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TOWARD A CATHOLIC VISION OF NATIONALITY

Donald Kerwin*

The way nations identify themselves determines in large part to whom they extend and deny citizenship. Citizenship in turn has immense implications for the ability of persons to realize their fundamental rights. This dynamic in itself should make nationality an issue of overriding concern for Catholic social teaching. A more developed vision of nationality would also strengthen Church teaching on migrants and newcomers, which many Catholics dismiss as unprincipled, self-interested, and a matter of prudential judgment. This paper sets forth three theories of nationality, describes their implications for U.S. immigration policy, and outlines overarching themes that should form the basis of a distinctive Catholic vision of nationality.

I. CITIZENSHIP AND NATIONALITY

A. The New Nativism

Three views of nationality underlie the U.S. immigration debate.1 Under the first view, which has been termed the “new nativism”2 or “ethno-cultural nationalism,”3 race, ethnicity, religion, and other (mostly) inherited characteristics connect people most deeply to their nations and their fellow citizens.4 Nations by definition consist of people with the same blood, ancestry, land, and history.5 A distinct “people” may share values and ideals, but their deepest ties are not ideological. In

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2. Id. at 110–12.
answering the question of what constitutes a nation, the “new nativists” strongly resemble the nativists of earlier eras in U.S. history.

What religion should characterize the American people? The nativists of a century ago attacked Catholicism for its supposed incompatibility with democracy.\(^6\) In an egregious irony, they invoked “religious liberty” to justify their bigotry and discrimination, just as many now caricature the Muslim faith.\(^7\) What nationality should characterize the American people? Not very long ago, Italians and Poles would not have been seen as true Americans.\(^8\) What ethnicity or race? U.S. nativists have consistently argued for a “white” nation.\(^9\) Under this view, citizenship should turn on whether a person possesses inherited traits (like ethnicity) or core characteristics (like religion), but not ultimately on her civic or political values.

Nativists also espouse an uncritical and relatively fixed view of U.S. history. If a common history defines the United States, it must be recalled that the “all men “created equal” in our Declaration of Independence did not (in the Founders’ view) include all men or any women, and that slaveholders defended for nearly a century the “peculiar institution” based on the nation’s heritage.

How does this perspective play out in the immigration debate? Nativists would exclude immigrants who lack the attributes of the “people” they wish to perpetuate. They dislike, for example, the fact that two-thirds of U.S. immigrants are admitted based on their family ties to U.S. citizens and lawful permanent residents.\(^10\) They oppose “family-
based" (or what they term "chain") migration, not so much because of
the numbers being admitted, but because of the attributes of the people
being admitted.

Nativists would also deny citizenship to the children of undocu-
dmented persons born on U.S. soil, which the Fourteenth Amendment
guarantees. More than three million U.S.-born children have at least one
parent who lacks immigration status.11 Many of these children will never
have another culture or history or national allegiance. To deny them
citizenship will, in effect, make them stateless. Yet one hundred and five
Members of Congress endorsed legislation in 2007 that would have done
just that.12 Such legislation would result in a permanent underclass of
denizens in the United States, people without rights, status, prospects, or
security. It would create an intergenerational caste, which would be
repugnant to our values.13 Yet the nativist vision is not primarily con-
cerned with ideals or even with the corrosive realities of a two-tiered
society.

B. Civic Nationalism (Conservative)

The next two views of nationality are variations of civic nationalism.
Both define the United States primarily in terms of its civic values and
ideals. Civic nationalists believe that these ideals make the nation a bea-
on of hope or, in John Winthrop’s words, a shining “city upon a hill” in
a troubled world.14

Samuel Huntington has provided the most nuanced defense of
“conservative” civic nationalism. He maintains that the United States
has defined itself historically in terms of race, ethnicity, ideology, and its
“Anglo-Protestant” culture.15 According to Huntington, “ethnicity” and
“race” no longer credibly characterize U.S. national identity.16 Suces-
sive waves of immigrants and the movement for racial justice have cre-
ated a multiethnic, multiracial society. This leaves ideology (the
American creed) and Anglo-Protestant culture (which created the creed)
as the keys to national identity. Huntington does not believe that shared
civic values and institutions can alone sufficiently bind a people into a

11. Jeffrey Passel et al., Urban Inst., Undocumented Immigrants: Facts and Figures,
http://thomas.loc.gov/cgi-bin/bdquery/z?d110:hr1940:.
13. SPIRO, supra note 1, at 16.
14. John Winthrop, A Model for Christian Charity (1630), in THE PURITANS
IN AMERICA: A NARRATIVE ANTHOLOGY 81, 91 (Alan Heimert & Andrew Delbaco eds.,
15. SAMUEL P. HUNTINGTON, WHO ARE WE?: THE CHALLENGES TO AMERICA’S
16. Id. at 20.
nation.\textsuperscript{17} Thus, he calls for a renewed commitment to the nation’s defining culture which, in his view, encompasses religion (primarily Christianity, with a tradition of vibrant religious minorities), Anglo-Protestant values and moralism, the work ethic, the rule of law, the English language, European artistic heritage, and the liberal democratic creed.\textsuperscript{18}

Conservative civic nationalism argues for assimilation into a relatively fixed U.S. cultural identity. It stresses linguistic, civic, and patriotic assimilation. As one commentator has put it, patriotic assimilation occurs when a newcomer “adopts American civic values, the American heritage, and the story of America . . . as his or her own.”\textsuperscript{19} This vision particularly prizes loyalty and allegiance to our constitutional democracy and way of life. Its proponents favor a rigorous naturalization process that meaningfully promotes assimilation and measures loyalty. They oppose dual citizenship which in theory implies divided allegiance.\textsuperscript{20} They also favor the exclusion of people who harbor ideologies that conflict with core U.S. values. They fear that high rates of immigration, particularly of people from nations with different cultures, will make assimilation difficult and will lead to the dilution of U.S. culture and ideals.\textsuperscript{21}

Conservative civic nationalism can potentially create a catch-22 situation for immigrants, requiring them to overcome suspicion that they will not assimilate, but denying them a path to citizenship for fear they will not assimilate. Many conservative civic nationalists oppose birthright citizenship by arguing that the citizenship clause of the Fourteenth Amendment requires exclusive allegiance to the United States, which the children of undocumented persons do not possess.\textsuperscript{22}

While nativists oppose the incorporation of immigrants who do not meet their ethnic, racial, or religious screens, civic nationalists have more principled concerns about illegal migration. They argue that in a nation

\textsuperscript{17} Id. at 337–39.
\textsuperscript{18} Id.
\textsuperscript{20} Huntington, supra note 15, at 212–13; Spiro, supra note 1, at 112–13.
\textsuperscript{21} Huntington, supra note 15, at 241–43 (arguing that high rates of immigration retard identification with the United States and other forms of assimilation); see generally John Fonte, Ph.D., Dual Allegiance: A Challenge to Immigration Reform and Patriotic Assimilation, Backgrounder [CTR. FOR IMMIGR. STUD.], Nov. 2005, at 1, http://www.cis.org/articles/2005/back1205.pdf.
defined (in part) by its civic creed, laws connect citizens and play a more foundational role than in nations defined by common ancestry, history, or ethnicity. To civic nationalists, because laws instantiate the values of a nation, lawbreaking can signal disdain for the national enterprise as a whole. Mary Ann Glendon has argued that the Church should emphasize the responsibility of immigrants to demonstrate solidarity with their new countries, cautioning that “a highly diverse, rule-of-law society” needs “to be careful about the messages it sends to persons who wish to become part of that society.”

It would be counter-productive to dismiss concerns over illegal migration that arise from such a potentially immigrant-friendly view of nationality. People without legal status should be able to allay such concerns by showing that they are otherwise law-abiding, loyal, and committed to core U.S. values. In this writer’s experience, most immigrants (particularly those without legal status) try to earn acceptance in the United States through their hard work, good character, and devotion to their communities. They often express gratitude for the opportunities their new country has provided them, while describing their struggles and their hope that they will ultimately be accepted. Unfortunately, many people think that “illegality” is a preferred course, an intentional decision to realize the benefits of life in the United States without assuming its responsibilities or adopting its mores. Many in this school of thought want to “get tough” on the undocumented by either deporting them or forcing them to become citizens. Yet, for most immigrants without legal status, neither option is viable.

C. Civic Nationalism (Liberal)

The liberal version of civic nationalism holds that a shared commitment to universal ideals like freedom, equality, rights, liberty, justice, opportunity, and democracy uniquely defines the United States and underlies its exceptionalism. As Abraham Lincoln put it, the United States is a nation “dedicated to the proposition that all . . . are created equal.” Woodrow Wilson in a speech to newly naturalized citizens put it this way:

You have just taken an oath of allegiance to the United States. Of allegiance to whom? Of allegiance to no one, unless it be God—certainly not of allegiance to those who temporarily represent this great Government. You have taken an oath of allegiance to a great ideal, to a great body of principles, to a great hope of the human race.

In his 2001 inaugural speech, President Bush enunciated a similarly striking vision. "America has never been united by blood or birth or soil," he said. Instead, "[w]e are bound by ideals that move us beyond our backgrounds" and that "lift us above our interests."26 What are these ideals? "[E]veryone belongs," "everyone deserves a chance," and "no insignificant person was ever born."27

Liberal civic nationalists view history in progressive terms.28 For them, membership requires not only belief in abstract values, but a commitment to bridge the gap between a nation's values and practices.29 They see immigrants as people who embody and renew U.S. values. Most immigrants, they believe, prize freedom, democracy, the rule of law, and opportunity. Liberal civic nationalists typically attribute large-scale, illegal immigration to an immigration system that does not reflect U.S. labor needs, that fails to allow those displaced by globalization to migrate legally, and that pits family unity against obedience to the law. They support the "rule of law," but believe that the U.S. immigration system must be reformed to allow for the legal, regulated admission of needed workers and their families.

Liberal civic nationalists favor generous immigration policies and a more intentional commitment to immigrant integration. Hiroshi Motomura has identified three ways that the United States might conceive of the relationship between immigration and citizenship.30 First, the United States might view immigrants as citizens "in waiting," and begin to prepare them for citizenship at the earliest possible point. Second, the United States might admit immigrants with the understanding that if they act in a certain way they will be afforded membership. Under the "contractual" model, immigrants who work hard, obey the law, and act as good and loyal members of American society should be accepted into the polity. Conversely, immigrants who commit crimes or otherwise violate the implied terms of their admission should be removed. Third, the United States might allow immigrants to "affiliate" over time based on their growing ties to the nation. This approach reflects the way in which immigrants, often to their own surprise, establish roots and build their lives in the United States.

Motomura argues for the restoration of the citizens "in waiting" paradigm,31 recognizing the possibility of overlapping or multiple mod-

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27. Id.
29. Id. at 4-5, 216-17.
31. Id. at 9.
els. In his view, seminal U.S. statutes like the Homestead Act of 1862, which conditioned western land grants on the filing of declarations of intending citizenship, reflected this model. Treating immigrants as would-be citizens not only encourages them to commit to their new nation, but offers them the pre-condition (citizenship) to full integration. Indeed, it might be argued that the most effective, least coercive way to promote integration would be to provide immigrants with the rights and responsibilities of membership in the expectation that they would ultimately choose to become citizens.

Critics have scoffed at liberal civic nationalism for its putative naïveté over what binds people into nations. They argue that values neither sufficiently distinguish the United States nor connect its citizens, positing instead more fundamental ties of ethnicity, race, and other inherited attributes (nativism), or a broader array of cultural beliefs and practices (conservative civic nationalism). The “universal” values of the American creed, they maintain, are embraced by people throughout the world, but do not guarantee allegiance to the United States. Yet, in fact, most immigrants embrace U.S. values and have chosen, often at extraordinary cost, to make the United States their home. They have come to work, to improve the lives of their families, and to live in our free society. Most are grateful and loyal contributors to their new nation.

II. Catholic Teaching, Nationality, and Citizenship

Catholic teaching does not squarely support any single theory of nationality, but it buttresses elements of both forms of civic nationalism. It argues for the generous acceptance of immigrants based on its understanding of human rights, the common good, solidarity, and cultural diversity. A distinctly Catholic view of nationality would build on three overarching themes.

First, states exist to safeguard rights and to further the common good, a responsibility which reaches across borders. The Church calls on states to admit and to offer membership to immigrants based on its expansive understanding of human rights and the “common good.” It teaches that rights protect life and all that is necessary for living a genuinely human life: for example, food, clothing, housing, education, work, good name, respect, proper knowledge, freedom of religion, freedom to choose a state of life and set up a family, and the right to act according to the dictates of conscience and to safeguard privacy. In practice, this litany could not be realized without a generous path to citizenship.


In Catholic teaching, rights derive from the dignity of human beings who are created in the image and likeness of God. The Church rejects the sacrilegious vision of immigrants embodied in a term like "illegal alien": "[T]here are no illegal migrants, for migrants are persons, and no person is illegal. Persons can engage in illegal movements but their Creator does not do illegal things."34

Migration implicates rights at virtually every stage of the process, beginning with the right of persons to live fully human lives in their nations of birth. The Church favors voluntary and legal migration.35 However, when a person cannot realize her fundamental rights at home, the Church teaches that she has the right to migrate:

But where a State which suffers from poverty combined with great population cannot supply such use of goods to its inhabitants, or where the State places conditions which offend human dignity, people possess a right to emigrate, to select a new home in foreign lands, and to seek conditions of life worthy of man.36

In an historic pastoral statement on migration, the U.S. and Mexican bishops presumed that, in light of the poverty and violations of human dignity in migrant source countries, "persons must migrate in order to support and protect themselves," and "nations who are able to receive them should do so whenever possible."37 In Catholic teaching, the right to migrate carries a corresponding duty on the part of states to allow persons to enter.38 The Church rejects an understanding of sovereignty as an expression of absolute state power.39

Most significantly, the Church calls on states to offer full political membership to immigrants however they entered, if consistent with the

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37. STRANGERS NO LONGER, supra note 35, para. 39.


common good. It teaches that, while political communities may be "stabilized on such grounds as ethnic kinship, common language and history, or shared religious persuasion," their very purpose is to further the "concrete ends or goals" that compose the "common good." The Church's understanding of the "common good" does not mean the greater good or the good of a few, but the good of all members of a society.

This teaching would not (in itself) condition political membership on any particular beliefs or commitments of an immigrant, as civic nationalism would. Nor would it give primacy to shared ethnicity, religion, language, or history, as nativism would. Instead, it rests on the Church's understanding of the very purpose of states, the rights of immigrants, and the common good.

Second, a Catholic theory of nationality would require all members of a community (including immigrants) to contribute and to demonstrate their solidarity with their fellow residents. In Catholic social thought, rights set forth "the minimum conditions" that allow all people to participate in "dignified life in community." Rights both allow and require people to contribute to the good of their communities. The "dignity" or "good" of all "is realized when people gain the power to work together to improve their lives, strengthen their families, and contribute to society."

Allowing immigrants to advance in their studies, to work, to secure basic health services, to obtain police protection, and to realize other indicia of membership furthers the good of all. Rights do not just allow, but require, immigrants to contribute to their new communities. Solidarity demands that all residents, "while claiming their legitimate rights, should do what they can for the good of all." As the U.S. bishops have recognized, the "promise of America . . . requires the newcomers to exercise the rights and duties of citizens to build community and nation." This insight is consistent with civic nationalism's insistence that newcomers demonstrate their loyalty and commitment to their new nation.

40. PACEM IN TERRIS, supra note 32, para. 106.
43. Id.
44. Id. para. 91.
46. NAT'L CONF. OF CATH. BISHOPS, TOGETHER A NEW PEOPLE: PASToral STATEMENT ON MIGRANTS AND REFUGEES 10 (1986).
Third, a Catholic theory of nationality would not require assimilation into a fixed, immutable culture. Instead, it would be committed to unifying diverse peoples based on their common values. In the Church’s view, human beings invariably express themselves through culture. In gathering together peoples of different cultures, migration creates an opportunity to build the human family.47 A nation should not demand that immigrants uniformly conform to its cultural mores, any more than it should condone all of the cultural practices of immigrant communities. The Church seeks to evangelize cultures, recognizing that “no culture is either permanent or perfect.”48 It would embrace the positive values embedded in immigrant cultures and would recognize the way in which these values might renew a nation. A Catholic theory of nationality would support conservative civic nationalism’s emphasis on assimilation into the positive values and cultural practices of their new countries, but would not require immigrants to forfeit their cultures.

An exclusive view of political membership, particularly one defined by shared blood and history, seems uncongenial to a religion which teaches that “there is neither Jew nor Greek, there is neither slave nor free man, there is neither male nor female; for you are all one in Christ Jesus.”49 As Pope John Paul II put it, Christ “died to gather together the dispersed children of God, to rehabilitate the marginalized and to bring close those who are distant, in order to integrate all within a communion that is not based on ethnic, cultural or social membership.”50 Pope Benedict XVI has pointed out that, from its earliest days, the Church has undermined political and social distinctions between people: “Those who, as far as their civil status is concerned, stand in relation to one another as masters and slaves, inasmuch as they are members of the one Church have become brothers and sisters.”51 He concluded that “[e]ven if external structures remained unaltered,” membership in a faith community changes civil “society from within.”52

The last three major statements on immigration by the U.S. bishops have highlighted the themes of unity in diversity and one family under

52. Id.
God, not shared culture or ethnicity.\textsuperscript{53} Some opponents of the Church’s policy positions on immigration argue that these themes speak to religious affiliation and not to political membership. Yet Catholic teaching does not support such a clear distinction.\textsuperscript{54} To the Church, the fact that states exist to serve the human person establishes “an indissoluble connection between the moral and the juridical orders.”\textsuperscript{55} Catholic teaching on human dignity invariably has a social or political dimension. In the immigration context, the “common good” cannot be interpreted to “exclude or exempt any section of the population.”\textsuperscript{56} As the U.S. bishops put it in 1986: “It is against the common good and unacceptable to have a double society, one visible with rights and one invisible without rights—a voiceless underground of undocumented persons.”\textsuperscript{57}

As these passages indicate, the Church has been particularly insistent that states honor the rights of all persons, including those without legal status. In Catholic teaching, nobody can be outside the law’s reach. The experience of Exodus and Exile taught the Jewish people to have empathy with migrants and to provide full rights to resident aliens under the law.\textsuperscript{58} A Catholic vision of nationality and citizenship would not exclude immigrants because of their means of entry. It would weigh whether a person migrated to realize her God-given rights. It would look to her contributions, commitment, and ties to her new nation. It would be open to the positive values and contributions of her culture. It would remember that the very purpose of a state is to protect the rights and to further the good of all of its residents.

\textsuperscript{53} U.S. CATH. CONF., COMM. ON MIGRATION, ONE FAMILY UNDER GOD (Hunter Publishing 1995); STRANGERS NO LONGER, supra note 35; WELCOMING THE STRANGER AMONG US, supra note 48.

\textsuperscript{54} See John Courtney Murray, Arguments for the Human Right to Religious Liberty, in RELIGIOUS LIBERTY: CATHOLIC STRUGGLES WITH PLURALISM 229, 231–32 (J. Leon Hooper, S.J. ed., 1993) (arguing that religious affiliation and political membership cannot be separated because a person’s right to practice corresponds with a state’s duty to recognize and not interfere).

\textsuperscript{55} Id. at 238.


\textsuperscript{57} TOGETHER A NEW PEOPLE, supra note 46, para. 10.

\textsuperscript{58} See Leviticus 24:22.