USCCB and CEM, *Strangers No Longer*, no. 36.

[49] USCCB and CEM, *Strangers No Longer*, no. 36.

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

> complement each other. 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, 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.[51]

The bishops indicate a direction and a presumption to be made in the balancing act between the right of the state to control its borders and the person's right to migrate. The common good is the key concept through which to understand the limits of the right to migrate, but the statement clearly indicates a presumption against limiting the right to migrate, since the right itself contributes to the realization of the common good.

5. Where the question stands today: some conclusions

Fifty-six years after Pius XII made his first explicit mention of the right to migrate in *Exsul Familia*, the tradition of Catholic social teaching on migration has developed to include a bit wider perspective. However, relatively little reflection has happened toward understanding and resolving a number of related lingering questions. Though there is apparent agreement that the right to migrate is not an individually absolute right, the real factors that can be considered in the legitimate limitation of that personal right remain dangerously undefined. The common good is a concept frequently invoked in order to provide a framework for understanding the limitations of the right to migrate, but it also remains largely undefined within the context of migration.

In contemporary discussion in receiving countries such as the United States, a wide variety of concerns are raised in public debate about immigration in order to justify more stringent enforcement of immigration laws and to justify further limitation of legal pathways. Many of the concerns that they raise are at least partially legitimate concerns for the common good. For instance, anti-immigration advocates in the southwest of the United States will frequently point out the strain placed on public hospitals in areas with large numbers of undocumented migrants. In another instance, hawkish members of the U.S. Congress argue that a stringently enforced and more closed immigration policy will help prevent violent crime and even terrorism. In yet another example, there is a significant percentage of the U.S. population that is concerned about the changing of culture in their area and argues for stricter limits on immigration to protect their understanding of what U.S. culture should be like.

In sending countries, such as the Philippines, concerns may be raised about the danger in which migrants frequently find themselves, or concerns may be raised about the lack of commitment on the part of the migrants to the well-being of their communities. The phenomenon of "brain drain" and the role that emigration may play in perpetuating unjust societal structures are also mentioned as serious concerns.[52]

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

[52] There is a paucity of material on the relationship of the common good to migration, but at least one exception can be found in a recent article by Séverine Deneulin published in the *European Journal of*

What is sorely needed within the tradition of Catholic social teaching on migration is further reflection on the right to migrate's relationship to the common good. Further reflection would hopefully give Catholics in dialogue with society the tools needed in order to evaluate which threats to the common good can legitimately serve to limit the right to migrate.

The central conclusion of this chapter is that, within the tradition of Catholic social teaching, any exploration of the limits of the right to migrate must be done through the lens of the common good. This umbrella concept, which is so central to Catholic social teaching, is the hermeneutical key for understanding the question of the limits of the right to migrate.

Development Research. In that article, which particularly focuses on the question of migration remittances and the case of El Salvador as a country of emigration, Deneulin raises the question of whether migration as an individual form of agency in fact serves to erode participation in political activity which builds up socially responsible public institutions (51).
She gives a summary of a sort of 'common good approach to development' in which she places migration within the context of a retrieval of the common good tradition and questions migration as a form of action leading to a better life for the individual and their family and community, arguing that it undermines "the conditions of possibility for human flourishing" (56).
Séverine Deneulin, "Migration Remittances and the Common Good," *The European Journal of Development Research* 18, no. 1 (March 2006), 45-58.

CHAPTER TWO: THE MEANING OF THE COMMON GOOD FOR THE RIGHT TO MIGRATE

As the first chapter argues in its exploration of the state of discussion about the right to migrate in Catholic social teaching today, the common good has come to be understood as the key concept from which to work in understanding the limits of the personal right to migrate. Thus, in order to explore the limits of the right to migrate, this chapter will attempt to progressively build an understanding of the meaning of the common good. It begins by establishing the basic foundations of the common good, and then moves progressively toward an understanding that is directly applicable to the right to migrate.

The systematic exposé of the nature of the common good built up in this chapter segues into a new framework for understanding the purpose and role of the right to migrate. In the third chapter, the understanding of the common good established in this second chapter is applied more specifically to Catholic social teaching on migration.

c. Origins of the notion of the common good

The development of the concept of the common good has a long history which is generally understood to have begun with Aristotle. For Aristotle, the good life is oriented to goods shared with others, which is the common good of the larger society in which one participates. The good life of a single person is integrally linked to the quality of the common life shared by the society at large. Furthermore,

> Even if the good is the same for the individual and the city, the good of the city clearly is the greater and more perfect thing to attain and to safeguard. The attainment of the good for one person alone is, to be sure, a source of satisfaction; yet to secure it for a nation and for cities is nobler and more divine.[53]

David Hollenbach points out that, given the vast differences between Aristotle and the contemporary situation, it is far from immediately evident what it would look like today to apply this understanding of the interdependence of the good of the individual and the common good.[54] However, it is clear that for Aristotle the common good is superior to the good that can be achieved in the life of a single individual considered apart from the community.

Aristotle further makes the argument that communities are inherently oriented toward some good. He opens the *Politics* by stating,

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[53] Aristotle, *Nicomachean Ethics*, trans. Martin Oswald (Indianapolis: Bobbs-Merrill, 1962), 1094b. This quotation, following the example of David Hollenbach (*The Common Good and Christian Ethics*, 3), switches two terms from Oswald's translation—'state' to 'city' and 'man' to 'person.' The term 'state' is eschewed in this case by Hollenbach in order to avoid giving the impression that Aristotle is speaking of the modern nation-state.

[54] Hollenbach, *The Common Good and Christian Ethics*, 4.

> Observation shows us, first, that every city [polis] is a species of association, and, secondly, that all associations come into being for the sake of some good—for all men do all their acts with a view to achieving something which is, in their view, a good. It is clear therefore that all associations aim at some good, and that the particular association which is most sovereign of all, and includes all the rest, will pursue that aim most, and will thus be directed to the most sovereign of all goods. This most sovereign and inclusive association is the city [or polis], as it is called, or the political association.[55]

A priority is established in Aristotle's thought for the common good, particularly on the level of the political association. Thus, the issue for political philosophy is to determine whether the good life as pursued by a political community is really the best life possible.[56]

Aristotle gives the basics for understanding the common good. It is the good toward which an association of people exists. Because of its "common" nature it has priority over the good of any one single person, even being called "divine," introducing a religious dimension and priority to the common good that would be echoed and developed within the Christian tradition.[57] Even while keeping this priority in mind, it is nevertheless the case that, for Aristotle, the common good is not understood to be generally in opposition to the good of the person, since the two goods remain closely interrelated in his view.

2. The person and common good

Even having just introduced the general concept of the common good from Aristotle, the question of the relation of the person to this common good has already arisen. This fundamental discussion is a key to understanding how the common good is to be viewed against a particular right of the person, the right to migrate.

Martin Buber, in his well-known *I and Thou* meditation, muses that "in the beginning is relation," even before the self can be formed.[58] Relation precedes and serves to form the self. The "I" and the good of selfhood can only come after and as a result of the good of relationship with others.[59] Buber primarily focuses on direct, one-on-one personal relationships as formative for the self, quite visibly in childhood, but also in adulthood.

David Hollenbach, commenting on Buber, favorably mentions this insight of the good of relationship with others as an *a priori* condition for the good of the self, but insists further that this causal priority of relation before selfhood "is also descriptive of the role of interrelationship in broader domains of social life."[60] Hannah Arendt similarly emphasizes the societal importance of relationship in *The Human Condition*. She notes, like Buber, that public life is located "between" persons.

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[55] Aristotle, *The Politics*, trans. Ernest Barker, revised with introduction and notes by R. F. Stalley (Oxford: Oxford University Press, 1995) 1252^{a}1-6.
[56] See Aristotle, *The Politics*, 1323a14. See also Patrick Riordan, "Is There a Common Good?" *Landas* 4 (1990), 72.
[57] Aristotle, *Nicomachean Ethics*, 1094b.
[58] Martin Buber, *I and Thou*, 2nd edition, trans. Ronald Gregor Smith (Edinburgh: T & T Clark Ltd., 1984), 18.
[59] Buber, 27.
[60] Hollenbach, *The Common Good & Christian Ethics*, 78.

Arendt, speaking of the interest of individuals, acknowledges the obvious fact that action and speech reveal the interest of individuals, but at the same time points out that these individual interests are directed toward other people. The "interest" of any individual human being is *inter-est*, that is among (*inter*) or between (*est*) persons. Arendt speaks of the realm of human affairs as "the web of human relationships" present where people actively live together. This web is brought into being in a special way by speech and action. Speech and action, having been derived from and being directed back to the previously existing web, can never be conceived as the result of the action of a solitary person. Rather, speech and action are only conceivable as the acts of a person interacting with others.[61]

Based on Arendt's understanding of human interest, Hollenbach feels able to confidently state that "any good of a person that is a real good, therefore, is embedded in the good of the community. Conversely, any common good that is a real good is simultaneously the good of persons."[62]

Hollenbach, apparently taking into account that a whole range of things are called 'goods,' emphasizes that that which is a *real* good both a common good and a good of persons. He makes this existential claim on an anthropological and philosophical basis, linking the two together.

Jacques Maritain, in *The Person and the Common Good*, gives a relatively practical reason for why the good of society must be understood as the common good of human persons. He argues that, without recognition that the common good is a good "of human persons," the result would be "errors of a totalitarian type."[63]

> The common good of the city is neither the mere collection of private goods, nor the proper good of a whole which, like the species with respect to its individuals or the hive with respect to its bees, relates the parts to itself along and sacrifices them to itself. It is the good of the human life of the multitude, of a multitude of persons; it their communion in good living. It is therefore common to both the whole and the parts into which it flows back and which, in turn, must benefit from it.[64]

Maritain is conscious of the dangerous possibility that a social entity, such as a government, could attempt to justify coercive actions and abridgement of human rights on the basis of something like the common good. His example of bees and a hive, in which individual bees are thoughtlessly sacrificed for the well-being of the hive, shows the tragic situation that could result in human societies if the common good is understood in a way against the good of the individual person.

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[61] Hannah Arendt, *The Human Condition: A Study of the Central Dilemmas Facing Modern Man* (Garden City, NY: Doubleday Anchor, 1959), 162-163.

[62] Hollenbach, *The Common Good and Christian Ethics*, 79.

[63] Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald (Notre Dame, IN: University of Notre Dame Press, 1966), 50.

[64] Maritain, 50-51.

Maritain argues that, in fact, the "principal value" of the common good is the "recognition of the fundamental rights of persons and those of the domestic society in which persons are more primitively engaged." The common good's essence includes "communication or redistribution to the persons who constitute society. It presupposes the persons and flows back upon them, and, in this sense, is achieved in them."[65]

The common good, if it is to be truly the common good, must principally be understood as a good of persons, and should not be conceived of in opposition to the person's rights and well-being. For that reason, it is at this point still quite difficult to say precisely how the common good can be understood as somehow constituting the limit of the individual's right to migrate. In an attempt to puzzle out this difficulty, the next step is a more direct analysis of the space between human persons, Arendt's *inter-est*, which is found in shared human life.

3. Shared human life

Maritain speaks eloquently of the human person, and of the fact that the human person is the fundamental social unit. Recognizing this reality, he raises the all-important question of why the human person seeks to live in society. He argues that the person does so "because of its very perfections, as person, and its inner urge to the communications of knowledge and love which require relationship with other persons."

For Maritain, relationships do not arise merely from experience of need or of deficiency. As Hollenbach, commenting on Maritain, points out, once a good that fills a simple deficiency is obtained, the desire for it ceases. The example of food makes the point clear; humans need food and desire it, but the desire ceases upon consumption of an appropriate amount. In contrast, the good of human relationship "does not exist 'inside' an individual in the way food fills an empty stomach."[66]

Food, a private good that can only be consumed in an excludable and rivalrous way, can be distinguished from a public good like clean air. Clean air is non-excludable, and can be consumed in a non-rivalrous way, with any particular person's enjoyment of the good not detracting from the enjoyment of it by others. These are in a sense "common goods," but—following the example of Michael Hechter—for ease of understanding this sort of goods will be referred to as 'public goods.'[67] However, treating relationships as "public goods" is as inadequate as treating it as a private good.

Relationships rather fall into the category of those things which Charles Taylor calls "irreducibly social goods."[68] A public good is common, but is not necessarily social at all. William Rehg gives two reasons for this. First, a person can enjoy a public good like clean air without having contributed anything to its production. Second, public goods can be conceptually broken down and understood only in terms of their benefits to individuals.[69]

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[65] Maritain, 51.

[66] Hollenbach, *The Common Good and Christian Ethics*, 80.

[67] For this distinction, see Michael Hechter, *Principles of Group Solidarity* (Berkeley: University of California Press, 1987), 33-37. For an applied discussion of this distinction with reference to Taylor, see William Rehg, "Solidarity and the Common Good: An Analytic Framework," *Journal of Social Philosophy* 38, no. 1 (Spring 2007), 9.

[68] Charles Taylor, *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995), 139.

In Taylor's analysis and treatment of irreducibly social goods, relationships of love and friendship are understood as prime examples of goods that are "not susceptible to atomistic analysis" because they are based upon inherently indecomposable common understanding. Something is common in Taylor's view "when it exists not just for me and for you, but for us, acknowledged as such." Friendship necessarily includes more than mere mutual, convergent understanding, but rather the common understanding that the friendship is valuable. It is essential to the being of a good relation "that the common understanding englobe its goodness." A friendship, englobed in common understanding, means that there is some "common sense of what this means to us" in the friends' mutual love. When the common understanding comes into doubt, the friendship itself is fundamentally threatened.[70] To put this in another way, if friendship and love are treated simply as a means to the personal fulfillment of the individual, they cease to be friendship and love in any meaningful sense.[71]

In the same way as friendship and love, the shared public life of the common good realizes the human capacity for intrinsically valuable relationships. It is much more than just a fulfillment of the needs and lacks of individuals. While it is true that shared life in society can be instrumentally beneficial to the needs of the individual—such as through fulfilling the need for food, shelter, or safety—it is also the case that sharing a home with others, eating communally, learning from others, and establishing friendships are much more than mere extrinsic means toward human flourishing. They are aspects of flourishing itself.[72]

Thus, it makes perfect sense for Maritain to argue that a person's impetus toward social relationships comes from the very "perfections" of a human being. Shared human life, with all the communication and interaction involved within it, is good in itself. It cannot be broken down conceptually into the goods of individuals without missing the vital reality of the good of relationships themselves. As Hollenbach points out, an essential aspect of the common good is simply "the good of being a community at all—the good realized in the mutual relationships in and through which human beings achieve their well-being."[73]

4. The structures of living together

When speaking about being this community and the common good, we speak of what Paul Ricoeur calls 'structures of living together.' Ricoeur, in *Oneself as Another*, understands these structures of living together as something that belongs to a historic community, "a structure irreducible to interpersonal relations and yet bound up with these in a remarkable sense."[74] The common good can thus be understood as the sum of valuable structures of living together, a definition that is not reducible to relationships alone. Rather, it is "something that emerges from life in common, from the 'living together' in human communities."[75]

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[69] Rehg, 9.

[70] Taylor, 139.

[71] Hollenbach, *The Common Good and Christian Ethics*, 81.

[72] Hollenbach, *The Common Good and Christian Ethics*, 81.

[73] Hollenbach, *The Common Good and Christian Ethics*, 82.

[74] Paul Ricoeur, *Oneself as Another*, trans. Kathleen Blamey (Chicago: The University of Chicago Press, 1992), 194.

Ricoeur goes on to say that what fundamentally characterizes these structures of living together "is the bond of common mores and not that of constraining rules. In this, we are carried back to the *ethos* from which ethics takes its name."[76] Speaking of the common good involves discovery of the ends toward which societies and communities are inclined, and of the whole worldview that permeates and maintains all these structures of collaborative coexistence.

Complementing Ricoeur's perspective, Séverine Deneulin points out that the common good is not so much about "the sum total of institutional arrangements which secure the conditions for people to achieve certain levels of human well-being." Rather, the common good refers foremost to "the whole of the conditions of social life which enable people to live flourishing human lives." Deneulin defines these conditions not as social arrangements, but rather as that which enables social arrangements to exist—"the existence or absence of certain social values which inhere in the certain society, such as for example the values of justice and solidarity."[77]

5. The 'space' in which we live together

Social arrangements and structures come into being shaped according to the values of society, always being thoroughly permeated and sustained by an *ethos*. To rephrase, every community has some sort of sense of the common good. The sense of the common good varies between communities. It is thus possible to speak in the manner in which Eric Mount does when he calls for a "correction of our vision of the common good" in a particular direction.[78] A community's vision of the common good can change and develop, and it is thus important to speak of it, exploring and challenging its meaning in a particular society.

In engaging in discussion about the common good in a particular society, it is vital to realize that no society is ever "neutral" in relation to the common good because every society is thoroughly penetrated by its own particular vision of what the common good is. For a society to operate at all, it must be inclined to some sorts of values and to some particular ends. Even a society that places a great deal of emphasis on the individual still has its own particular vision and set of values that amount to being an environment of sorts for people living in the society.

Suzanne Wilson speaks of "the narrative of the common good."[79] In her account, every society and social system has narratives behind it which shape relationships and communal understandings. Wilson concerns herself particularly with domination systems, and how "patterns of rivalry and exclusion are grounded in fear and based in sinful structures."[80] She sees a Catholic vision of the common good, articulated in the Catholic social teaching tradition as an alternative narrative and set of values that is capable of challenging and changing social structures and communal understandings.

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[75] Deneulin, 53.

[76] Ricoeur, 194.

[77] Deneulin, 53.

[78] Eric Mount, "It Takes a Community—or at least an Association," in *In Search of the Common Good*, ed. Dennis P. McCann and Patrick D. Miller (New York: T & T Clark, 2005), 189.

[79] Suzanne Wilson, "The Common Good: Choosing Alternative Values, Narratives and Consciousness," *Toronto Journal of Theology* 20, no. 2 (2004), 172.

William Cavanaugh, in his incisive work *Theopolitical Imagination*, offers a complementary perspective in his discussion of what he calls "the myth of civil society as free space." As he points out, it is relatively quite common in theological discourse to argue for the public potential of religion and urge Christians "to get off of the sidelines and into the game." Concerned "to diagnose and overcome the claustrophobia introduced by the Church's confinement to the private sphere," some try to speak of civil society as "a space that, above all, is public without being political in the usual sense of direct involvement in the state."[81]

Cavanaugh, who is principally pointing his finger at the thinking of John Courtney Murray and Henry Boyte as providing two prime examples of naïveté in presuming civil society as free space, finds inadequate any description of society that overlooks the biases and narratives already present within it. Specifically, Cavanaugh points out how civil society and the state have been integrated into a single complex. He writes that "the economic, political, social and cultural spheres have merged to such an extent that culture obeys the logic of the market and the political apparatuses in turn create spaces for capital to operate."[82]

6. Making space for an alternative narrative

If, following Wilson, one sees a need to introduce alternative narratives of the common good and if, as Cavanaugh says, there exists no 'free space' in which to dispassionately compare narratives, then one is left with a quandary. How does one go about creating space for an alternative narrative in society? How is it possible to introduce another narrative into the public sphere?

a. Augustine and the nature of the public

Cavanaugh argues that the life of the Church can create an alternative public place. In order to build the foundation for his case, he suggests looking to the thought of Augustine on the nature of the public.[83] In *City of God*, Augustine concerns himself with the question of the meaning of the term *res publica*. The term *res publica*, the 'public thing,' can also be variously translated as a commonweal, a commonwealth, civil affairs, a republic, or the common good.

Augustine's discussion of the subject is concerned with the accusation that the expansion of Christianity caused the downfall of the Roman Republic, and he opted for a practical approach of inquiring into the conditions that must be present for the existence of a

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[80] Wilson, 168.

[81] William Cavanaugh, *Theopolitical Imagination* (New York: T&T Clark Ltd., 2002), 53.

[82] Cavanaugh, *Theopolitical Imagination*, 71.

[83] Cavanaugh, *Theopolitical Imagination*, 83-84.

'republic' or a people at all.[84] In order to do this, Augustine turns to a definition offered approximately fifty years before Christ by Cicero. According to Cicero, "a people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in agreement with respect to justice and a partnership for the common good."[85]

It is with this definition of Cicero that Augustine makes his argument that the republic of Rome was in fact not ever a true republic at all. Augustine cites the ancient orator as saying that the substance of the commonwealth—common commitment to the ways of justice— was lost long before his time, and thus the blame for the downfall of Rome cannot be laid on the doorsteps of Christians.[86] The Roman state is, for Augustine, not a true "public thing" at all.

If the state is not the true *res publica*, then the question remains: what is? There can be no republic unless the people have a moral consensus joining them together in respect to justice and to the common good. That is a high standard to meet, and Augustine raises it higher still. He contends that, in order to be a true republic, the people must not have just any consensus as to the common good, but must be centered on what is truly just and truly the common good. Since justice involves rendering what is due, and what is due to God is worship and love, a true commonweal is an assembly of people united in worship and service to God.[87] Further, a true republic must be of a people bound together in love, since this is what faith in God demands toward one's neighbor.[88]

Hollenbach summarizes Augustine's conclusion of what a true commonweal must be as "a people bound together by faith in Christ, love of God and the neighbor in God, and obedience to the moral exigencies of the gospel."[89] Given this conclusion about the nature of what a commonweal is, it is only Augustine's "City of God" that can be identified with the common good in the fullest sense.[90]

b. The Church as public space

The Church—though far from perfect and certainly not yet representing the full, eschatological heavenly Jerusalem—is nonetheless understood to participate in the City of

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[84] Hollenbach, "The Common Good Revisited," 79.

[85] Cicero, *De re publica* 1, 25, 39. Translation taken from Cicero, *On the Republic On the Laws*, trans. Clinton W. Keyes (Cambridge, MA: Loeb Classical Library, 1928).
The definition is cited by Augustine in *The City of God* 2, 21. Augustine's citation and paraphrase of Cicero is later claimed by Aquinas as well in *Summa theologiae* II-II, 42, 2.

[86] Augustine, *City of God*, 2, 21.
See Hollenbach, "The Common Good Revisited," 80.

[87] Augustine, *City of God* 19, 21.

[88] Augustine, *City of God*, 19, 23.

[89] Hollenbach, "The Common Good Revisited," 81.

[90] Canning, 221.

God in some way.[91] It can, for that reason, be seen as an even more appropriate "public thing" than the state.[92]

Cavanaugh sets up a tough scenario. Speaking broadly to introduce the topic of Church as public space, he states that

> In the modern age, Christians have tended to succumb to the power of state soteriology, and they have often done so on Christian grounds. It is not enough to see what is called 'secularization' as the progressive stripping away of the sacred from some profane remainder. What we have instead is the substitution of one *mythos* of salvation for another.[93]

Cavanaugh contends that the Church cannot accept the status of being something merely "private"—a voluntary association of private citizens—and let the state perpetuate its claims of being the true public space. In order to have the disciplinary resources to resist the narrative given by the state and offer a narrative of the common good, the Church must be "public."[94]

Cavanaugh argues that what makes something public is that no aspect of life is excluded from its touch. Modernity attempts to interiorize religion and force it down to the status of a "motivating force" when it comes to political, economic, and other bodily practices. He contends that thereby "the modern Church splits the body from the soul and purchases freedom of religion by handing the body over to the state."[95]

For a corrective to this partial neutering of modern Christianity, Cavanaugh looks to the Thomist virtue of religion. Thomas included 'religion' under the virtues discussed in the Second Part of the Second Part of his *Summa Theologiae*. For Thomas, the virtue of religion "is reckoned a part of justice which is a moral virtue."[96] This virtue toward rendering to God what is due involves the whole person, including body and soul. As a virtue, it is acquired through community, formed through the "public" practices of the Church.[97]

Introducing the Church as public means that we can cease to assume that the only options available are either to withdraw into some sort of "private" confinement or go along with the vision of the good offered by the state. Declining both those options, the Church "transgresses both the lines which separate public from private and the borders of nation-states."[98] The Eucharistic practices of the Church join people into a single Body, which transcends the limits set by the nation-state and thereby makes space for and forms a different vision of the common good.

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[91] The question of the Church's relationship to Augustine's "City of God" is of course a complicated one that deserves far more than the treatment possible to give it here. I return to this question in the section on transcendence at the end of the chapter, though the scope of my discussion remains necessarily limited even there.

[92] It is important to note, however, that the rest of society—including even the state—should also be understood as participating to some extent in the City of God. This will be discussed in greater detail later on in the chapter. For now, it is sufficient to simply provide an initial basis for considering why the Church might be able to be considered an even more apt 'public thing' than the state.

[93] Cavanaugh, *Theopolitical Imagination*, 84.

[94] Cavanaugh, *Theopolitical Imagination*, 85. Cavanaugh goes to great lengths at this point to show that he is not arguing for the Church to "take up the sword" again, but rather for the Church to counter the violence of the state.

[95] Cavanaugh, *Theopolitical Imagination*, 87.

[96] Thomas Aquinas, *Summa Theologiae* II-II, 81, 5, s.c.

[97] See Cavanaugh, *Theopolitical Imagination*, 88.
Christopher Vogt notably brings together the common good and virtue ethics in a recent article. See Christopher Vogt, "Fostering a Catholic Commitment to the Common Good: An Approach Rooted in Virtue Ethics," *Theological Studies* 68 (2007), 394-417.

Michel de Certeau offers a rich and helpful account of how space is formed. 'Space,' in contrast to a static 'place' which can be represented on a map, takes into account that in time varying spaces are created by movements and actions. People produce different spaces through various actions, principally mediated through stories, which "organize the play of changing relationships between spaces and places."[99] Cavanaugh, speaking about de Certeau's notion of space, cites the example of how history books in the United States and even the new media tell a sort of 'story' that creates a belief in national territory, which in turn serves to mobilize people living in that territory to particular actions such as participation in a war effort.

The Church, creating an alternative space for a narrative of the common good to flourish, does not create something that sits territorially side-by-side with the state. Rather, the Church's space—in same way as other spaces like that of the state—comes into being through telling particular stories about ends.

Cavanaugh points principally to the Eucharistic liturgy as the preeminent "spatial story" for Christians. He contends that

> Just as eating and drinking together do not merely symbolize a family, but help to constitute a family, so eating and drinking the body and blood of Christ transform the partakers into a body with a social dimension. For this reason the discipline of the Christian community has since the beginning taken the form of excommunication; who is and who is not partaking of the table defines the spatial limit of the community gathered around the table.[100]

At this point in his discussion, Cavanaugh points to an especially relevant example—undocumented immigration—to demonstrate how different spatial stories can lead to different definitions of space and accompanying understandings of the good. He imagines on the one hand students formed through the spatial story of nationalism, and on the other hand young people taught to see others as fellow members of the mystical Body of Christ.[101] In the first case, students are taught to think in terms of national territory with an accompanying notion of citizenship, and thus approach the challenge of the undocumented through the lens of reinforcing borders and the rule of law. In the second case, undocumented immigrants would be included as fellow members of the space created by the Eucharist and thus the students could approach the problem through the lens of what is good for the undocumented and for all.

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[98] Cavanaugh, *Theopolitical Imagination*, 90.

[99] Michel de Certeau, *The Practice of Everyday Life*, trans. Steven Rendall (Berkeley: University of California Press, 1984), 118.

[100] Cavanaugh, *Theopolitical Imagination*, 93.

[101] Cavanaugh, *Theopolitical Imagination*, 93-94.

7. The vertical dimension – transcendence and the common good

This alternative space, which the Church fosters and into which Christians enter in seeking the common good, purports to be something more than just one possible space among many. Though there are many narratives of what is good, and though the Church's seeking to be public space could be seen from a relativistic point of view as just one perspective among many, it lays claim to a transcendental dimension of existence that gives this space a particularly compelling character.

De Lubac, as discussed at the beginning of the introduction, speaks of how in his day many people were yearning for the unity of the human family, and how a particular program of organization and unification was proposed for making it so according to a particular vision of what unity means. De Lubac was deeply suspicious of this program. The reason for his suspicion is that these people, who have "realized that no end short of humanity itself deserves absolutely to be loved and sought," did not realize "that they are obliged to look higher than the earth in the pursuit of their quest."[102]

De Lubac offers a practical argument for why a narrative of the common good must include a transcendental dimension, an inclusion in its view of the existence of a transcendent God. He gives the voice of a character from a novel from the 1930s, "I have no wish to sacrifice myself to that terrible God called future society."[103] It is absurd to try to foster unselfishness and motivate sacrifice for the common good without "a worthy object for one's sacrifice."

> It is absolutely necessary, then, that humanity should have a meeting-place in which, in every generation, it can be gathered together, a centre to which it can converge, an Eternal to make it complete, an Absolute which, in the strongest and most real sense of the word, will make it exist. It needs a magnet to attract it. It needs…Another to whom it can give itself.[104]

For a narrative of the common good to be convincing and successful in drawing humanity into its space, it needs to reach vertically to God. This transcendental dimension of the common good is notably present in the history of the development of the Christian understanding of the common good, most especially in the thought of Thomas Aquinas.

Aquinas, in all his written works, never systematically treats the notion of the common good as a subject. Nevertheless, the common good is a concept that pervades his work—doubtless in part due to the influence of Aristotle—appearing numerous times within his discussion of a variety of topics. His account of the common good has been of keen interest to theological discussions in the past decades, and several significant attempts have been made to retrieve Aquinas's understanding of the subject.[105]

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[102] de Lubac, 195.

[103] qtd. in de Lubac, 195. The quotation is from a Russian novel by a now-obscure author named Rikatchoff.

[104] de Lubac, 196.

In the thought of Aquinas, it is abundantly clear that the human person is ordained to God as his or her ultimate end. Aquinas writes that "all men agree in desiring the last end, which is happiness,"[106] and that "God alone constitutes man's happiness."[107] As part and parcel of God being the ultimate end of humanity, Aquinas makes clear that he understands God as "the sovereign and common good of the whole universe."[108] Significantly, he writes that

> Now it is manifest that the good of the part is for the good of the whole; hence everything, by its natural appetite and love, loves its own proper good on account of the common good of the whole universe, which is God…. Hence in the state of perfect nature man referred the love of himself and of all other things to the love of God as its end ; and thus he loved God more than himself and above all things. But in the state of corrupt nature man falls short of this in the appetite of his rational will, which, unless it is cured by God's grace, follows its private good….[109]

Aquinas's understanding is that all goods are interrelated, due to the realization that every good is loved because of the highest, common good—God. This transcendental dimension is exactly what makes lovable all the other, lesser goods. Any attempt to step beyond mere "private goods" toward the common good means that there must be some sort of connection to and love for God.

Accompanying and complementing this notion of God as the ultimate common good and end of human life is the idea of the preeminence of the contemplative life even over that of the political. Aquinas speaks to the primacy of the contemplative life when he writes that "the life of the solitaries, if duly practiced, surpasses community life."[110] This "great Thomistic theme," as Maritain calls it, speaks to how a human being approaches the common good of God.[111]

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[105] Both Jean Porter and Michael Sherwin discuss these recent attempts. See Jean Porter, "The Common Good in Thomas Aquinas," in *In Search of the Common Good*, ed. Dennis P. McCann and Patrick D. Miller (New York: T & T Clark, 2005), 95-96; and Michael Sherwin , "St. Thomas and the Common Good: The Theological Perspective: An Invitation to Dialogue," *Angelicum* 70 (1993), 307-328. See also: Brian Stiltner, *Religion and the Common Good: Catholic Contributions to Building Community in a Liberal Society* (Latham, MD: Rowman & Littlefield, 1999), 83-89.

[106] Thomas Aquinas, *Summa Theologiae*, I-II, 1, 7, s.c.. This translated quotation is taken from: Thomas Aquinas, *Summa Theologica*, 3 vols, trans. Fathers of the English Dominican Province (New York: Benziger Brothers, Inc., 1947), 588. This Dominican translation is the one that I am principally working from, and is the translation referred to throughout this work. Hereafter, references to the *Summa Theologiae* will be abbreviated as "*ST*."

[107] Thomas Aquinas, *ST*, I-II, 2, 8.

[108] Thomas Aquinas, *ST*, III, 46, 2, ad 3.

[109] Thomas Aquinas, *ST*, I-II, 109, 3.

[110] Thomas Aquinas, *ST*, II-II, 188, 8. While it is the case that Aquinas places priority for the contemplative life above that of political and social life, he is also very clear that there is a significant role for society and community to play in forming the person for contemplation.

[111] See Maritain, 26.

Maritain writes that contemplation "is better than life on a human scale.... It takes place according to a mode which is itself superhuman…. It makes of the transfigured soul one spirit with God."[112] God, as the supreme common good and end of human life, is approached in the best possible manner through contemplation.

Maritain points out that, even if a person is called away from a life of contemplation for the good of service to others, one should still not think that a "good of the practical order" is of a higher or more valuable sort than that of solitary contemplation. Rather, he sees it as a temporary elevation of a lesser good due to necessity. He further points out that such a change in life is not abandoning contemplation, but rather only "the conditions and leisure of contemplation."[113]

Maritain, linking the primacy of the contemplative life with the primacy of the common good in the practical order of life, concludes that the common good must be understood as something which is human.[114] Bringing these two aspects together, he recognizes the importance of opening up the human possibility of transcendence.

The common good must necessarily refer to the transcendent God, as God represents the sole means of making any common good lovable. At the same time, it must also include the conditions that allow the human to flourish in the best possible way, through divine encounter. The common good therefore includes the social and political conditions that allow the human person to grow in contemplation and encounter with the transcendent. Through the lens of the common good, the right to migrate may be understood as in service to these social and political conditions that allow the human being the opportunity to encounter the transcendent.

a. The common good's resistance to definition

Even while including social and political conditions, which as concrete realities must be to a substantial degree definable, the common good remains an elusive reality, difficult to pin down and define. Its transcendent dimension and ultimate realization in God means that it cannot be completely defined.

Dennis McCann, in a recent essay appearing in a book which he edited on the topic of the common good, speaks of how the "common good resists essential definition." He argues that this is due to the fact that "it functions as an eschatological notion, or, if you will, a limit-concept. It represents a *telos*, in short, that is not likely to be fully realized in history as we know it."[115]

McCann, who focuses particularly on the common good as developed in the Catholic social teaching tradition, sees a tendency toward understanding the common good in this eschatological way in the 1931 encyclical *Quadragesimo Anno*. He notes that the ‘common good’ is frequently treated as an equivalent of ‘social justice’ in the text, while at other times the terms are used independently. ‘Social justice’ is used to add a note of historicity and moral urgency, while ‘common good’ is used in a more eschatological way. Thus, in *Quadragesimo Anno*’s line of thinking, the common good “remains the undefined and perhaps indefinable centerpiece in the Catholic Church’s vision of the social order.”[116]

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[112] Maritain, 26-27.

[113] Maritain, 27.

[114] Maritain, 29.

c.f. Pius XII, The *Internal Order of States and People: Christmas Message of 1942* (December 1942); available from http://www.ewtn.com/library/PAPALDOC/P12CH42.HTM ; accessed 11 February 2008, par. 13.

[115] Dennis McCann, "The Common Good in Catholic Social Teaching," in *In Search of the Common Good*, ed. Dennis P. McCann and Patrick D. Miller (New York: T & T Clark, 2005), 145.

However, while McCann argues compelling that there is an eschatological sense of the common good that makes the concept resistant to definition, he is also quick to point out that the common good “has practical implications for how the social order is to be understood as to its purpose.”[117] As a *telos* for the social order and “a limit-concept for orienting politics,”[118] it provides a direction and purpose for society to move toward a destiny in the transcendent God.

Thus the possibility arises that, like the common good itself, limits of the right to migrate understood through the common good may also resist hard-and-fast definition. The right to migrate is in service to a transcendent end for the human person. All attempts to define firm limits based on temporal goods must remain provisional in light of the transcendent dimension of the common good.

8. The political breadth of the common good

Having discussed transcendence and the common good, a contemporary debate rears its head, urging consideration. The relevant concern is the debate raised by an interpreter of Aquinas, John Finnis, who argues for a more limited understanding of the “specifically political” common good. If there can be a “specifically political” common good—as Finnis advocates—that only has to take into account a relatively narrow set of goods, the possibility could arise that the right to migrate might be regulated by a narrower concept of the common good than the full common good with its transcendent dimension.

The base concern of Finnis, which is shared by other interpreters of Aquinas and commentators on the common good including Maritain,[119] is the possibility of a sort of totalitarianism in the name of the common good. Objectors worry that the good of the wider political community could be understood in such a way as to trump the goods of individuals and curtail their freedom.[120] Josiah Young, for instance, traces the development of the notion of the common good back to Aristotle and expresses concern about how Aristotle's views on justice and common good have been used to justify slavery.[121]

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[116] McCann, 136.
McCann’s analysis of the encyclical on this point is persuasive, though one must be careful not to presume too quickly that Pius XI’s sense of the common good as eschatological prevents him from using the concept as an immediate reference point for moral questions. For instance, he references the common good specifically in relation to the raising or lowing of pay. 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 4 July 2008, no. 74.

[117] McCann, 145.

[118] McCann, 145.

[119] Maritain, 50. Maritain’s concern about totalitarianism in relation to the common good was discussed in the section earlier in the chapter on “The Person and the Common Good.”

[120] See Deneulin, 55.

Finnis, in a provocative essay published in 1998, argues against the view of Germain Grisez that Aristotle and Aquinas "hold that the general promotion of virtue and suppression of vice should be the main component of the common good of political society" and that "they overlook limits on the competence of the state."[122] Against the interpretation of Aquinas by Grisez, Finnis contends that the common good of political society has only a limited and instrumental value and thus does not in itself constitute a basic human good.[123]

Finnis does specify that the common good of the political community is unlimited when understood a broad sense, when referring to the common good of the whole of human life. He questions the nature of the value of what is political in the more specific sense of what rulers are responsible for securing. He identifies this as "public good" in Aquinas's terminology, and argues that this more specific sense of the political common good is only instrumental in purpose.[124]

Finnis declines to be specific in commenting on the question of with which sort of goods politics of the specific sort should concern itself. Reading Finnis's work, one may perhaps presume without too much doubt that Finnis has in mind that politics would serve for the purpose of common protection against violence, construction and maintains of infrastructure and practices which facilitate commerce, and means for advancing culture like schools, museums, and libraries.[125]

Finnis's account of Aquinas is quite problematic. Michael Pakaluk demonstrates the problems of Finnis's interpretation in an article published in 2001, which argues against Finnis' argument that Aquinas can be understood to support the notion that laws are not competent to move beyond the limited realm of maintaining peace and direct the citizens of society toward a further end, such as the development of virtue.[126]

Finnis' position appears puzzling from the beginning, since it seems *prima facie* incompatible with well-known statements by Aquinas such as that "the proper effect of law is to lead its subjects to their proper virtue."[127] Finnis places himself in a position of arguing for a more difficult interpretation, facing texts that seem to be in direct contravention of his perspective. Pakaluk points out further that Finnis puts himself in a difficult place by arguing that there is an all-inclusive good sought in political society—"the complex that consists of all the households that compose the state succeeding over time in living virtuously and well"—

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[121] Josiah Young, "Good is Knowing When to Stop," in *In Search of the Common Good*, ed. Dennis P. McCann and Patrick D. Miller (New York: T & T Clark, 2005), 213.
[122] John Finnis, "Public Good: The Specifically Political Common Good in Aquinas," in *Natural Law and Moral Inquiry: Ethics, Metaphysics, and Politics in the Work of Germain Grisez*, ed. Robert P. George (Washington, D.C.: Georgetown University Press, 1998) 174.
Quotations from: Germain Grisez, *The Way of the Lord Jesus Vol. 2: Living a Christian Life* (Quincy, IL: Franciscan Press, 1993), 850.
[123] Finnis, "Public Good," 187.
[124] Finnis, "Public Good," 187.
[125] I am indebted for this list of ideas of what Finnis might have in mind to Michael Pakaluk. Michael Pakaluk, "Is the Common Good of Political Society Limited and Instrumental?" *The Review of Metaphysics* 55 (September 2001), 58.
[126] Pakaluk, 58.
[127] Thomas Aquinas, *ST*, I-II, 92, 1. See Pakaluk, 60.

while at the same time holding that this comprehensive good is sought privately, not corporately.[128]

A more natural reading of Aquinas's texts, as Pakaluk argues, would understand a sort of progression being implied in which "the legislator should aim at as much peace, and therefore at as much virtue in his citizens, as is practically possible." Under this reading of Aquinas, there is no principled restriction on what political structures and the law should do for furtherance of the common good.[129]

a. Augustine and the two cities

Having argued for an eschatological and transcendent dimension of the common good, my denial of Finnis's thesis that there is a principled limit to what earthly political structures should do in furtherance of the common good may understandably make some people a bit uncomfortable. Identifying the common good with the eschatological and transcendent presents a remarkably "high" theological definition of the full good of human society.

It also opens the door to a couple of possible dangers. The first danger, which would be likely be articulated most vehemently by liberals like Ronald Dworkin or John Rawls, is the aforementioned concern about totalitarianism, that a particular definition of what is good could be forced upon everyone if social circumstances permit. A second possible danger that others might legitimately point out is that an exclusively theological definition of the common good such as this one might push believers to snub efforts to find common ground with others outside the church.[130] In either case—the one in which the fears of the liberals come true and a theological understanding is imposed or the one in which believers are led to reject efforts to find common ground outside of the faith community—the very possibility of the idea of the common good in pluralistic society is undermined.

One possible fruitful framework for understanding and addressing these concerns about the transcendental dimension of the common good can be found in the thought of Augustine, particularly in *City of God*. Augustine's doctrine of the two cities can help address lingering questions about the relationship of the common good to concrete political circumstances and structures.

Augustine is convinced that human fulfillment can only be found in the communion of saints in the City of God.[131] As Hollenbach points out, making civil society bear the whole of one's hopes for justice and happiness is thus nothing short of idolatrous in Augustine's view.[132] Augustine's insistence on the very transcendence of the City of God simultaneously serves to desacralize politics and guard against any claim to a particular historical realization of the theological good.[133]

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[128] Pakaluk, 60.

[129] Pakaluk, 72. See also: Dupré, 174. Hollenbach, *The Common Good and Christian Ethics*, 192. While undermining the credibility of Finnis' peculiar attempt to place a principled restriction on the specifically political, Pakaluk argues that there are other significant safeguards against totalitarianism present in Aristotelian and Thomistic theory. He lists eight. See Pakaluk, 86-87.

[130] Hollenbach, "The Common Good Revisited," 81.

[131] See Augustine, *City of God*, 19, 13. In this section, he describes varying levels of peace, the crown of which is the peace of the heavenly city.

[132] Hollenbach, "The Common Good Revisited," 81.

While Augustine does clearly reject the possibility that the good of the Roman Republic or any other earthly polis is centered on the truest common good, he does recognize that on a certain level it is absurd to say that all societies that lack the fullness of the City of God are not cities at all.[134] Revising his definition taken from Cicero,[135] he proposes a more limited definition of a "republic of a certain kind"[136] as "an assemblage of a reasonable beings bound together by a common agreement as to the objects of their love."[137] As Hollenbach interprets Augustine's view on this definition,

> the quality of the life of a people will be directly proportional to the qualities of the loves they share in common. Societies united by great and noble love and dedicated to high standards of justice will be superior to those with lower goals and cultural values.[138]

Thus, the Roman Republic prior to the coming of Christ, while not being a republic in the full sense of the City of God, nonetheless can be counted to some degree as a republic.

As Hollenbach argues, this justification of the republic by Augustine is much more than just conceptual slight of hand on his part. Civil society is not identified by Augustine as Babylon / *civitas 31argina*, and the Church is not identified as the heavenly Jerusalem / *civitas Dei*. It is rather the case that the two cities interpenetrate all zones of human life, including the political sphere. The full common good—understood in its theological depth—cannot in fact be realized in any zone of human life, including not just political society but also the Church.[139]

Instead, what one can achieve in the political life is the temporal common good, which is a pluralistic ensemble of goods. As much as possible in a world that can never fully achieve it this side of the eschaton, though, one can work so that the temporal common good approaches and anticipates to some extent and in some manner the full common good in God.

9. Solidarity, justice and the common good

Temporal or not, the common good represents a significant challenge to be able to realize. The most significant challenge is simply practical. How is it possible to form and motivate people toward a shared vision of the common good and thereby advance a politics of the common good? The answer lies with the virtue of solidarity and a renewed vision of justice, through which we can come to understand the function of rights within a framework of the common good.

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[133] Hollenbach, 82. Canning, 221.
[134] Hollenbach, 83.
[135] Augustine and Cicero's definition of 'res publica' was discussed earlier in this chapter under the heading of making space for alternative narratives.
[136] Augustine, *City of God*, 2, 21.
[137] Augustine, *City of God*, 19, 24.
[138] Hollenbach, "The Common Good Revisited," 83.
[139] Hollenbach, "The Common Good Revisited," 84.

a. The problem of individualism

One particular challenge within this broader question asks how to deal with and overcome radically individualistic views of the world. Many people around the world now operate in a radically individualistic perspective. Adela Cortina describes this trend in her discussion of two principle paradigms, covenant and contract. The first, the covenant paradigm, sees human beings as essentially social and natural members of community, whereas the second paradigm understands relationships as being artificially constructed through reason to benefit the individual.[140] She argues that for the last two centuries the second paradigm, that of contract, has become dominant, becoming understood as the basis even of arrangements like the family which have generally been understood through human history as covenantal.[141]

Hollenbach also addresses this same challenge represented by individualistic views of the world in his book on the common good. In his opening chapter, he discusses a recent study by the General Social Survey which found that 67 percent of Americans see morality—not even just 'religion'—as a personal matter.[142] Hollenbach suggests that subsequent questions from the survey—including an overwhelming affirmative response to the statement 'We each make our own fate'—suggest that Americans see morality as private.[143]

Christopher Vogt, in a recent article devoted to the question of how to practically overcome individualistic attitudes and foster attitudes beneficial toward the common good, argues that the individualistic trend described by Cortina and Hollenbach is nothing short of "a deadly obstacle to a politics grounded in the common good, because its most important ingredient is the very existence of community itself; members of the community must relate to one another in order to develop a more comprehensive common good."[144] Vogt argues further, citing John XXIII in *Pacem in Terris*, that the most pressing social problems of the day—including human migration—cannot be addressed through an isolationist or individualistic ethical approach. Thus, Vogt emphasizes that resuscitating the common good constitutes a moral imperative, even as the challenge of how to accomplish this goal sharpens.

b. Solidarity as a virtue for the common good

Deneulin argues that "solidarity lies at the heart of the common good." The common good means that every person has a duty to promote the welfare of the community, while at the same time he or she has the right to benefits coming from the community's well-being.[145]

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[140] Adela Cortina, *Covenant and Contract: Politics, Ethics, and Religion* (Leuven: Peeters, 2003), 7.
[141] Cortina, 8.
[142] Hollenbach, *The Common Good and Christian Ethics*, 25.
[143] Hollenbach, *The Common Good and Christian Ethics*, 26.
[144] Christopher Vogt, "Fostering a Catholic Commitment to the Common Good: An Approach Rooted in Virtue Ethics," *Theological Studies* 68 (2007), 397.
[145] Deneulin, 54.

Solidarity, according to *Sollicitudo Rei Socialis*, "is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good."[146] The common good corresponds to the "structures of solidarity" present in a particular society.[147]

As *Sollicitudo Rei Socialis* points out, solidarity is a virtue.[148] Vogt argues that the virtue of solidarity—accompanied by the closely related virtues of compassion and hospitality—is essential to fostering the common good.

Virtues are teleological in orientation, both coming out of and in turn fostering a description of what a good human life looks like. The practice of the virtue of solidarity thus helps give greater substance to what the common good means for the person. Even more though, virtues are invaluable for the common good because they deal with questions of human practices, habits, dispositions and general ways of living. Virtues deal with the practical angle of how to realize the common good in concrete living situations.

John Paul II writes in *Sollicitudo Rei Socialis* that, in particular, the virtue of

> solidarity helps us to see the "other"—whether a person, people or nation—not just as some kind of instrument, with a work capacity and physical strength to be exploited at low cost and then discarded when no longer useful, but as our "neighbor," a "helper" (c.f. Gen 2:18-20), to be made a sharer, on a par with ourselves in the banquet of life to which all are equally invited by God.[149]

The Catholic bishops of England and Wales, writing on the topic of the common good in 1996, wrote that "the first duty of the citizen toward the common good is to make sure that nobody is marginalised…and to bring back into a place in the community those that were marginalised in the past."[150] Part and parcel with developing the virtue of solidarity is "cultivating awareness of the need to forge new ties with oppressed and to nurture a dialogical, mutually beneficial, relationship with them."[151]

This deliberate valuing of interdependence and relationship also has an intellectual dimension. Hollenbach argues that solidarity "calls for an intellectual recognition that interdependence is a necessary quality of human existence and that this interdependence must be reciprocal if the equal human dignity of the participants is to be respected in action."[152] A person living the virtue of solidarity comes not only to an awareness of actual state of the world, but also includes—based on the recognition of interdependence as a necessary human quality—the development of an understanding of what sort of relationships ought to replace the sinful ones of present existence.[153] The *Compendium of the Social Doctrine of the Church* says that "solidarity must be seen above all in its value as a moral virtue that determines the order of institutions."[154]

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[146] 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. 38.

[147] Deneulin, 55.

[148] John Paul II, no. 40.

[149] John Paul II, no. 39.

[150] Catholic Bishops' Conference of England and Wales, *The Common Good and Catholic Social Teaching* (1996); available from http://www.osjspm.org/cst/britbish.htm ; accessed 12 October 2007, no.75.

[151] Vogt, 403.

[152] Hollenbach, *The Common Good and Christian Ethics*, 189.

The virtue of solidarity is one of the most important, if not the most important, of "the conditions of social life which enable people to live flourishing human lives."[155] The practice of the virtue of solidarity builds the common good.

c. Contributive justice

The bishops of the United States, in their 1986 pastoral letter *Economic Justice for All*, speak of social justice as one of three dimensions of basic justice, the other two dimensions being commutative and distributive. All are significant for the common good, but social justice in particular has significance for understanding the function of the right to migrate for the common good.

The bishops write that social justice "implies that persons have an obligation to be active and productive participants in the life of society and that society has a duty to enable them to participate in this way." Describing the understanding that gives rise to these obligations and duties, they call this dimension "contributive" justice.[156]

As the bishops' write, contributive justice means that every individual must contribute all that is necessary to the common good.[157] While each person has the obligation to be productive for the sake of the common good, not every person actually has that opportunity. Thus, contributive justice "also includes a duty to organize economic and social institutions so that people can contribute to society in ways that respect their freedom and the dignity of their labor."[158] The bishops point out specifically that unemployment, underemployment, and dehumanizing working conditions show society's failure to live up to the demands of social justice and the marginalization that results for the poor and exploited.[159] "The establishment of a floor of material well-being" is necessary in order to allow the contributions of those who are now marginalized.[160]

A systemic effort is necessary for the sake of justice in order to fulfill the basic duty to establish "minimum levels of participation in the life of the human community for all persons." This effort must extend beyond national borders. The bishops note that the pattern of marginalization is most severe in the least-developed countries and in fact that "whole nations are prevented from participating in the international economic order because they lack the power to change their disadvantaged position."[161]

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[153] Vogt, 403.

[154] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (Washington, D.C.: United States Conference of Catholic Bishops, 2004), no. 193.

[155] The quoted text is taken from Deneulin's progressive attempt to establish the nature of the common good. Deneulin, 53.

[156] National Conference of Catholic Bishops, *Economic Justice for All* (1986); available from http://www.osjspm.org/economic_justice_for_all.aspx ; accessed 22 July 2008, no. 71.

[157] NCCB, *Economic Justice for All*, no. 71.

[158] NCCB, *Economic Justice for All*, no. 72.

[159] See NCCB, *Economic Justice for All*, no. 73.

[160] NCCB, *Economic Justice for All*, no. 74.

Justice—particularly its contributive dimension—is a critical paradigm through which to understand and spell out the demands of the common good. Complementing the virtue of solidarity, the notion of contributive justice gives critical purchase for the evaluation and reordering of social institutions for inclusion in the common good.

d. The right to migrate as institutionalized solidarity and a basic demand of justice

One of the biggest difficulties that one encounters in attempting to address the relationship of the right to migrate to the common good is that human rights have generally been conceived in the West in individualistic terms. For instance, Western thought has frequently tended to give priority to civil and political rights, while marginalizing economic, social and cultural rights, giving them a sort of secondary status.[162] If the right to migrate is interpreted in an individualistic manner, it becomes nearly impossible to conceive of how the common good might have any impact on it one way or another.

Donald Dietrich suggests that a dialogical approach to the interpretation of human rights is needed in today's diverse world.[163] This would begin to open the channels of dialogue between the West and potential alternative views of human rights, including those that tend to more emphasize economic, social and cultural rights. Interestingly, Dietrich suggests that the Catholic community also enter into this dialogue, and do so by providing a paradigm for confronting human evil. The direction that he suggests is offering a sense of "a common human nature that urges us toward great solidarity as we embrace the contribution of differing cultures."[164]

Hollenbach offers a very interesting analysis of human rights within the context of solidarity and common good that fits well with the direction indicated by Dietrich. Hollenbach speaks of human rights as a form of institutionalizing solidarity. He argues that

> human rights should be understood as guarantees of the most basic requirements of solidarity. Human rights are the moral claims of all persons to be treated, by virtue of their humanity, as participants in the shared life of the human community. These moral claims will be practically guaranteed when respect for them is built into the basic structure of society, i.e., into the main political, social, and economic institutions that set overall terms of social cooperation. When understood this way, the protection of human rights is part of the common good, not an individualistic alternative to the common good. It also suggests that a universalist human rights ethic

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[161] NCCB, *Economic Justice for All*, no. 77.

[162] This is famously demonstrated through the difficult process that it took to translate the *Universal Declaration of Human Rights* into international law. The proposed document ended up being divided in two to become the *International Covenant on Civil and Political Rights* and the separate *International Covenant on Economic, Social and Cultural Rights*.

[163] Donald Dietrich, "Catholic Social Thought and the Global Common Good: An Emerging Tradition," in *Theology and Conversation: Towards a Relational Theology*, ed. J. Haers and P. de Mey. (Leuven: Leuven University Press, 2003), 638.

[164] Dietrich, 639.

> is required by a Christian commitment to solidarity, [and is] not a secularist adversary of the Christian ethos.[165]

The right to migrate thus is one piece of a puzzle—a very important piece in fact—that is a guarantee of solidarity that builds up the common good.

In a complementary manner, the right can be understood as a basic guarantee of contributive justice, as a "prerequisite for a dignified life in community."[166] The right to migrate allows those who live in places and circumstances in which their human rights are not respected to move to a different place, where they can participate in and contribute to the common good through meaningful and dignified work.

Both the virtue of solidarity and the perspective of contributive justice aid the process of envisioning the meaning of the common good for the right to migrate. As a form of institutionalized solidarity and justice, the right to migrate is a vital construct which facilitates human participation in and contribution to the common good. Thus, it is inappropriate to conceive of the common good as an alternative reality that, when threatened, trumps the right to migrate. Rather, the right to migrate is itself a part of a context of moving toward the common good through a process of sharing human life and goods.

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[165] Hollenbach, *The Common Good and Christian Ethics*, 159.

[166] See NCCB, *Economic Justice for All*, no. 79.

CHAPTER THREE: TOWARD A RENEWED UNDERSTANDING OF THE RIGHT TO MIGRATE

Migration is a reality with significant implications for the migrants themselves, for the societies left behind, and for the societies in which the migrants settle. It can and does extensively affect culture, language, politics, the economy, the environment, social systems, relationships, and even faith.

The right to migrate is a centerpiece of Catholic social teaching on human movement and has profound implications for what a society built according to a Catholic vision might look like. The ability or inability to realize the right to migrate can have drastic consequences for the people involved and far-reaching implications for society.

Because of the importance of the question, it is vital that reflection continue on the right to migrate and that people continue to work on the issue. Bearing that in mind, this whole thesis in the direction of addressing a perceived lack in Catholic social teaching on migration and achieve a greater degree of clarity about a particularly key issue, the limits of the right to migrate.

The common good is understood to be the proper framework for understanding the right to migrate. Having systematically built up an understanding of the meaning of the common good in chapter two, this chapter applies that understanding in light of today's realities in a progressive attempt to place the limits of the right to migrate in a new light.

1. An initial suggestion of the legitimate limit

The common good is not a limit on the right to migrate *per se*. Instead, it is to be understood as that toward which the right to migrate inclines. I propose that it functions for the end of the common good in at least three ways. When it ceases to function for the common good, the right to migrate is rightfully cut short.

a. The function of the right to migrate for the common good

The right to migrate is first and foremost a structure—a helpful concept or institution of sorts as Hollenbach describes it—in service to the common good. As a right, it is exceptionally valuable for the common good. First, it is valuable for the common good because it has *a function of inclusion* in the common good. When the global economic reality excludes a particular people or region, it allows people to uproot themselves and move to a different place and community that allow them to support themselves and their families, participate in the global economic system, and receive membership allowing them access to the goods of the community.

The reality is, of course, that the function of inclusion can be warped or derailed. Millions of migrants live under ambiguous legal status or outside of the law, and many are exploited and terrorized, frequently by those who benefit directly from the migrant's willingness to work for little recompense.[167] Even those that are legal residents, such as guest workers, may be forced permanently into a sort of second-class status under the law by denial of the possibility of naturalization and full citizenship.[168] Apprehension about exploitation of immigrants is extremely well-justified. As Michael Walzer points out, "the rule of citizens over non-citizens, of members over strangers, is probably the most common form of tyranny in human history."[169]

The right to migrate thus must be accompanied by structures that protect the dignity of migrants and provide for equal protection under the law. When that is not realized, the consequences can be horrific. Recognizing this, however, is not an argument against permitting the right to migrate. Rather, it is filling out what the right to migrate means. It is the right to move to a new place, acquire equal citizenship and protection under the law, and do so free from unavoidable obstructions and all forms of exploitation. The right to migrate means the right to acquire membership, as articulated by Walzer, in the community of arrival.[170]

The right to migrate is also valuable to the common good because it has *a function of increasing interdependence*. In today's world, there is an unprecedented amount of movement of people, giving rise to increasingly polyethnic societies.[171] The result is that the shared life of communities has an increased richness and an increased sense of the narratives and experience of other communities. My hometown, a small farming community mostly descended from German immigrants to the United States, is a prime example of this as immigrants from the interior of Mexico move in to the area. More than in the past, there is a sense of real, concrete connection to a different people and culture in interactions in the community.

As with the function of inclusion, the function of interdependence can also be undermined or misused. Particularly in the case of undocumented immigration, workers can be exploited in a way that creates a mockery of interdependence and instead builds a relationship characterized by dependence and exploitation. Again, however, this recognition of how it can be misused does not amount to an argument against the right to migrate; rather, it serves to show what social structures and protections must go along with the act of migrating itself.

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[167] Apart from cases of ambiguous legal status and state foot-dragging in granting legal status, an estimated 2.5 to 4 million migrants cross international borders every year without authorization. More than 5 million undocumented migrants can be found in Europe as of 2005, and an estimated 10 million undocumented migrants live in the United States. Global Commission on International Migration, *Migration in an interconnected world: New directions for action* (Switzerland: SRO-Kundig, 2005), 85.

[168] See Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, Inc., 1983), 52.

[169] Walzer, 62.

[170] See Walzer, 31-63.

[171] Numbers are increasing rapidly. In 1970, there were 82 million international migrants. In 2000, the number grew to 175 million, while in 2005 there were nearly 200 million migrants living outside their home country. Global Commission on International Migration, 83.

Will Kymlicka makes a helpful conceptual distinction between polyethnic states and multination states. Migration brings about the former. Multination states, by contrast, are those that include within their borders distinct national groups incorporated through conquest or colonization. In the complex reality of today's world, many states are now both polyethnic and multination. See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), 11, 17.

The right to migrate further contributes to the common good through *creating possibilities for encountering the transcendent dimension of the common good.* First, there are opportunities for evangelization that accompany migration.[172] Second, there are related opportunities for dialogue, including about the nature of the common good.[173] Finally, there is the Christian belief that in encountering the stranger, one may encounter the divine.[174] For all these reasons, migration itself can function to highlight and benefit recognition and reflection upon the transcendent dimension of the common good.

These three functions—that of inclusivity, of increasing interdependence, and of encountering the transcendent—demonstrate the value of the right to migrate for the common good. Because of these goods, it would be quite beneficial if the right to migrate were to achieve more widespread recognition in the world community today. A person's right to migrate should be presumed, and the world's social and governmental structures should accommodate that right through legal channels.

b. Legitimate limitation of the right to migrate

The right to migrate, understood through the lens of the common good, is not an absolute, individualistic right. It is in service to the common good. If it ceases to serve that end and instead begins to harm the common good, legitimate limitations may be placed on the movement of persons. Three examples, accompanying the three sorts of functions given above, may serve to make clear how the right to migrate can be perverted to cause harm to the common good.

First, it is not at all difficult to imagine a case, in today's world, in which migration reaches a much larger scale. For instance, it would be hypothetically possible in coming decades that the large and still growing population of China reaches a breaking point in which hundreds of millions of people are forced to emigrate. In such a circumstance, a nation-state receiving a large portion of that exodus in a short period of time could find itself completely or at least substantially destabilized—governmental, social, and economic collapse.

Such a circumstance, though extreme, demonstrates an important point. If migration ceases to function to include people in the common good, and instead marginalizes a yet wider population (in this case both the immigrant and native population of the other nation), then the right to migrate should be limited to only a number that the host nation-state can reasonably accommodate in the period of time in question. The national common good must be considered.

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[172] The Filipino bishops have said a great deal about migration as an evangelical opportunity in recent years. c.f. Morelos, par. 20.

[173] c.f. Renato Cardinal Martino, "Migration Seen as Challenge and Opportunity," *ZENIT New Agency* (4 June 2008); available from http://www.zenit.org/article-22800?l=english ; accessed 5 June 2008, par. 17.

[174] The 2004 instruction *Erga migrantes caritas Christi* states that "In migrants the Church has always contemplated the image of Christ who said, 'I was a stranger and you made me welcome' (Mt 25:35)." 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 2008, no. 12.

The tension between the national common good and the worldwide common good is of fundamental concern. Official documents of the Catholic social teaching tradition vacillate to a fair degree in which sense they use the term, and the relationship of the two levels is often left to ambiguity. In dealing with concerns about migration, the question of how many immigrants a nation is obligated to take in shows how considerations based on the two varying levels of the common good can cause difficulty.

Renato Cardinal Martino suggests that, on the question of migration, the national common good should be considered, but always in light of the universal common good.[175] Destabilizing a region by taking too many immigrants is detrimental to the local common good and harms the realization of the universal common good by alienating even more human beings from the good, though local regions may need to sacrifice some goods at times in accepting immigrants for the sake of preventing still greater harm being done to the common good.

Second, it is not difficult to imagine a situation in which immigration to a particular region becomes a weapon against indigenous peoples. In such a case, people from another land would migrate to another and impose a foreign narrative and a different way of life in order to subjugate, assimilate, or push out the native peoples. Examples from the era of colonization abound, including the bloody subjugation and, in some regions, elimination of the native peoples of the Americas. Examples in recent history may include Israeli settlements in the Palestinian Territories or the Moroccan government's encouragement of its people to settle in the disputed region of Western Sahara. In those cases and numerous others besides, migration is used as a weapon to undermine the power and communal bonds of another people.

These examples demonstrate that the right to migrate can and should be prevented when the function of fostering interdependence and appreciation for other narratives and communities is undermined and another power or community works deliberately to undermine and destroy the native community's sense of what is good. The example is—like the first—quite extreme, but history has repeatedly shown that migration can be used as a weapon against another people to their detriment and the detriment of the common good.

Third, there is the situation in which a person or group engage in actions that severely violate human rights or are otherwise considered morally reprehensible. A recent example is the sad situation in Zimbabwe, in which the government under the leadership of Robert Mugabe terrorized its populace and blatantly rigged an election. The response of some countries was to start denying visas to leading members of the Zimbabwean government and their families.

When a person commits human rights abuses or represents a significant threat to peace, it is also perfectly legitimate to deny or limit their freedom of movement. The person is acting in ways that are severely detrimental to the common good, and granting them freedom of movement facilitates their continued behavior. The right to migrate is legitimately limited out of concern for the poor and oppressed whose rights the person is violating. Limiting the right to migrate is a means of trying to improve the situation and stop the damage being done to human dignity.

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[175] Renato Cardinal Martino, "Migration, an Opportunity for the Ecumene," address given at the Annual Meeting of the European National Directors for the Pastoral Care of Migrants, Sibiu, Romania (3/4 September 2007); available from http://www.zenit.org/article-20508?l=english ; accessed 20 February 2008, par. 5.

The right to migrate is legitimately limited only when it ceases to benefit the common good and instead becomes detrimental to the common good. Such situations are relatively rare, as the examples indicate, but they are quite real concerns for the present day. The presumption should generally be in favor of the person's right to migrate because of the significant benefits that it makes to realization of the temporal common good. Nevertheless, there occur with some frequency situations in which the right to migrate causes harm to the common good, and in such cases the right is rightfully limited.

2. Migration = immigration + emigration

The preceding suggestions for understanding the limits of the right to migrate from a common good perspective may be helpful, but they in a sense only represent one side of the phenomenon of migration, being predominantly concerned about the circumstances under which the receiving society, which is generally wealthier, can legitimately limit immigration. It is that side of migration—the side of the receiving community and its relationship to the migrant—that is most frequently discussed in the Western world. The other side, which is frequently overlooked, is the impact that migration has on the community that is left behind.

Migration can have a number of positive effects in the sending community. Relatives living abroad frequently provide support for families back home. Remittances can hugely and directly benefit families and communities. Huge sums of money are transferred annually.[176]

Migration can present some rather significant challenges for the community left behind, however. Agnes Brazal, speaking at a 2007 conference in Leuven, reminded participants that sending countries—though benefiting significantly from remittances—also lose a great deal in years of investment in education and skills training. She points out the Philippines, one of the most significant sending countries, is experiencing a significant shortage of professionals of various sorts, including doctors, nurses, and teachers, because so many choose to emigrate. Brazal argues that this lack caused by emigration—"brain drain"—is compromising her country's potential for development and growth.[177]

Brazal and others who like her who express concern about "brain drain" have lit upon a very serious concern for the ethical analysis of the right to migrate. It is possible, perhaps, that individuals may escape a bad situation, but through the abandonment of their native country effectively worsen the conditions in their country of origin, thereby harming the common good.

While it is very possible that "brain drain" may constitute an ill in some ways for sending countries, it is arguably much more problematic to propose limits on the right to migrate on this basis. If a government were to set caps on emigration, it would constitute a significant limitation of human liberties and the range of possibilities for human flourishing that would also give harm to the common good. Because of this danger, proposing governmental limits on the right to emigrate is inappropriate and other solutions to the problem of "brain drain" should be sought, such as providing incentives to stay for people trained in key professions.

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[176] In 2004 alone, an estimated $450 billion was transferred via remittances ($150 billion through formal channels and approximately $300 billion informally). Formal remittances alone were triple the amount of Official Development Assistance in that year. Global Commission on International Migration, 85.

[177] Agnes Brazal, "People of God on the Move: Hopes from Sending Countries," text from the presentation given at the 2007 Omnes Gentes Conference, Leuven, Belgium (18 October 2007), 5.

Deneulin, looking at the case of El Salvador in an article published in 2006, looks at a slightly different, though related, problem to that which Brazal describes. A huge percentage of Salvadorans live abroad—as much as one-third of the total population—and most live in the United States.[178] They have opted to exit their country in order to achieve well-being.

Deneulin makes a compelling case that the Salvadoran choice to exit the country comes at the cost of political participation that could lead to change and development within El Salvador. Looking at the problem through the lens of the common good, she points out that "not all forms of exercising individual agency are equally valuable, even if they equally lead to an improvement in the well-being of individuals." She argues that "within a common good approach to development, individual agency is seen as the ability to promote the conditions in which the well-being of oneself *as* a member of a certain political community can be enhanced."[179]

Political participation, Deneulin argues while citing Hollenbach,[180] is the "one particular form of exercising individual agency which most contributes to pursuing the common good of a political community." Actions like forming political associations, voting, protesting, and engaging in public debate fall with this best possible category of ways to express concern for the well-being of others. When political participation is low, the common good is low as well and people are limited in the goods they can pursue to only those achievable in their private lives.[181]

Deneulin's argument that a common good framework would, in the case of El Salvador, give staying and participating in Salvadoran political life a certain ethical priority over the option to take the right to migrate is compelling. Based on that argument, a nuance to the right to migrate should be introduced. Though the structure of the right is too valuable as a means of institutionalizing solidarity to allow governments or regulatory institutions to abridge the right on this basis, it should not be presumed that it is always beneficial for individuals to use the right to migrate in order to escape bad situations. In the Salvadoran case, it would be helpful for the Church, political parties, and other institutions at work in the country to encourage potential migrants to stay and perhaps even for expatriates to return, and to work for justice in their home country.

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[178] Deneulin, 49-50.

[179] Deneulin, 56.

[180] Deneulin cites Hollenbach, *The Common Good and Christian Ethics*, 201. That particular page of Hollenbach's book is less than perfectly clear about whether it supports Deneulin's contention that political participation is the action that contributes *most* to the common good of a political community. It is clear, however, from other sections that Hollenbach places a great deal of emphasis upon the value of political participation. For example, see Hollenbach, *The Common Good and Christian Ethics*, 112.

[181] Deneulin, 56. On the last point, see also Hollenbach, *The Common Good and Christian Ethics*, 100.

As Brazal's and Deneulin's arguments show, emigration and its effects on the sending country must be considered in order to understand the full extent of migration's impact on the common good. It is also arguably beneficial to discuss how the right to migrate may be impacted by considerations from this side of the equation, when understood through a common good framework. However, it is worth noting that neither Brazal nor Deneulin argue for governmental or other institutional limitations to be placed on the right to emigrate. The result is that, in view of the considerations raised, concerns about the effect of emigration on sending communities do not constitute a legitimate basis for limiting the structure of the right to migrate. They do, however, represent a very important area of concern and raise legitimate questions about under what circumstances persons should avail themselves of that right and how through other institutional means persons might be encouraged and enabled to stay when needed in their countries of origin.

3. Globalization and the common good

In 1963, when Pope John XXIII issued the encyclical *Pacem in Terris*, the handwriting was already on the wall. John wrote then that the nation-states of his day were unable to "make sufficient provision for the universal common good."[182] He argued that "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."[183]

John recognized the inadequacy of the structure of nation state to deal with problems that were already moving to a level beyond the control of any state or even a combination of states. In this light, he endorsed the United Nations system, seeing there a possible structure that could aid in promoting the global common good.[184]

John's vision of a single robust authority capable of acting on the multi-faceted reality of globalization has not materialized. The now-evident limits of international agencies and intergovernmental organizations, coupled with the weakening of the authority of the nation-state, leaves Catholic social teaching in a difficult situation. Catholic social teaching and its understanding of the common good has presumed a particular theory of society, more or less characterized by hierarchically arranged groups. In this "presumed" theory, relations between these groups are structured in an ascending order by progressively more comprehensive levels of government. The nation-state has generally—despite John's attempts to move beyond it—been assumed to be the key political actor.[185]

Cahill, describing this challenge, asks the question of whether the Catholic framework for promoting the common good has "reached the end of its road." She argues that is not the case, claiming that Catholic social teaching "is alive, well, and influential, even though the formal framework of hierarchical and encompassing government provided in the papal encyclicals is, in large part, obsolete."[186]

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[182] John XXIII, *Pacem in Terris*, no. 133.

[183] John XXIII, *Pacem in Terris*, no. 135.

[184] See Drew Christiansen, "Movement, Asylum, Borders: Christian Perspectives," *International Migration Review*, vol. 30, no. 1, Special Issue: Ethics, Migration, and Global Stewardship (Spring 1996), 12.

[185] Cahill, 44.

Cahill contends that employing models of society or social theories that use these obsolete categories of authority and social structure is not the way forward with Catholic social teaching, as doing such would doom the Catholic conception of the common good to a moribund status. She proposes that the vitality of the tradition is instead found where

> the common good is being redefined and implemented along a spectrum of networks for social change under the guidance of (Catholic) moral values like dignity, equality, social participation, meeting of basic needs, openness to transcendent values, and solidarity. In these networks, Catholics are cooperating with other religious and cultural traditions to seek the common good locally and globally.[187]

When official documents from the Catholic social teaching tradition speak about the right to migrate, the tendency is to place it with the framework of the nation-state. Pius XII spoke of the right to migrate being juxtaposed against the sovereignty of the state, and admonished that "although [state sovereignty] must be respected, [it] cannot be exaggerated to the point that access to this land is…denied."[188] Similarly, the U.S. and Mexican bishops, while recognizing a right to migrate, juxtapose it to recognition of "the right of a sovereign state to control its borders in furtherance of the common good."[189]

The centrality of the state in the theoretical treatment of migration in official Church documents is problematic when it fails to recognize the increasing inability of the state to control either the flow of migrants or the underlying factors that motivate contemporary migrations. That does not mean that it is unimportant to talk about the role of the state, which does still play a very significant role. Rather, the point is that focusing too exclusively on what is presumed to be the state's role in realizing the common good may in the end accomplish much less than what might be hoped.

The U.S. bishops and their allies lobbying for change in American immigration policy may have begun to see this reality as a result of the failed attempt at immigration reform in 2007. In the end, despite considerable pressure for reform, the U.S. Congress refused to pass the reform bill in any form. With the American nation-state's paralysis worsening in dealing with migration, the only choice remaining for now is to work outside the apparatus of the state to change the situation for the better. That is precisely what a host of non-governmental organizations in the United States, including many associated with the Catholic Church and her vision of the common good, are doing for the moment.

a. Re-envisioning authority in an era of globalization

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[186] Cahill, 44.

[187] Cahill, 45.

[188] Pius XII, *Exsul Familia*, par. 111.

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

Globalization happens in a variety of spheres of life—the economic, the environmental, the social-cultural, the political, the military, and the technological.[190] As it increases in scope and breadth, it becomes increasingly difficult for any single authority, including the nation-state, to keep up with globalized life. As the scale and frequency of the movement of people increases, it becomes increasingly difficult for any single authority to alter the flows and causes of migration.

Hollenbach offers a fruitful line of thought for re-imagining the nature of authority to address complex, globalized issues like migration.[191] Appealing to history and the memory of the different forms of authority that existed prior to the emergence of the modern nation-state, he suggests that, in the globalized world of today, authority might be understood in a manner similar to authority in the medieval world.

> In such a future, authority would be shared among numerous overlapping communities, including national governments, intergovernmental organizations, and transnational organizations and movements. The significant actors in such a world would include not only states but also intergovernmental actors….and also nongovernmental bodies…. [Hedley] Bull calls this neo-medievalism because in the medieval system political authority was diffused among multiple agents of government, including barons and dukes, princes, the Holy Roman Emperors, bishops, and the pope. Transnationalism was part of the routine.[192]

States still play a huge role in regulating migration today. However, economics may arguably play a still bigger role, motivating huge numbers of people to migrate even against the laws and barriers erected to prevent them by the state. An immense variety of institutions are involved in the economic sphere, including the state only to a degree, and thus organizations ranging from the World Bank to local credit unions are involved in regulating and developing the economic realities that motivate migration.[193] These organizations too must be recognized as authorities capable of sabotaging or facilitating the realization of the right to migrate.

Likewise, international organizations involved in addressing migration flows, legal organizations providing aid to migrants, churches and other religious organizations, human rights groups, and nationalist or anti-immigrant movements are all entities with power capable of influencing the realization of a vision of the common good in relation to questions of migration. They, as well as the state, must be addressed if there is to be serious hope of realizing the common good in today's world.

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[190] For a discussion of this point, see David Hollenbach, *The Global Common Good in a Divided World*, talk on-line (22 August 2005); available from http://www.uniya.org/talks/hollenbach_22aug05.html ; accessed 20 February 2008, par. 4.

[191] He is inspired by the political theorist Hedley Bull. See Hollenbach, *The Global Common Good…*, par. 27; and Hedley Bull, *The Anarchical Society* (London: Macmillan, 1977), 254.

[192] Hollenbach, *The Global Common Good…*, par. 27.

[193] It is worth noting here Michael Walzer's particularly coherent treatment of the various ways in which we can understand international society today. He places our current international arrangement as one step inward from the extreme of anarchy in which now a series of global organizations of a weak sort mitigate the authority of the nation-state. See Michael Walzer, "International Society: What is the Best We Can Do?," *Ethical Perspectives* 6, no. 3-4 (1999), 205.

4. The role of the state

Despite the increasing decentralization of authority accompanying the process of globalization, there can be little doubt that, for the near future at least, the territorial nation-state will remain a significant actor in regard to migration flows and realization of the right to migrate (or not).[194] This persistence of the nation-state represents a challenge to the realization of the right to migrate, however, because states tend to be quite recalcitrant in the face of pleas to open their borders wider for the sake of the universal common good. Wealthy states in particular tend generally to grant entry to only a select few immigrants, even if their economies demand additional labor.[195]

a. State and the common good

The presumption throughout much of the history of the development of Catholic social teaching has been that the state is directed toward the promotion of the common good. Thus, the goal of Catholic social teaching has at times taken on the direct intention of focusing just on trying to get the state to focus on the 'right' common good. This presumption is exemplified by Pius XII's Christmas Message of 1942, which provided the basis of the right to migrate under the presupposition that simple reason dictates that "the whole political and economic activity of the State is directed to the permanent realization of the common good."[196]

This conjecture about the nature of the state may prove to be the Achilles' heel of the tradition of the right to migrate. The presupposition is that the state is acting for the common good—if not for the universal common good, at least for the national common good—when it serves as a regulator of the right to migrate. Under this presupposition, one can operate under the naïve idea that, simply by getting the state loosen its laws a little or change the criteria slightly in regard to its immigration policy, the existing structures of power and governance can more or less continue on as they are without significant change. However, as Cavanaugh shows, this easily made presumption is unjustified and, in fact, is deadly to the realization of the common good.

Already, in the discussion about creating space for alternative narratives in chapter two, the concern that the state and the church are two competing "public things," with their own narratives and senses of what is good, has been raised. The question remains, however, what the narrative of the state is and what it is that it claims is “good.”

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[194] Walzer, contending in a rather old article that it is not factually the case that the state's authority has been transcended, also gives an argument for a classical sense of politics that opposes attempts to transcend the state. See Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy & Public Affairs* 9, no. 3 (1980), 209-229.

[195] John Paul II wrote in 1995 that states "generally tend to intervene [in migration] by tightening migration laws and reinforcing border control systems." John Paul II, *Undocumented Migrants: Message of Pope John Paul II for World Migration Day 1996* (25 July 1995); available from http://www.vatican.va/holy_father/john_paul_ii/messages/migration/documents/hf_jp-ii_mes_25071995_undocumented_migrants_en.html ; accessed 8 July 2008, no. 1.

[196] Pius XII, *The Internal Order…*, par. 17.

Cavanaugh, examining the history of the rise of the state, argues that the state has historically served to atrophy the “intermediate associations” of people that build up the common good while the state itself takes on responsibility for public order, a significantly narrower concept. The state did not rise naturally in service to local communities, families and tribes. He contends that historical evidence suggests instead that “the rise and aggrandizement of political States took place in circumstances of powerful opposition to kinship and other traditional authorities.” The historical development of the state is marked by

> an increasingly direct relationship between state and individual by the state’s absorption of powers from groups that comprise what has come to be called “civil society.” In other words, the state is not simply local government writ large. The state is *qualitatively* different; it is precisely that type of government that does *not* grow organically out of the self-government of social groups.[197]

The state grows, according to Cavanaugh’s analysis, by “absorbing the rights and responsibilities” of civil society. Among those rights and responsibilities claimed by the state was a monopoly on violence. War accompanied the rise of the state,[198] requiring “a direct disciplinary relationship between the individual and the state, and so has served as a powerful solvent of the loyalties of individuals to social groups other than the state.”[199]

The state becomes seen as the source of social life. Because it is not born naturally out of the shared life of people, but is rather an imposition from above de-legitimizing the spontaneous life of traditional social groups, it fails offer any *telos* or sense of the common good apart from itself. In the vacuum that results, “the state can only expand its reach, precisely in order to keep the welter of individuals pursuing their own goods from interfering with each other…. In the absence of shared ends, devotion to the state itself as the end in itself becomes ever more urgent.”[200]

As national identity becomes the person’s primary loyalty, those characteristics which separate one nation from another become emphasized.[201] The result is that only those things that fit into national borders become accepted as “common” and it becomes permissible to achieve goods for the nation at the expense of people living outside of its borders. Cavanaugh sums up the last two centuries of the nation-state’s development as “a contradictory process of alienation from local community and simultaneous parochialization of what is common to the borders of the nation-state. Neither movement facilitates the pursuit of a genuine common good."[202]

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[197] Cavanaugh, “Killing for the Telephone Company: Why the Nation-State Is Not the Keeper of the Common Good,” *Modern Theology* 20, no. 2 (April 2004), 244.

[198] The concurrent rise of war along with the state is apparently fairly well accepted within the scholarly community. However, disagreement remains about whether the state is the cause of an increase in violence. See Porter, 118. For original research on the subject, see Norbert Elias, *The Civilizing Process*, trans. Edmund Jephcott, revised edition (Oxford: Blackwell, 1994).

[199] Cavanaugh, “Killing for the Telephone Company,” 257.

[200] Cavanaugh, “Killing for the Telephone Company,” 260.

[201] Cavanaugh, surveying recent scholarship on the rise of the nation-state, concludes that the concept of nation, historically, “is not a natural or ‘ontologically prior’ reality [to the state], but one that is invented by the state.” Cavanaugh, “Killing for the Telephone Company,” 261.

In his conclusion, Cavanaugh acknowledges that the state can and does at times promote and protect some goods and further points out that ad hoc cooperation with government can still be useful at times. However, "the nation-state is simply not in the common good business." He likens the nation-state to the telephone company, a metaphor taken from Alasdair MacIntyre, re-envisioning it as "a large bureaucratic provider of goods and services that never quite provides value for money" and that claims to be the "keeper of the common good and repository of sacred values that demands sacrifice on its behalf."[203]

Cavanaugh's argument from the historical development of the nation-state gives a sound theoretical basis for why Christians should not so easily presume that the state can and does act on behalf of the common good in regulating human movement. Both the history of the rise of the nation-state and the widespread phenomenon of states' acting in an excessively exclusive manner through their immigration policies should instead lead Christians to a healthy suspicion of the role and influence of the state over migration.

b. Resistance to the state

In the contemporary debate on migration, believers formed through the narrative of the common good offered through the passing down the Christian tradition may find the state competing for their loyalty as its citizens.[204] The task of Christians is not find some sort of 50/50 way of balancing of the two loyalties, but is rather, in the words of Cavanaugh, "to de-mystify the nation-state and to treat it like the telephone company."[205]

Christian recognition that the state is not the keeper of the common good is the first step. This recognition is followed by a re-adjustment of expectations and opens up the door to new directions for thinking about migration in light of the common good. This task is accomplished through opening up new sorts of "space" in which narrative of the common good can flourish free from the influence of the narrative of the state. In "break[ing] its imagination out of captivity to the nation-state," the Church forms itself "as an alternative social space" and thereby ceases to "simply rely on the nation-state to be its social presence."[206]

If the Church forms itself and understands itself to work as a true "public" space in relation with and striving toward the ultimate common good of God, then there continues to be hope for realizing the Catholic vision of the common good even when the state tries to shut out the possibility. Christians have a basis on which to resist the coercive functioning of the state and defy immoral actions by the state such as unjustified restriction of immigration laws and violent crackdowns upon undocumented migrants.

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[202] Cavanaugh, "Killing for the Telephone Company," 264.

[203] Cavanaugh, "Killing for the Telephone Company," 266. For MacIntyre's original mention of this metaphor for the state, see Alasdair MacIntyre, "A Partial Response to my Critics," in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, ed. John Horton and Susan Mendus (Notre Dame, IN: University of Notre Dame Press, 1994), 303.

[204] For a short but thoughtful treatment of these two competing loyalties in U.S. society, see Winston Persaud, "A 'Third World' Look at the American Common Good," *Word & World* 12, no. 4 (Fall 1992), 336.

[205] Cavanaugh, "Killing for the Telephone Company," 266.

[206] Cavanaugh, "Killing for the Telephone Company," 267.

A recent example of the Church forming itself to resist the state can be seen in recent developments in the U.S. state of Oklahoma. Accompanying the recent wave of anti-immigrant sentiment in the United States, the state of Oklahoma passed a law, HB 1804, which made aiding, assisting, or transporting an undocumented person in the state of Oklahoma a felony.

In response to the passage of the law, the archbishop of Oklahoma City, Eusebius Beltran, and the ten members of the diocesan Council of Priests signed and publicized a letter which they sent to the governor of Oklahoma, Brad Henry. In the letter, titled "Pledge of Resistance," they declaim HB 1804 as "fiercely anti-immigrant" and stated that the law "is not reflective of the values which respect people and families." They promise to continue to aid all people, regardless of immigration status. They conclude the letter by stating,

> We people of faith and conscience refuse to be defined by fear of Oklahoma's law which makes servant-leaders felons. Rather we stand in obedience to faith, hope, and love. We call for repeal of this anti-immigrant bill and for the passage of immigration reform that provides justice for all of God's children.
>
> We stand together, in solidarity, in defiance of this law because of our allegiance to a higher law; the law of love of God and humanity.[207]

This short letter shows several important aspects of the Church's resistance. The first is a refusal to be defined by the state, even when facing punitive measures under the law. Refusing to bow to state coercion, the eleven signatories operate in a different space, one which is formed according to a different set of values, suggested here by their mention of "faith, hope and love." When all the Church's legislative and lobbying efforts had failed to move the will of the state on its own turf, they defy the state simply by being Church, acting in charity for justice for undocumented migrants. The signatories enter into a space similar to that described by John Paul II in his Message for the 1996 World Migration Day:

> The Church acts in continuity with Christ's mission. In particular, she asks herself how to meet the needs, while respecting the law of those persons who are not allowed to remain in a national territory. She also asks what the right to emigrate is worth without the corresponding right to immigrate. She tackles the problem of how to involve in this work of solidarity those Christian communities frequently infected by a public opinion that is often hostile to immigrants.[208]

The key to achieving the common good thus becomes the evangelical invitation to others to join the resistors in their "work of solidarity" and enter into the Church's space. By providing formation and motivation in a space with a view of the ultimate common good in God and of the temporal common good to be realized by the right to migrate, a fundamental change is made. Any limitation of the right to migrate, apart from those situations wherein it ceases to serve the common good and starts to harm it, becomes seen as fundamentally illegitimate, and over time the law may be forced to bow to a vision of the good beyond that of the state.

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[207] Beltran, Eusebius, et al, "Pledge of Resistance," letter sent to Governor Brad Henry (2007); available from http://www.catharchdioceseokc.org/Pledge%20of%20Resistance-Governor %20Signatures.pdf ; accessed 8 July 2008.

[208] John Paul II, *Undocumented Migrants*, no. 3.

5. *Ressourcement*

To be able to achieve the right to migrate in the vision of the common good, the whole tradition of Catholic social teaching on migration needs a firmer rooting, a *ressourcement* in the Christian tradition. This need comes partially as a result of needing to rearticulate the theoretical foundations of the teaching as a result of globalization making obsolete the societal structure that it presupposes. Even more, however, the need for a *ressourcement* in the teaching has arisen because of a fundamental need for imagination in any attempt to move toward the common good.

Entering into the Church's space means stepping into an alternative reality, one in which the full common good is understood to be God. It is within shared life in that space that a Christian imagination can begin to envision what the temporal realization of the common good looks like.

This space in which Christian imagination can flourish cannot simply be entered at will by human beings. It is necessary that we be invited by God into this space. This invitation of God can take a variety of forms. I suggest that two of the most significant forms that God's invitation takes in leading us into a world wherein we can (re-)imagine the limits of the right to migrate and the phenomenon of migration in general are scripture and the Eucharist.

a. Scripture

The spaces into which scripture invites us is not divided into issues, like hunger or violence or migration. We can enter into new spaces and be formed in such a way as to act on behalf of migrants even if we do not hear scriptural passages specifically mentioning migration. For example, the invitation to love one's neighbor can help to form a person in a virtuous way of living that would include reaching out to migrants.

However, migration is a theme that returns repeatedly in scripture in a wide variety of forms. These stories, images and passages of scripture that directly touch upon migration and migrants are understood through the images that we have of real world migration. Due to that, there is a natural, more immediate connection between the role that these passages in scripture have in inviting us into God's space and the ways in which we can come to re-imagine migration.

Brazal introduces into her theology of migration a reading of the scriptures, especially the Pentateuch, in which migration is understood as "not just a historical accident in the life of our religious foreparents but [rather is] central to the identity of Israel and of Christians."[209] She points to Deuteronomy 26:5—"A wandering Aramean was my ancestor; he went down to Egypt and lived there as an alien"—as pointing to the identity of Israel.[210] Out of this wandering and experience of being the alien migrant in a foreign land, God blesses Israel, delivers them from oppression, and leads them toward a promised land. However, she argues, based on the thought of Frank Crüsemann, that Israel continued to live as aliens among the inhabitants of the land.[211] Crüsemann argues that the canonical narrative does not know a "sedentary Israel. The land is promise, and largely remains a promise."[212] Israel never arrived, but is rather was "always in perpetual movement or departure."[213]

Brazal's entry into the ancient narratives of Jewish scripture allows her listener to see how scripture can open up room for a bold re-imagining of the nature of migration and the right to migrate. The narratives allow one to enter a space in which one begins to understand oneself as a wandering migrant, oppressed among the nations. The whole of life becomes reinterpreted through a narrative offering a root-metaphor.[214] Instead of seeing oneself primarily as the settled and rightful citizen of a nation-state, one begins to instead see oneself as still migrating toward the promised land.

In that sort of re-imagining, one can feel and experience a sort of continuing remembrance through words like those found in Exodus 23:9. "You shall not oppress a resident alien; you know the heart of an alien, for you were aliens in the land of Egypt."[215]

For Christians—who also see, in the face of a foreigner, Christ himself who was born in a manger and fled to Egypt—the scriptures change the spaces in which we operate in which we are led to ask new questions. Brazal gives one particularly important one, asking, "Can the memory of our common religious identity as a people on the move in search for 'God's reign'… link us in a 'forward-looking solidarity' with migrants and sending countries today?"[216]

b. Eucharist

Cavanaugh sees the Eucharist as an enactment of a "spatial story about the origin and destiny of the whole world."[217] The Eucharist is not, as Cavanaugh clarifies, to be understood as a place in itself that could serve as "a retreat into a place-bound theocracy or sect." Rather, the Eucharist enacts a story *with spatial implications*, one that alters spaces even as it draws in the believer.[218]

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[209] Brazal, "Peoples of God on the Move," 2. See also the discussion of Christine Pohl, who similarly treats this motif, though with more of a specifically missiological aim. See Christine Pohl, "Biblical Issues in Mission and Migration," *Missiology* 31, no. 1 (January 2003), 5-7.
[210] Brazal, 2.
[211] Brazal, 2. See also: Pohl, 6.
[212] Frank Crüsemann, "'You Know the Heart of a Stranger' (Exodus 23:9): A Recollection of the Torah in the Face of New Nationalism and Xenophobia," trans. John Bowden, *Concilium* (1993/4), 105.
[213] Brazal, 2.
[214] See Johan Verstraeten, "Catholic Social Thought as Discernment," *Logos* 8, no. 3 (Summer 2005), 106.
[215] New Revised Standard Version.
[216] Brazal, 3.
[217] Cavanaugh, *Theopolitical Imagination*, 113.

The local community, gathered around the Eucharist, encounters the whole world come to it. By abiding in the Eucharist, the community hears “a story of cosmic proportions” that is told “within the particular face-to-face encounter of neighbours and strangers in the local eucharistic gathering.”[219] Cavanaugh points out that patristic writings and liturgies strongly show forth “vivid transgression of spatial and temporal barriers” in the Eucharist to bring the local community in its particular place into encounter with the whole Church, understood to be in all times and places and even eternity.

> The Eucharist not only tells but performs a narrative of cosmic proportions, from the death and resurrection of Christ, to the new covenant formed in his blood, to the future destiny of all creation. The consumer of the Eucharist is no longer the schizophrenic subject of global capitalism, awash in a sea of unrelated presents, but walks into a story with a past, present, and future.[220]

The narrative performed by the Eucharist “of cosmic proportions” also touches in a notably direct way upon the human reality of migration. Daniel Groody points out that, when one looks closely at the structure of the Eucharist and the dynamics of migration, there are many possible connections that can be made. The bread taken by Christ just before his death —bread which recalls his death in every Eucharistic celebration until he comes again—is echoed by the migrant’s lack of bread. Their inability to feed themselves and their families motivates their migration, seeking new opportunity, new bread, which “entails undergoing many levels of death, until they can become something more than their current state, something more than their dehumanizing existence.”[221]

The blessing said by Christ in the Eucharist likewise is echoed in the dynamics of the lives of migrants. Not dissimilarly to how they hunger for bread, they hunger for God. Groody points out that, although certainly not all migrants are religious and not all pray or speak about spiritual life, in his experience many migrants “experience such radical need that they come to realize they have no one else they can depend on but God.” Their society has failed them, and their need “opens them up to God in a way that pushes them way beyond the comfort levels of those living in more prosperous conditions.”[222]

The breaking of the bread, accomplished in the fraction rite of every celebration of Eucharist, recalls Jesus being broken on the cross. Migrants are, like Jesus, broken daily in their efforts to find nourishment for their families. They suffer and die in the heat of the desert, have their bodies broken or drowned in the canals and rivers, and freeze in the mountains. Even in their places of arrival, they die in their workplaces, being the most likely to accept dangerous jobs and being deemed the most expendable. Like Jesus, they die because they are reckoned ‘disposable’ by those in power.[223]

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[218] Cavanaugh, *Theopolitical Imagination*, 116.

[219] Cavanaugh, *Theopolitical Imagination*, 117.

[220] Cavanaugh, *Theopolitical Imagination*, 118.

[221] Daniel Groody, C.S.C., “Fruit of the Vine and Work of Human Hands: Immigration and the Eucharist,” *Worship* 80, no. 5 (September 2006), 393.

[222] Groody, 394-395.

Having taken the bread, said the blessing, and broken it, Jesus gave it to his disciples. Groody connects this act of giving by Jesus, who thereby invites his disciples to join him in a life of service, with how migrants pour out their lives for the benefit of others.[224] Groody writes,

> I offer here this eucharistic perspective of migration and this migratory perspective of the Eucharist precisely so that the debate might be reframed…. In the narrative of Jesus we see how he “took the bread, said the blessing, broke it, and gave it to [his disciples].” In the narrative of the immigrants, we see how they take up the difficult decision to migrate, bless God in the midst of adversity, break themselves open so they can feed those they love, and give themselves away for the nourishment of others, even at the cost of their own lives.

The Eucharist is not a place of retreat from the realities of migration and—as Cavanaugh points out—“the consumer [of the Eucharist] does not stand detached from the consumed.” In fact, the person approaching and receiving the Eucharist is consumed by the body of Christ.[225] The body and blood of Jesus thus come to organize the spaces in which its members walk, and the consumer of the Eucharist “begins to walk in the strange landscape of the body of Christ,” while remaining faced with all the challenges and brokenness of a particular earthly place. However, these earthly places in which Christians live and interact with others do not remain stagnant. Rather, they change as a result of “intrusions of the universal body of Christ in the particular interstices of local space.”[226] This interruption by Christ into human space opens up new possibilities to realize the good here and now.

6. New directions

The right to migrate, defined by and serving the common good, has its limits in that selfsame common good. Insofar as it continues to serve the common good, the right to migrate is in principle limitless. It would seem, however, that there occurs in the world with some frequency situations in which the right to migrate would actually serve to harm the common good, and the tradition would therefore suggest that the right to migrate is rightfully limited in such cases.

Rules of thumb about how to demarcate those cases will have to remain provisionally defined, however, since it is in all likelihood impossible to definitively define anything earthly according to the standard of the common good. The common good resists definition, making it challenging or impossible to put forward any more specific, hard-and-fast rule on its basis.

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[223] Groody, 396-397.

[224] Groody, 398.

[225] Cavanaugh, *Theopolitical Imagination*, 119.

[226] Cavanaugh, *Theopolitical Imagination*, 120.

The common good's transcendent reality in God presents a challenge to Catholic social teaching on migration that can only begin to be met through an aggressive process of *ressourcement*. Through entering into God's space and allowing that encounter to transform the spaces in which we live and operate, we begin to glimpse the common good's meaning in the realities of the world.

In coming to understand the common good through a spatial encounter with the transcendent, the right to migrate must be placed within a vision of who we have to be as Church in order to realize it. The right cannot be separated from this vision for its realization in today's world, or we are doomed to continue to permit the dominance of the flawed vision of migration and the common good offered by the nation-state.

On a theoretical level, the tradition of Catholic social teaching on migration needs continual renewal in light of the transcendent God in order to continue to move toward understanding of the full common good in God. On a practical level, the Church needs to go about the business of re-understanding itself as a true public space for the operation of the common good. On that second level, maybe the Church would do well to take the political scientist Michael Budde's suggestion: take every Catholic on an extended retreat.[227]

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[227] See Michael Budde, "The (Magic) Kingdom of God: Christianity and Global Culture Industries," (Boulder, CO: Westview Press, 1997), 1.

CONCLUSION

Based on a critical examination of certain key documents on migration belonging to the tradition of Catholic social teaching, I argue that the limits of the right to migrate represent a conceptual problem in need of resolution within the tradition. The suggestion that the common good somehow demarcates the limits of the right to migrate stands as valid, but —without robust development of what the common good means—it stands in danger of misinterpretation and misuse.

My development of an understanding of the meaning of the common good in chapter two follows along the lines of what must be the first stage of an attempt to solve the problem. The common good—though it eludes simple definition because of its transcendent origin in God—requires critical examination in order to establish its meaning for the context of migration in today's complicated world. As they are developed in chapter two, the concepts of space and narrative represent particularly fruitful lines of thought for understanding the common good, because as concepts they are ways of understanding and approaching the existence of a variety of understandings of the good. That openness to recognizing and articulating difference allows the possibility of entering into a process of dialogue in the world today about the goods to be realized in migration.

In the introduction, I suggested that—in order to dialogue fruitfully about migration —it is vital for those operating in the Catholic tradition to understand conceptually the limits of the right to migrate. Hopefully, my suggestion of new directions for Catholic social teaching on migration in light of the common good proves helpful in understanding where the limits of the right to migrate lie and point out directions for resolving lingering difficulties.

For the Catholic perspective on the right to migrate and the common good to be persuasive and meaningful in the present context, I further suggest that it has undergo a *ressourcement* and that the Church should prepare itself as a body for confrontation and resistance of structures and institutions that undermine the common good by unjustly inhibiting the right to migrate. The suggestion that the world's situation is so negative on this point, and that the Church offers an alternative narrative and space to that of the world, is a position that can be labeled as being of an 'Augustinian' persuasion. I do not feel a need to resist this label, even while recognizing a certain inevitable tension between an Augustinian vision of the common good and one developed more exclusively under the influence of Aristotle, Aquinas, and Maritain.

An 'Augustinian' perspective is of particular use for Catholic social teaching at this juncture in history. The tradition of Catholic social teaching is confronted with a very real danger of becoming conceptually hidebound by a whole set of presumptions about the roles of various parties in the process of migration, most particularly the role appropriately played by the state. This conceptual difficulty is exacerbated today by the high degree of resentment and anti-immigrant fervor present in many regions of the world, including in my native North America. It may be that, in fact, anti-immigrant sentiment and resentment of the stranger is sin that is primordially present in the world and pervades the whole of human history. Regardless of whether this can be regarded as a sort of 'universal' human sin, it presents a significant challenge in the present day for the Church to even convince the baptized—much less the wider human community—of its vision of what is good in relation to migration. Surrounded by attitudes and visions of the good that fail to recognize the right of migrants to cross national borders in furtherance of the common good, the challenge for Christian believers in approaching the phenomenon of migration is open themselves up to be formed as a body that is capable of taking initiative and creating new structures for dealing with migration even when the wider human community and the institutions of the nation-state stand in opposition.

APPENDIX: QUESTIONS FOR FURTHER DEVELOPMENT

Questions of a more theological bent

- How can the notion of communion complement an understanding of the common good?

- Is the threefold scheme (Toward Conversion, Toward Communion, Toward Solidarity) offered by the U.S. bishops in the 2003 pastoral letter *Strangers No Longer* useful as a model for how to make the Church "public" in dealing with the phenomenon of migration?

- How concerned should Christians be about undermining the rule of law in their resistance to state enforcement of immigration laws?

- Can migration be considered a fundamental part of human life and development? If so, how does this complement and/or change an understanding of migration as caused by tragic circumstances like poverty or violence?

Questions of a more sociological bent

- How does the inclusion of migrants in the 'space' of a (parish) community alter its consciousness for the common good?

- To what extent does emigration serve to undermine political participation in sending countries?

- How much does the religion of the migrants themselves affect the Church's response to migration?