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The Catholic Church's War on Borders

By David Simcox

The Catholic Church has developed an elaborate theology of immigration since World War II, and along with this an abundance of moral-political prescriptions it promotes to secular governments for dealing with immigration. These norms have been enunciated by the Vatican, and even more energetically by The Catholic Bishops' Conference (NCCB) here in the United States.

The Church has virtually sacralized immigration, proclaiming it as a "sacrament of unity," a process through which the Holy Spirit moves the world toward greater brotherhood. Migration, the Church preaches, witnesses to God's goodness, promotes the unity of the human family, and offers Christians a ministry of love and service to the stranger among us.

Human dignity, as the Church defines it, becomes a critical litmus test of the moral legitimacy of national responses to immigration pressures, just as it has been in Church judgments of other population and reproductive policies. The innate dignity of human beings entitles them to seek work in other lands and to be joined by their families there. This prerogative has in recent decades come to take precedence in Church teaching over the rights of nation-states to protect their borders.

The Church's concept of migrants' rights has moved closer to the absolute since Vatican II. Papal statements in the 1950s at least recognized the need to reconcile the right to migrate with national concern for the common good, as expressed in the regulation of immigration. That prudent approach is heard less now, since Vatican II, and particularly in the thinking of John Paul II and the U.S. Bishops, any conditions on the right of migrants to cross national borders in search of work or to join family members have all but vanished. In the words of Los Angeles' Cardinal Roger Mahony:

Catholic social teaching takes what many view to be a counter-cultural position on this matter and insists that the right to immigrate is more fundamental than that of nations to control their borders.¹

Oddly, a statement of the Catholic Bishops in late 1994 claimed that "the Catholic Church has long recognized the right and obligation of nations to control

their borders and create systems regulating immigration." The statement, particularly in asserting states' "obligation" to control borders, suggest a departure from existing doctrine. But the statement cited no authority for this uncharacteristic position, nor has the concept figured in more recent angry Church discourse on proposition 187 or legal immigration reform.²

The Church's cosmic image of migration as a celestially sanctioned human right, not surprisingly, crimps the debate on immigration regulation for many policy makers, conservationists, advocates of a sound environment and high labor standards, and among millions of ordinary Catholics of good faith. Disputing the Holy Spirit and the Magisterium of a 2000-year old institution is, for many, an intimidating venture.

Moral Imperatives and Institutional Interests

The Church's stress on immigration as a moral imperative has practical as well as mystical roots. Organizational politics, institutional self-interest, and the desire to maximize utility are hard at work. Migration is central to the Church's history of recovery and growth following its losses from the Reformation and the secession of the Church of England. The catholicization by Spain, France and Portugal of much of the Western Hemisphere in the 16th and 17th centuries was essentially a work of colonization and migration.

The current immigration mentality of the Church has been deeply influenced by its experiences in the 19th century. In that epoch of mass migration, Catholic-sending nations such as Ireland, Italy and Central Europe populated regions in the Western Hemisphere that were either sparsely populated or heavily Protestant. The most important country of settlement, the United States, was neither heavily Catholic nor culturally congenial to Catholicism.

Catholic immigrants of that era were thus religious pioneers who, though beleaguered and isolated in the host nations, were creating bridgeheads for the spread of the faith in the New World. The Church views itself as having accompanied its sons and daughters in their wanderings. The growth of large Catholic communities in nations where the Church's presence had been weak

or non-existent has, for the Church, imbued immigration with a providential character, seemingly a manifestation of God's plan working itself out in the world.

Spiritual and institutional interests have prospered together. Through immigration and high fertility, the Church acquired an important new treasure: a community of nearly 60 million souls and contributors in the United States, the World's richest nation. Such temporal power and financial strength counts for a great deal, even in a belief system valuing humility and self-abnegation.

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But during the 19th century the papacy's outlook on world immigration policy differed from what it is today. The Church's priority mission was to serve spiritually the Catholic immigrants in their new homelands, protect them to the extent possible from discrimination and anti-Catholic hostility, and — in the U.S. — ensure their cultural survival in an overwhelmingly Protestant milieu.³ The U.S. parochial school system is a response to early Catholic feelings that the public schools were expressions of Protestant culture.

Absent then were papal policies asserting the human right of free immigration for all the moral obligation of states to acquiesce in the individual immigration choices of millions. The open immigration policies of the United States and some other major host nations in the 19th century made such special claims unnecessary.

In the 1910s and 1920s Catholic groups, such as the Knights of Columbus and ethnic brotherhoods, fought the mounting restrictionist sentiment. But there is no record of papal opposition to the Johnson-Reed act of 1921 or other major restrictive actions, nor any high-level intimations that such immigration policies contravened God's will.

Radicalization Since World War II

Circumstances in Europe after World War II had much to do with the radicalization of the Catholic Church's teaching on the primacy of immigrants' rights. Major migrations were taking place from the heavily Catholic, labor-surplus countries (Spain, Italy, Portugal and Yugoslavia) to nations such as Germany, Switzerland, France, and the Scandinavian countries, which perceived themselves as labor deficient. Europe

was still awash with displaced persons scattered by the war.

It is in this setting that Pius XII issued "Exsul Familia." This 1952 document explicitly identified emigration, immigration and family reunification as basic human rights. Worth noting is that the Universal Declaration of Human Rights adopted by the United Nations in that same period also enshrined the freedom to travel and the right of emigration as fundamental.⁴ But a series of diplomatic objections by the U.S. and other Western countries in the negotiations had blocked the treaty from asserting a comparable right to immigrate.

Since the late 1950s, in subsequent teaching documents of the Vatican and other magisterial bodies within the Church, the "common good" of receiving states has been increasingly soft-pedaled and in some instances rejected outright. The depreciation of the sovereignty of nation-states in migration matters has several different roots, some old, some recent.

Three Theses

First, the Church, in the very catholicity of its name and in its outlook and mission is universalist. It has never been philosophically comfortable with the modern nation-state with its connotation of exclusion and its claims to be the ultimate community. For the Church, a main reason for the existence of states is to promote the human rights of individuals. Borders are often incompatible with human needs. Suffering this outlook is the biblical and early historical view of the Church as a cosmopolitan, multi-class, multi-cultural community for all. In the words of Paul: "there is no Greek or Jew here, circumcised or uncircumcised, foreigner, Scythian, slave or freeman. Rather, Christ is everything in all of you." (Colossians 3:11).

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Another transforming factor has been demographics. In the United States and some other Western nations, falling fertility in the 1960s among long-established Catholic populations dimmed the prospects for further Church growth. Predominantly Catholic immigration from Latin America and Vietnam provided both a new ministry and a new opportunity for expansion of the flock. Immigrants, in the words of Reverend Richard Ryscavage of the National Conference of Catholic Bishops, are the "growing edge" of the Church, as they were in the 19th century, and the "assurance of the Church's health in the 21st century."⁵

A final tenet in the Church's open border vision is its faith in cornucopian economics as a response to issues of population growth and resource depletion. In current discourse it draws on writers like Julian Simon to argue that nations must welcome immigration in their own best interest, as it enriches economically as well as culturally and spiritually. Church doctrine in the past has recognized that population in excess of resources can justify emigration. But it overlooks the corollary that excessive immigration can bring a similar imbalance to the receiving countries. Cornucopian economics, it seems, really applies only in Western industrial nations.

Changing priorities in Catholic social doctrine have also reinforced the view of immigration as a supra-national prerogative. The Church's heightened interest in social action to promote human rights to combat dehumanizing structures was both articulated in, and intensified by, the Vatican Councils of the 1960s. The U.S. Church's close exposure to Latin America conditioned its commitment to the "preferential option for the poor" proclaimed in the literature of liberation theology. Pope John Paul II has made the rights of migrants a major theme of his papacy.

This outlook readily fused with the Church's vision of its area of future growth as the Third World and its increasing identification with the anti-capitalist, anti-colonialist liberation movements in those nations. Also present is an unfolding sense of mission to address the unequal distribution of the world's wealth highlighted in the U.N.'s North-South dialogue. Open immigration into major industrial nations becomes a way of sharing wealth and balancing out past exploitation. For the U.S. "Sanctuary" movement in the 1980s, acceptance of heavy flows of immigrants and asylum seekers was a form of national atonement for real or imagined U.S. foreign policy misdeeds and economic exploitation in Latin America.

Current Battles of the American Church Against Restriction

The Church's theology of immigration takes operational form in the continuing tactical struggles of the Church against immigration restriction. Here are some of the leading skirmishes in the American hierarchy's ongoing battle:

- The Catholic Bishops opposed employer sanctions in the 1986 Immigration Reform and Control Act. In scattered areas and diverse ways Catholic religious groups have litigated unsuccessfully against sanctions as an interference with their freedom of religion. In a few cases, they have simply flouted the law. Church leaders backed a coalition of interest groups supporting the Kennedy-Hatch bill to repeal sanctions altogether. It is unclear whether that legislation will reappear in the Republican-controlled 104th Congress.

- Church leaders and organizations were major actors in the coalition of human rights, ethnic, legal and

labor groups that in 1989 and 1990 designed and pushed through the 1990 law expanding legal immigration 35 percent and creating a new category for easier humanitarian admission: "Temporary protected status." Failing to get a universal amnesty for illegal aliens in the 1986 law, Church forces and other human rights groups won a special provision for otherwise ineligible immediate relatives of legalized aliens to remain here. High on the Church's agenda now is a new amnesty for those entering since the 1982 cutoff date in the 1986 act who do not otherwise qualify.

- The Catholic Bishops' Conference consistently condemned Proposition 187. California's Catholic dioceses worked assiduously but unsuccessfully in the fall of 1994 to defeat the proposition with special mailings, appeals from the pulpit, media outreach and voter registration drives. Cardinal Mahony of Los Angeles once characterized support for the resolution as "Grave social sin." The Church remains a major actor among the groups fighting to block implementation of Proposition 187 in the courts.

- At the Cairo Conference on Population and Development, Vatican representatives worked with migrant-sending states in an attempt to establish family reunification as a basic right in the final document of the conference. They were unsuccessful in overcoming the resistance of the U.S. and other migrant-receiving nations.

- Generally, the American Church is well represented in the ad hoc coalitions that have formed to fight the current wave of what they call "anti-immigrant hysteria" and the drive for tighter controls of legal immigration, and for an end to abuse of asylum and of immigrant access to public assistance.

Recalcitrance among Lay Catholics: A "Shepherd/Flock" Gap

Polls consistently show that individual Catholic views on immigration are only modestly more supportive of generous immigration policies than those of non-Catholics. Some of the difference stems from the higher proportion of foreign born and Latinos among Catholics. But a solid majority of Catholic respondents in polls believe that immigration should go no higher or be reduced. This deviation from official Church doctrine resembles the profile of Catholic public opinion on birth control.

The vote on Proposition 187 indicated widespread resistance among the rank-and-file parishioners to the hierarchy's expansionist instincts on immigration. Overall, California Catholics, more than a third of them Hispanic, opposed 187 by 51% to 49%. But non-Hispanic white Catholics — two-thirds of all Catholic voters — favored it by 58% to 42%, roughly the measure's margin of victory statewide. The Los Angeles diocesan newspaper, *The Tidings*, saw in the results "a Catholic electorate which increasingly seems

to view the statements of its pastoral and moral leaders as having little credibility and urgency."⁶

Many Catholic legislators necessarily share the pro-immigration instincts of the powerful ethnic constituencies in which they are rooted. Senator Edward Kennedy, tireless advocate of immigration expansion, particularly from Ireland, is an example. But there has been no shortage of Catholic legislators who have led or supported sound restrictionist efforts.

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Well-known was Senator Pat McCarran, a leading Catholic layman, who co-authored the 1952 McCarran-Walter act that preserved national origins quotas and restrictions on Asian immigration. Another, Peter Rodino of New Jersey, originated employer sanctions legislation in the early 1970s, and Ron Mazzoli of Kentucky, a devout Catholic, saw that concept through to enactment in 1986. Mazzoli also favored a far more limited amnesty than Church leaders sought.

Senator Pat Moynihan, as a White House staffer, orchestrated the 1970 Rockefeller Commission on Population Growth, which recommended, among other measures, a freeze on immigration. Currently Moynihan plays a more passive role on immigration issues, although he supports a counterfeit-resistant social security card.

Perhaps most representative within the Church of pluralist views on immigration and the importance of separating the secular and the sacred, was the performance of Father Theodore Hesburgh as chair of the 1979 Special Commission on Immigration and Refugee Policies. Under his leadership, the commission recommended employer sanctions and an immigration ceiling more than a third lower than the present one.

Outlook: Continued Confusion Between God and Caesar

The attitudes of lay Catholics in the U.S. on population, environmental and reproductive issues have shifted inexorably away from those of the Vatican and the American hierarchy, shrugging off warnings from the pulpit against what the Church characterized as immoral or inhumane options on these issues. An insecure, impoverished and ethnic-based immigrant population at the turn of the century, American

Catholics have achieved the wealth, education and self-confidence, in an increasingly crowded and environmentally threatened world, to define values for themselves.

Yet the Church's governing structure remains hierarchical, highly centralized and enduring. Changing attitudes in the pews are unlikely to profoundly influence the top leadership. The Church's name and organization clout are likely to remain indefinitely at the service of pro-natalism and immigration expansionism, with or without the assent of its millions of loyal contributors. This points up a fundamental irony in the Church's confusion of the realms of God and Caesar: the Church hierarchy has power without responsibility—Caesar, not Rome, will be accountable and responsible for the social and environmental costs of disruptions flowing from mass immigration and rapid population growth. ■

NOTES

¹ Los Angeles Times, October 9, 1993.

² *Welcoming the Stranger: A Reflection on the Current Immigration Debate*. Statement of William Cardinal Keebler, President of the National Conference of Catholic Bishops. Washington, November 17, 1994.

³ See "The Scalabrinian Fathers: Catholic Apostles to the World's Immigrants" by James S. Robb, in *The Social Contract*, Vol. V, No. 3, Spring 1995, p. 185-190.

⁴ "UN Declaration of Human Rights," Articles 13 and 14, adopted by the General Assembly of the United Nations on December 10, 1948.

⁵ *Catholic Standard and Times*, October 22, 1992.

⁶ Los Angeles Times, November 20, 1994.