

The Right to Migrate and the Universal Common Good

Andrew M. Yuengert, Pepperdine University

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Abstract

Catholic Social Teaching affirms a right to migrate, but offers little guidance about the extent of that right, beyond an appeal to the concept of the universal common good to adjudicate between it and the common goods of nation states. The right to migrate is not absolute, although the relatively light burdens that immigration imposes on host countries and the poverty of the immigrants both suggest that it should be very extensive. The universal common good functions as a moral perspective which encourages nations to recognize immigrants as persons, and to consider the human development of migrants in policy deliberations. No nation currently recognizes a broad right to migrate. Consequently, the promotion of this right internationally will require very basic educational work, to convince nations and other international organizations that the universal common good contains the right to migrate.

1 Introduction

Large migrations are nothing new. Early twentieth century immigrant flows to the U.S. were as large as recent immigrant flows in absolute terms, and were larger relative to the U.S. population. Previous migrations also contained many who returned to their home countries after several years, or even months. Neither are the cultural differences between U.S. immigrants and natives larger than earlier differences; Eastern and Southern European Jews and Catholics were described as ‘inassimilable’ and ‘potentially unpatriotic’ in the same way that Latin American and Muslim immigrants are sometimes described today. Viewed in isolation, the patterns and challenges of today’s large-scale immigrations are not much different from those of the past.

Although the migrations of today appear similar to past migrations on the surface, they are occurring in a new context: the context of globalization. True, the world has experienced

periods of rapid growth in international trade and migration before, especially during the decades of heavy U.S. immigration at the turn of the last century. Nevertheless, the new phenomena of large-scale investment flows, and the advances in communications that make possible the integrated management of multinational corporations, provide a more complex backdrop for immigration. Questions of immigration policy are now closely tied to the analysis of international trade and finance, as well as to the preservation of "national" culture and sovereignty in a multicultural, increasingly democratic, world.

Although any analysis of immigration must be situated in this more integrated, global context, the purpose of this paper is to draw attention to another important difference between the context of today and that of the last period of great migrations. The intervening years have seen formal declarations of universal human rights and the tentative development of the language of the universal common good. Included among these rights (at least in Catholic social thought) is the right to migrate. The right to migrate is not absolute, but may be regulated in light of a nation's common good. Recently, John Paul II has insisted that the concept of the universal common good is crucial to a full understanding of the moral challenges raised by international migration: to respect both the rights of migrants (including their right to migrate) and the common goods of nation states. Unfortunately, the concept of the universal common good is as yet poorly developed, so it is not clear how such a concept can help us sort out the various duties and rights invoked in discussions of immigration. The concept of the universal common good must be developed 'on the way', at the same time it is applied.

This paper is a reflection on the usefulness of the universal common good as a vehicle for understanding the moral obligations raised by immigration in an integrated world economy. The universal common good is the set of conditions that allow nations and their peoples to achieve

fully human development. It encompasses both the development of the person, and the development of those states and other social groups which are essential to the development of the person. Although the requirements of the universal common good and the requirements of the common goods of less comprehensive communities are similar – solidarity expressed in action that respects subsidiarity – the authority structures that help to realize lesser common goods are not available at the international level.

Thus a crucial difference between the common good of a nation and the universal common good is the lack of an international authority to order international society towards the universal common good. The lack of authority is due in large part to a lack of agreement among nations on the content of the universal common good. Since nations do not recognize a broad right to migrate (except in the case of refugees), current international institutions guarantee the prerogatives of states to protect their common goods against immigration, putting at risk the rights of immigrants, particularly non-refugees, to seek better lives. Those committed to the common good embodied in a right to international migration will have to pursue it in creative ways, by encouraging nations to recognize the right, and by working to form coalitions of nations and international organizations which will promote it.

Because rights are a crucial component of the universal common good, section two summarizes the nature of the right to migrate in Catholic Social Teaching. Section three explores the idea of a universal common good, by drawing analogies between it and less comprehensive common goods. Section four examines the individual and national goods at stake in immigration policy. Section five concludes the paper by outlining the implications of solidarity, subsidiarity, and the lack of international authority for immigration policy.

2 The Right to Migrate in Catholic Social Teaching

"The Church in America must be a vigilant advocate, defending against any unjust restriction on the natural right of individual persons to move freely within their own nation and from one nation to another. Attention must be called to the rights of migrants and their families and to respect for their human dignity, even in cases of non-legal immigration." - John Paul II¹

The right to migrate springs from three separate principles in Catholic Social Teaching: the right of a family to sustenance, the priority of the family over the state, and the right of economic initiative. For the same reason that a person has a right to privately owned goods - so that families can provide for their needs and development - persons have a right to migrate to provide materially both for the family that migrates, and for those to whom the migrants send remittances.² In asserting this right, recent Catholic Social Teaching reaffirms the principle, going back at least to Leo XIII, of the priority of the family over the state.³ In *Laborem Exercens*, John Paul II makes the prerogative of a family to build better life through migration very clear : "Man has the right to leave his native land for various motives - and also the right to return - in order to seek better conditions of life in another country."⁴ Closely tied to the right of the family to migrate is the right to economic initiative; in *Sollicitudo Rei Socialis*, John Paul II observes that many migrate because their right to economic initiative is unduly restricted in their home country. Faced with this direct threat to ".. the creative subjectivity of the citizen ..." and the common good of the home country, persons may justly seek out other places where they may exercise this right.⁵

Catholic Social Teaching has always urged international action to secure the rights of migrants. Paul VI urges an international agreement to guarantee the right of emigration; according to John XXIII, one of the benefits of international peace between countries is that it makes migration easier, helping to guarantee the right.⁶ John Paul II constantly stresses the plight of immigrants in his annual World Migration Day addresses.

In spite of its clear stand on the right to migrate, Catholic Social Teaching expresses some concerns about migration. Although the migrant is clearly within in his or her rights, the decision to migrate is regrettable; its costs to the migrant, who must leave home in search of his or her full development, and its costs to the home country, are material evils, although not moral evils (since the person is within his or her rights to migrate). The material evils of migration are not necessarily the concern of the migrant, but they are relevant to the common good of nations and the universal common good.

The primary concern about migration's consequences is the dangers to which migrants are exposed. Immigrants are often at a disadvantage in labor markets, particularly where there are few enclave networks to provide information and job leads.⁷ This problem is particularly acute for illegal immigrants. Added to the concern about the material vulnerability of immigrants is a concern for the quality of their moral life - their family, community, and faith.⁸ By weakening ties to family, culture, and religion, immigration may lead to a decline in morals, particularly among the young.⁹ The pastoral care of migrants is usually the primary focus of the Church's pronouncements on migration.

Catholic Social Teaching puts little weight on the burdens of migration on home (sending) and host (receiving) countries. If anything, it is more sympathetic to the burdens of migration on the former. Immigration entails a regrettable loss for the home country: the "loss of a subject of work" whose creative initiative might have served the common good of the country of origin.¹⁰ By describing the migrant as 'a subject', that is, one who exercises creative agency in society, the Pope implies that the host country should welcome the immigrant, who can enrich the culture and economy of the nation in which he settles.

Catholic Social Teaching pointedly refuses to distinguish, as nations do, between 'economic' migrants (who presumably have no claim on a host country's welcome) and normal migrants. On the contrary, most of Catholic Social Teaching's discussion of the right to migrate is conducted in the context of economic motives for migration. To Catholic Social Teaching, a country violates the rights of economic migrants when it returns them to their home country, even when they are in fact not fleeing violence or religious and political persecution.

Only recently has Catholic Social Teaching acknowledged that immigration might be a burden to receiving countries. When the migration is large and the migrants are from a different culture, the host country may "... fear the loss of its identity"¹¹ The right to migrate cannot be absolute, since "... practicing it indiscriminately may do harm and be detrimental to the common good of the community that receives the migrant."¹² Notwithstanding its allowances for the burdens of migration on the host country, Catholic Social Teaching is more concerned about the plight of migrants; John Paul II, describing the burdens of the host country, labels them mere "inconveniences" when set against the poverty of the migrant.¹³

In spite of its solicitude for the plight of the migrant, Catholic Social Teaching does not go so far as to claim that the right to migrate is absolute. John Paul II states clearly that "illegal immigration should be prevented," thereby implying that states have a right to enforce restrictions on migration.¹⁴ Just as clearly, the Pope states elsewhere that the right to migrate must be regulated in light of the common good of the host country.¹⁵

If the right to migrate is not absolute, by what principle is it to be regulated? In his address for World Migration Day 2001, John Paul II ties the mediation of rights closely to the common good: "... rights are concretely employed in the concept of universal common good, which includes the whole family of peoples, beyond every nationalistic egoism. The right to

emigrate must be considered in this context."¹⁶ Note that the Pope invokes the **universal** common good, not just the common good of a particular country. Countries which rely on a narrow conception of their own common good which ignores the rights of those outside of their borders are likely to ignore the right to migrate.

The proper balance between the rights of the migrant and the common good of the various nations affected by migration can only be found in the concept of the universal common good. This poses a challenge for policy, since the concept of common good has been neglected until relatively recently,¹⁷ and researchers are only beginning to attempt a theory of the universal common good.¹⁸ The next section discusses the concept of the common good, with a view towards applying it to international migration.

3 The Common Good and the Universal Common Good

Aside from periodic appeals to the universal common good, little has been written on the content and implications of the universal common good. We must therefore begin with what we know: the particular common goods of nations and other social groups. Catholic Social Teaching defines the common good as "... the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily."¹⁹ From the common goods of 'smaller' groups we may jump to the universal common good.

The Common Good Tradition

The *Catechism of the Catholic Church* begins its treatment of the common good by noting the social nature of the person: "In keeping with the social nature of man, the good of

each individual is necessarily related to the common good, which in turn can be defined only in reference to the human person²⁰ This preface captures the interplay of two crucial aspects of the common good: the social nature of the person, and the priority of the person. These two aspects simultaneously render the common good both crucial to human development and difficult to achieve. The common good is a consequence of the social nature of the person: it is common to a **community**, and is achieved when a community orders itself towards it through the exercise of authority. Persons need community, and should order their lives toward the community's good. At the same time, the necessity of community for the good of persons does not imply that persons exist for the sake of the community. The person is prior to the community; the development of the person is the reason for the pursuit of common goods, which are not good unless they are good for persons. It is this tension between the necessity of community and the priority of individual human development in that community that makes the realization of the common good a challenge.

Implicit in the notion of a common good is the social nature of the person; the ways in which man needs society reveal the nature of the common good. Maritain asserts that the person "requires membership in society" for two reasons: "... by virtue of its dignity and its needs."²¹ The person's dignity is rooted in his creation by God for God: humans are ends in themselves. The perfection of the person overflows into the human community; it entails communication and communion.²² As a consequence of his dignity, the person freely seeks community, and is oriented toward its good.

The second set of reasons that the person needs society derives from man's material existence. A person needs material goods, as well as formation as a person. Both come from interaction in society; no one gets them any other way. As Ralph McInerny notes, we are born

helpless: we need to be fed, clothed, and housed by others, and more importantly we must be taught to be responsible members of society.²³ Persons' material needs as well as moral formation are provided in community; there is a reciprocal obligation on persons to orient themselves toward the common good. Maritain goes beyond the assertion that the person owes society allegiance only as payment for feeding him and establishing him as a functioning adult. Service to the common good is a condition of moral development.²⁴

The common good is a set of social **conditions** which foster the development of people and groups of people. In other words, the common good is an instrumental good, not good in itself, but good insofar as it promotes the higher goods of human development. The very term 'common good' refers integrally to what is good for the person. If the common good is indeed a **good**, it must be integrally related to human flourishing. All human goods are ends – that is, human beings find in goods both motivation and justification for their acts. Human beings seek the good because they seek their own perfection, or fulfillment. We reason together about what is good for us because we know that we may be mistaken about our good, and need to discover it in the concrete circumstances of our individual lives.

In the same way that an individual good motivates the acting person, the common good motivates a group of persons. The common good is the justification for a community. Communities are defined by the common good they seek; they are ordered toward their common good. At the same time, the common good must be linked to the good of persons. Its ultimate benefit is not the community, or humanity, as such. As Maritain notes, it "presupposes the persons and flows back upon them, and, in this sense, is achieved in them."²⁵

There are many sorts of goods that can be common in a community or a nation. For example, an educational system to which all have access is a common good: the ability to pursue

an education is good for each person individually, and all benefit from living in a society of literate, productive citizens. Likewise, a system of national defense is a common good, since all benefit from the just protection of the community from external threats to its life as a community.

The common good must be **common**: because common goods justify communities, they foster and maintain community. When a community orders itself towards goods that are not common, its actions deny its status as a community of persons. For example, if a corporation pursues the profits of shareholders but not the welfare of its workers, it cannot claim to be a community pursuing a common good through its ordering toward production and sales. In this case, workers and employers are engaged in a common enterprise in one sense, but they do not share a common allegiance, since the employers do not care whether the workers share in the good generated by the enterprise. When any organization (including government) exists to promote the welfare of some of its members at the expense of others, it fails as a community.

The priority of the person in the common good does not mean that a community must only order itself toward those things that directly materially benefit each person. For example, if a church congregation pledges mutual support in crises, its efforts and organization toward that end may materially benefit some more than others. Nevertheless, both the insurance offered by the arrangement and the friendship it realizes in the community are common goods, equally shared by all. This last component of its common good shows that it is not merely material. Friendship, life, and truth are at least as important to human flourishing as material goods.

According to Yves Simon, implicit in the ordering of a community towards a common good is the need for authority.²⁶ A community can order itself towards an end only by some mechanism to which its members submit. A bridge club must meet a certain time; a market

needs an authority to enforce contracts and guard against concentrations of power. Authority may take various forms, ranging from informal democracy in small groups to more formal representative structures in larger groups.

The effective operation of authority to a certain extent removes the need for individuals to directly will, or pursue, the common good. Individuals will the common good formally, through obedience to properly exercised authority; the authority itself wills the common good both formally and materially. This does not absolve individuals of all responsibility for the material common good, however. First, when authority is exercised jointly, in a democratic way, individuals must will the particular material expression of the common good in their participation in governance. Second, when the pursuit of private goods, which is the primary concern of individuals, is thwarted in some way by the authority's decisions regarding the common good, they must either accept the decision "in justice and amity,"²⁷ or at least see that their proper appeals to (or resistance to) authority do not undermine the common good with which authority is charged.

There are many different communities in society: most importantly, families, but also religious communities, clubs, schools, companies, charities, etc. Each of these communities has a common good. The bowling club promotes the common good of friendship and recreation for its members; the charity, the common good of a community's care for the poor and suffering; a church, the common goods of religion. When these social groups are properly oriented toward a common good, they promote the development of their members. In view of their role in human development, these organizations and their common goods must not be swallowed up in larger, perhaps more all-embracing, communities as those larger communities order themselves toward common goods. The smaller common goods of subsidiary groups are bearers of human dignity

insofar as they are truly good for persons, and as such should be treated with the same care as the goods of individual persons. The respect owed to these communities is called subsidiarity, and will become important in the structuring of an international response to the challenges to the universal common good posed by immigration.

The universal common good is more comprehensive than the common goods of nations or smaller social groups, but it is not different in kind. It is the set of goods, or conditions for human development, which cannot be pursued by any nation or other international organization in isolation. The presence of these goods, which can only be achieved through coordinated action among nations, is more obvious today, as nations become more economically, culturally, politically, and environmentally interdependent. Both *Gaudium et Spes* and the *Catechism of the Catholic Church* move quickly from the definition of the common good to the promotion of the universal common good.²⁸ The universal common good must contain both the rights of international migrants, whose dignity is at stake in their exercise of initiative in migrating, and the conditions which make that migration reasonable.

From the Common Good to the Universal Common Good

Recall that *Gaudium et Spes* defines the common good as a set of social conditions that promote human development and safeguard human rights. This concept of the common good has developed in the context of the nation state and its subsidiary communities; a crucial question for immigration policy is whether this notion of the common good can be adapted easily to the international arena. We have emphasized three aspects of the common good tradition:

1. The common good challenges a community to create conditions that encourage the development of persons without losing sight of the priority of the person.
2. The common good must be the purpose of a true community; the successful pursuit of true common goods creates community.

3. A community must order itself toward the common good through authority.

Do each of these three facets of the common good survive the leap to the universal common good?

The first aspect of the common good tradition can be incorporated easily into the concept of a universal common good. The common good challenges us to address international conditions that currently hinder human development (among them restrictions on migration), but at the same time requires us to respect the national common goods which embody the development of nations and their peoples.

The second and third aspects of the common good present a greater challenge for the universal common good. The third aspect of the common good tradition – the need for authority – is most problematic at the international level. If authority is crucial to the achievement of the common good, then the prospects for the realization of a universal common good, and the sense of global community that common purposes engender, are dim.

There are several barriers to the international exercise of authority on behalf of a universal common good. First, and most importantly, nations do not agree on the nature of the universal common good. This is certainly true in immigration; nations recognize the rights of migrants to different degrees. Where there is agreement on the universal common good – that the rights of refugees for asylum are a component of the universal common good, for example – there are treaties and institutions in place to promote it. Nevertheless, a country will not cede authority to an international body, formally or informally, if it does not agree that the purposes of that body are good. Second, nations may suspect that the international authority will not respect their own common goods; they suspect that a false concept of the universal common good may be used against their own development. Third, nations may selfishly refuse to recognize their

obligations toward the universal common good, and instead seek only the good of their own peoples.

If the option to create an international authority is infeasible (and perhaps even undesirable at this time), must we abandon hope for the universal common good? Yves Simon places so much emphasis on authority that it is tempting to conclude that an international authority is the only avenue open to nations to pursue the universal common good. Must we defer the pursuit of a universal common good until an international legal structure is in place? Surely there may be second-best paths by which it may be promoted.

David Hollenbach emphasizes that the achievement of the common good, even at the national levels and below, is a messy process that involves, in addition to the exercise of delegated authority, competition among interests, educational programs, and coalition building.²⁹ The lack of an authority at the international level hinders the promotion of the rights of migrants, but it need not preclude any hope securing this right. Short of an international authority, there is much that can be done. Hollenbach notes that a set of cross-cutting alliances and partial coalitions among parties who may not share the same comprehensive vision for justice can promote common goods in the absence of comprehensive authority. Indeed, the groundwork of education and coalition-building in favor of a system of treaties or conventions guaranteeing the right to migrate must be laid before such a system can be put in place.

4 What is Good About Immigration?

Before turning to the establishment of a universal common good in migration, we should first remind ourselves of the human goods at stake in migration, both for individual migrants and for the nations that send and receive them.

The basic human goods most commonly at stake for migrants (at least in the U.S.) are life, religion, knowledge, and practical reasonableness.³⁰ A substantial number of U.S. immigrants are fleeing dangerous conditions, brought on either by violence and oppression or by extreme poverty. Others seek freedom of religion, leaving countries where that freedom is effectively denied. Many temporary immigrants come to the U.S. for educational opportunities that are not available to them in their home country.

Practical reasonableness, or the exercise of personal agency in the directing of one's life, is at stake in every decision to migrate. Because the decision to move across national borders is often costly and risky, it is rarely taken lightly or arbitrarily. Especially for poor migrants, the very act of migration proclaims that they have judged that migration is an important element of their life plans. They are attempting to become agents of their own development. Governments which eliminate the option to migrate restrict the scope for the exercise of practical reasonableness. In some countries, this restriction is part of a larger pattern of the suppression of individual initiative in private and public life.

These individual benefits of migration may be called 'micro' goods. The 'macro' goods produced by migration are benefits beyond what the individual experiences. Economic theory emphasizes these macro goods. Movements of labor from countries where labor productivity is low to countries where it is high represent an efficient reallocation of productive resources, and will result in increased worldwide production.³¹ Average income for non-migrants in both the sending and receiving countries will increase after migration, and the migrant will receive a higher income in the host country. The benefits will be unequally distributed in both countries, however; labor in the home country benefits most from emigration, and owners of capital in the host country benefit the most from immigration.

The estimates of the 'macro' benefits of migration are probably not large - on the order of \$7 billion for the U.S.³² The calculation of benefits is beside the point, however, because it draws our attention away from a problem for which immigration is a symptom. Most economic models of migration assume that sending and receiving countries are characterized by free markets for goods, labor, and investment. Under these assumptions, labor moves around in response to natural, unpredictable changes in technology, and comparative advantage. For example, the invention and mass production of the car resulted in an internal migration of U.S. workers to Michigan. This depiction of the world misses an important factor - **the** important factor - generating international migration: the economies of the home countries are less productive than the economies of the receiving countries. One may argue that the imbalance is due to developed country exploitation, or to misgovernment in home countries (Mancur Olson argues forcefully for the latter).³³ Immigration in this sort of environment is a symptom, an indicator, of imbalances between countries in the economic order. It does not itself redress the economic imbalances, which are largely a function of the economic institutions of society, not of the misallocation of labor across countries. As a symptom, migration gives impetus to international efforts to address those imbalances.

It may seem strange to talk of the macro benefits of immigration to nations, when public opinion in many developed countries focuses on the macro costs. It is frequently claimed that immigration threatens certain goods in the host country. Among the economic goods threatened are the wages of low-skilled native workers, and the national and local public finances of the host country.

There is little evidence that immigration is a great burden on the U.S. Immigration may have reduced the wages of unskilled native workers (high-school dropouts) slightly, although

other factors, particularly changes in production technology, are primarily responsible for the recent stagnation in the wages of unskilled workers. Because even a small decrease in the wages of unskilled native workers represents a hardship for those at the bottom of the wage distribution, even a small impact should not be taken lightly. Nevertheless, one is hard pressed to argue for restrictions on the opportunities of very poor immigrants in order to prevent a loss to unskilled natives.

The evidence on the fiscal burdens of immigration suggest that they would not be heavy if they were spread evenly across states and localities; the burdens are in fact concentrated in those places where immigrants cluster. The fiscal burdens on those states that receive the most immigrants is appreciable but not large, excepting California, whose state budget is significantly burdened by immigration. This concentration argues for a sharing of the burden, not for restrictions on immigration.³⁴

In light of the evidence that immigrants are a net economic benefit to developed nations, the only plausible arguments against migration must appeal to non-economic criteria. Controversies over the official status of the English language and bilingual education reflect concerns about the preservation of U.S. culture. These controversies are perennial in the U.S.: it is ironic that the grandchildren of Italian, Irish, and Jewish immigrants, who were thought to be inassimilable, today express concern that the U.S. will be changed for the worse by the influx of poor Hispanic, Asian, and Muslim immigrants who, as the Europeans did, lived in their own neighborhoods and kept their own languages for a generation. Since the U.S. has never been self-conscious about its culture the way France is, goods of culture do not seem to be of enough importance to restrict immigration in the U.S.

To deny the force of cultural concerns in the U.S. is not to deny it in other nations. Countries whose identity is rooted in ethnic and religious ties may have more legitimate concerns about the effect of migration on the common good of national culture. Even in the U.S., immigrants have always been expected to embrace certain principles of democratic civility and participation.³⁵ Immigrants who are not committed to such a society will be suspect, particularly in times of war, although it must be noted that early twentieth century Catholic immigrants were also suspect for their ‘divided loyalties’.

Arguments for restrictions on U.S. immigration based on national security interests have recently taken center stage, understandably. These concerns are probably the strongest case for restrictions on immigration, since the conditions for civil society may be at stake. It must be noted, however, that national security arguments do not justify wholesale restrictions on immigration. For example, poor immigrants from rural Mexico are unlikely to threaten U.S. national security, and their economic impact is relatively minor. Obviously legitimate concerns about the safety of U.S. citizens from terrorist attack do not justify across the board restrictions on immigration from every country.

The right to migrate is justified by the impact of international migration on human flourishing. International migration promotes human goods. The direct benefits to migrants (the micro goods of safety, freedom of religion, education, the effective management of one’s own development) are paramount, although the protection of certain non-economic “macro” goods like culture and national security may justify restrictions on the right. At present the rights of migrants are more endangered than the common goods of nations that might host them.

5 Requirements of the Universal Common Good: Solidarity and Subsidiarity

The U.S. can plausibly increase its rate of immigration without large costs to itself. If it were to do so, how would it know when to stop? For example, if one million extra immigrants over five years will increase government deficits by \$700 million, is this too high a cost? Would \$1 billion be too high? When a country makes these decisions, how does it take into account the interests of the immigrants? In what practical ways can the right to migrate be promoted, so that nations will consider that right in their deliberations about policy?

The just balancing of the goods of migration with concerns over migration's burdens on host countries requires the perspective of the universal common good. Because the decision to migrate directly affects the membership of two communities, the perspective of one community will be too narrow to judge migration's desirability. The common good of a nation-state by definition excludes the good of those outside of its borders; within that common good the dignity and rights of natives are not balanced against the dignity and rights of immigrants. Moreover, the institutions that promote and protect the right to migrate, and within which the just limits to migration can be debated, must be international if the rights of all parties are to receive their proper weights.

The international institutions that promote international migration are among the conditions that comprise the universal common good in migration. The concept of the universal common good is not a blueprint for institutions; it is a moral perspective that makes demands of nation-states, subsidiary groups, and individuals. As Michael Novak notes, it is more than a concrete achievement; it is a benchmark: it challenges us to orient ourselves toward the common good in ways that actually promote it.³⁶ In fact, the universal common good is most necessary as a guide for nations and individuals when there are not treaties which direct countries towards it.

The common good presents three challenges in particular that are relevant to migration. First, it challenges us to put ourselves in a moral position to recognize the rights of migrants through the exercise of the virtue of solidarity. Second, it challenges us to coordinate international migration in a way that respects the common goods of nations and the rights of individuals, through the exercise of subsidiarity. A third challenge is more practical: how should nations and other international groups promote the universal common good of immigration without recourse to a comprehensive international authority?

Solidarity, or social charity, is called forth from the human heart by an awareness of interdependence at every level, from the family to local groups to nations. According to John Paul II in *Sollicitudo Rei Socialis*, when this interdependence is accepted as a moral category, as a claim upon us, the appropriate response is solidarity. Solidarity is a virtue, "... not a feeling of vague compassion or shallow distress On the contrary, it is a *firm and persevering determination* to commit oneself to the *common good*."³⁷

The universal common good is a call to international solidarity in migration policy. Through the exercise of solidarity, the people of a nation recognize immigrants as persons. It enables nation states to look beyond their narrowly defined national common goods, to accommodate the rights of migrants to human development. John Paul II asserts that solidarity makes demands on both the strong and the weak. The strong (in this case, developed host countries) should "... feel responsible for the weaker and be ready to share with them all they possess."³⁸ The weak (in this case, most immigrants) must not be passive in their acceptance of the help and welcome of the strong, but should "... do what they can for the good of all."³⁹ For immigrants, this means obeying host country laws, and otherwise contributing to the common good of the host country.

This recognition of the rights of non-natives is not a trade-off of one country's common good for the benefits of migrants; it is instead a requirement of the full development of a particular nation, and that nation's people. Indeed, it is a requirement of the full development of any social group, including a nation, that it be properly oriented toward the common good of the broader, global society of which it is a part. An individual needs community by virtue of both his dignity and his needs; likewise, a nation-state needs to orient itself towards the universal common good by virtue of both its dignity (as a community of persons) and its needs. The universal common good is a call to generosity, and to a candid appraisal of self-interest.

The call to solidarity implicit in the universal common good includes a solicitude for immigrants, but goes beyond them to a concern for conditions in countries that produce migrants. The analysis of immigration cannot be separated from the analysis of emigration.⁴⁰ The very decision to migrate is made in the context of human flourishing, or failure to flourish, in a home country. While immigration may be the best route to fulfillment available to the migrant, it is often (but not always) a symptom of unhealthy conditions in the home country, and is in some sense a regrettable material evil, since a migrant must leave a community. No matter what the cause,⁴¹ the elimination of the economic imbalances between nations (in economic terms, "convergence") will reduce the incentive to migrate, without directly preventing people from migrating. The universal common good demands that all countries interest themselves in the plight, self-inflicted or otherwise, of developing countries from which migrants come.

The achievement of the universal common good is built on more than solidarity. It requires that the practice of solidarity be structured by subsidiarity, in order to maintain a respect for the dignity of individual nations and their peoples, whose common goods are after all a component of the universal common good. John Paul II defined the principle as follows:

"A community of a higher order should not interfere in the life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to co-ordinate its activity with the activities of the rest of society, always with a view to the common good."⁴²

When a particular social group finds that it cannot in isolation achieve the fulfillment of its members, or address all of its problems, it is tempting to conclude that the group has failed, and disband it: its vision was too narrow, its resources too meager, its members too corrupt or incompetent. Perhaps it needs to be replaced by a broader community whose more comprehensive scope will enable it to address its problems. According to the principle of subsidiarity, this condemnation of small communities with their narrow goods is a mistake. By this logic, all communities between the individual and the state lose their justification; the individual himself is suspect, since he is unable to find fulfillment by himself. Even states will lose their justification in the face of global interdependence and the universal common good.

If the smaller communities between the individual and the state are lost or weakened, society loses what John Paul II calls "networks of solidarity": concrete opportunities for individuals to devote themselves to common goods in community.⁴³ Without these smaller communities, with their more narrowly defined common goods, individuals will lose their sense of the common good: it becomes more distant, located in the structures of the bureaucratic state and interest group politics, and participated in only through political activity. The loss of the initiative of individuals acting through subsidiary communities towards the common good cannot be made good by the state: a nation state that assumes the functions of the communities under it will become so burdened that it will be unable to carry out those functions proper to it.⁴⁴

By the principle of subsidiarity, patriotism (that is love of a country and its common good) is not inimical to the universal common good, any more than family or religious attachments are necessarily inimical to patriotism. In other words, solidarity need not render us

"citizens of humanity." The inability of nation states acting in isolation to fully pursue the universal common good is not an argument for the abolition of the nation-state. It is a good argument for the abolition the state's pretense to be a comprehensive community, which must solve every social problem through its own institutions. Individuals, acting through their local communities (families, parishes, clubs), and larger communities (worldwide churches, NGOs, nation-states) address the common good at every level. They need not abolish their own (or other) communities in search of the universal common good.

Neither the rights of migrants nor the common good of particular peoples or nations should be annihilated in the pursuit of a universal common good, and its instantiation in new international institutions. In other words, the very structures of the universal common good, be they a system of treaties, a world immigration organization, a coalition of governments and NGOs, or even a world government, must not destroy the rights of nations and individuals. The universal common good ceases to be good when it damages the particular common goods of nations and the rights of migrants. The requirement of subsidiarity implies limits on the sorts of structures that might regulate international migration; they must be participatory, respecting the rights of nations to seek their own common goods. It is also a caution to any international organization that very real human goods are at stake in the independence of nations and individuals. Higher order communities help lower order communities to achieve the common good; lower order communities are not simply agents of higher-order authorities.

One of the challenges of pursuing the common good at the international level is the lack of international authority by which nations might order themselves toward a universal common good. In the area of immigration, the reason for this lack of an institutional authority is clear : nations do not fully accept the rights of non-refugees to migrate, and as a result do not include

those rights among those protected by international treaty and convention. This lack of agreement is itself the primary barrier to the establishment of the international authority that might guarantee this right. Nations are not yet ready to commit themselves to this right.

A limited institutional structure already exists to promote some kinds of migration, because nations agree on the right to migrate for some persons. Most nations recognize the right of refugees to migrate, and have established an international system of treaties and conventions which support that right. There exists both an international organization, the UN High Commission on Refugees, and an international convention, the Convention Relating to the Status of Refugees, which promote the right to migrate when under the threat of persecution. The right of refugees to seek asylum in other countries is also included in the Universal declaration of Human Rights.

The more general right to migrate promoted by Catholic Social Teaching is not recognized in any international treaty or convention.⁴⁵ Neither the rights of migrants fleeing desperate poverty, nor the rights of non-desperate migrants to seek their own development through migration, are recognized.

In the current international environment, the rights of migrants and the common goods of developing countries are most at risk. The reliance on conventions negotiated across many countries and treaties between individual countries safeguards the common goods of countries that might be threatened by immigration. Such a system is dependent on the solidarity of host nations to properly balance the right to migrate with the impact of migration on host countries. Because developed nations can resist encroachment on their prerogatives by international authority, their particular common goods are under little threat. The greater threat to developed nations is in their refusal to orient themselves towards the universal common goods which are

conditions for their own development as nations. The promotion of the universal common good depends on the host countries, which in the current environment must will it materially as well as formally. Lacking an international institution to which they have ceded responsibility to discern the rights of migrants, nations must take into account the rights of migrants when deliberating about their particular national common goods.

It is difficult to imagine the form such an institutional mechanism might take, even if nations were to accept a much broader right to migrate. One cannot simply take the institutional structure of other international organizations and apply it to immigration. For example, an organization similar to the World Trade Organization, which regulates free trade in goods and services, cannot serve as even a rough template for immigration. Aside from the difficulty in chartering a 'World Immigration Organization', it is not clear how violations of the rights of immigrants' would be brought before it. Sending countries might be expected to look after the rights of their emigrants, since they often receive sizeable remittances from citizens living abroad. However, many would be reluctant to call attention to the exodus from their countries, or to appear to endorse it in a public way and thus offend the receiving country. Receiving countries would be the most likely to bring complaints to such a body, against other countries who do not welcome their share of immigrants.

Absent an international structure of treaties and conventions to protect the rights of non-refugee migrants, nations and international organizations (NGOs and churches) who are committed to the rights of migrants must promote this aspect of the universal common good in less direct ways. Churches and other groups must educate nations about the human goods which are at stake in migration. They must also seek to act strategically to promote this right, putting

pressure on the most egregious offenders against it, and encouraging countries to adopt more generous immigration policies.

Given the lack of agreement among nations that a broad right to migrate even exists, any work toward the universal common good in this area must be educational. It is currently taken for granted that the state has a right to restrict migration whenever it may be costly to natives. We must work toward the recognition of this right 'from the bottom up'; those churches and NGOs which currently promote various human rights on the international stage should be encouraged to add the right to migrate to their list of rights. Whether or not an international authority structure will eventually be necessary to fully promote this common good, as Yves Simon would contend, or whether such a comprehensive authority is unnecessary in a world of cross-cutting coalitions and power structures, as David Hollenbach contends, is irrelevant in the current environment. There will be never be an effective right to migrate, and discussions about the appropriateness of international institutions to promote it will be moot, if the work of education is not begun.

NOTES

¹ John Paul II, Apostolic Exhortation *Ecclesia in America*, (January 22, 1999), para. 65.

² John XXIII, Encyclical Letter *Mater et Magistra* (May 15, 1961), para. 45. Subsequent references will use *MM*. See also Paul VI, Encyclical Letter *Populorum Progressio* (March 26, 1967), para. 69. Subsequent references will use *PP*.

³ Leo XIII, Encyclical Letter *Rerum Novarum* (May 15, 1891), para. 13. Subsequent references will use *RN*.

⁴ John Paul II, Encyclical Letter *Laborem Exercens* (September 14, 1981), para. 23. Subsequent references will use *LE*.

⁵ John Paul II, Encyclical Letter *Sollicitudo Rei Socialis* (December 30, 1987), para. 15. Subsequent references will use *SRS*.

⁶ Paul VI, Apostolic Letter *Octogesima Adveniens* (May 14, 1971), para. 17; see also *MM*, para. 44.

⁷ John Paul II, Encyclical Letter *Centesimus Annus* (May 1, 1991), para. 15. Subsequent references will use *CA*.

⁸ John Paul II, *Message for World Migration Day 2001* (February 2, 2001), para. 4. Subsequent references will use *WMD2001*.

⁹ *PP*, para.67.

¹⁰ *LE*, para. 23.

¹¹ John Paul II, *Message for World Migration Day 1998* (November 9, 1997), para. 1.

¹² *WMD2001*, para. 3.

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- ¹³ John Paul II, *Message for World Migration Day 2000* (November 21, 1999), para. 4.
- ¹⁴ John Paul II, *Message for World Migration Day 1995* (July 25, 1995), para. 2. Subsequent references will use *WMD1995*.
- ¹⁵ John Paul II, *Message for World Migration Day 1993*, para. 3.
- ¹⁶ *WMD2001*, para. 3.
- ¹⁷ The revival of interest took place in the late 1980s, with essays such as Michael Novak, *Free Persons and the Common Good* (Boston: Madison Books, 1989), referred to subsequently as *Free Persons and the Common Good*; see also David Hollenbach, "The Common Good Revisited," *Theological Studies* 50, no.1 (March 1989): 70-94; and Oliver F. Williams and John W. Houck (eds.), *The Common Good and U.S. Capitalism* (New York: University Press of America, 1987). Subsequent references will use *Common Good and Capitalism*. Both Novak and Hollenbach noted that the common good concept had fallen into disuse.
- ¹⁸ See Helen Alford OP, "Globalising Human Development: The Key Role of the Common Good," manuscript, Pontifical University of St. Thomas, Rome, May 2001. See also David Hollenbach, *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, forthcoming 2002). Subsequent references will use *Common Good and Christian Ethics*.
- ¹⁹ Vatican Council II, Pastoral Constitution *Gaudium et Spes* (December 7, 1965), para. 26. Subsequent references will use *GS*.
- ²⁰ *Catechism of the Catholic Church* (Washington, D.C.: United States Catholic Conference, 1994), para. 1905. Subsequent references will use *CCC*.
- ²¹ Jacques Maritain, *The Person and the Common Good* (London: Geoffrey Bles, 1948), p. 47. Subsequent references will use *Person and Common Good*.
- ²² Note that the perfection of the person does not require communion with anyone other than God. God values each person for his or her self. This "divine solitude with God" is not closed, but is open and generous. See *Ibid.*, pp.22-23.
- ²³ Ralph McInerny, "The Primacy of the Common Good," in Williams and Houck, *Common Good and Capitalism*.
- ²⁴ *Person and Common Good*, p. 66.
- ²⁵ *Ibid.*, p. 51.
- ²⁶ Yves R. Simon, *A General Theory of Authority* (Notre Dame, IN: University of Notre Dame Press, 1962).
- ²⁷ *Person and Common Good*, p. 46.
- ²⁸ *CCC*, para. 1911; *GS*, para. 26.
- ²⁹ See *Common Good and Christian Ethics*.
- ³⁰ Basic goods are goods which are not instrumental to some other good. They are good in themselves. See John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980) for a discussion, and a suggested list, of these goods.
- ³¹ For a discussion of the economic benefits of immigration, see George J. Borjas, "The Economic Benefits of Immigration," *Journal of Economic Perspectives* 9, no.2 (Spring 1995): 3-22. Subsequent references will use "The Economic Benefits of Migration;" George J. Borjas, "The Economics of Immigration," *Journal of Economic Literature* 32, no.4 (December 1994): 1667-1717; and James P. Smith and Barry Edmonston, eds., *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (Washington: National Academy Press, 1997). Subsequent references will use *The New Americans*.
- ³² See "The Economic Benefits of Immigration." *The New Americans* puts the benefits in the range of \$1-10 billion.
- ³³ Mancur Olson, "Big Bills Left on the Sidewalk: Why Some Nations are Rich, and Others are Poor," *Journal of Economic Perspectives* 10, no.2 (Spring 1996): 3-24.
- ³⁴ For reviews of this evidence, see Rachel M. Friedburg and Jennifer Hunt, "The Impact of Immigrants on Host Country Wages, Employment, and Growth," *Journal of Economic Perspectives* 9, no.2 (Spring 1995): 23-44, and *The New Americans*.
- ³⁵ John Courtney Murray, in *We Hold These Truths: Catholic Reflections on the American Proposition* (Sheed and Ward, New York, 1960) argued that, in addition to liberal tolerance, a common commitment to the natural moral law as the basis for democratic community was necessary. The consequences of the recent abandonment of a common commitment to shared moral principles, first noticed by Murray, remain to be seen. Alan Wolfe, in *One Nation, After All* (Viking Penguin, New York, 1998) claims that such an abandonment has not taken place, or in any event is not total.
- ³⁶ *Free Persons and the Common Good*.
- ³⁷ *SRS*, para. 38.
- ³⁸ *Ibid.*, para. 39.

³⁹ *Ibid*, para. 39.

⁴⁰ *WMD1995*, para. 3.

⁴¹ The Popes blame economic backwardness on different causes. Leo XIII, in *RN*, para. 47, and John Paul II, in *CA*, para. 24, emphasize the internal suppression of property and initiative; John XIII, in *MM*, para. 155, and Paul VI, in *PP*, paras. 7-8, assign more blame to other countries in the international economic system. By no means does John Paul II absolve developed nations of all responsibility, however, as his discussion of 'structures of sin' in *SRS* makes clear.

⁴² *CA*, para. 48. See Pius XI, Encyclical Letter *Quadragesimo Anno* (May 15, 1931), para. 79, for the first formulation of this principle. Subsequent references will use *QA*.

⁴³ *CA*, para. 49.

⁴⁴ *QA*, para. 78.

⁴⁵ The Universal Declaration of Human Rights is ambiguous: it declares a right to emigrate from any country, but a right to immigrate only to one's own country of origin. The right to emigrate is only as extensive as the right to immigrate.