



1-1-2012

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### Recommended Citation

Nicholas DiMarzio, *John Paul II: Migrant Pope Teaches on Unwritten Laws of Migration*, 21 NOTRE DAME J.L. ETHICS & PUB. POL'Y 191 (2007).

Available at: <http://scholarship.law.nd.edu/ndjlepp/vol21/iss1/7>

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# JOHN PAUL II: MIGRANT POPE TEACHES ON UNWRITTEN LAWS OF MIGRATION

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## INTRODUCTION

His Holiness, John Paul II, of happy memory, was one of the greatest teaching popes in the Church's history. He has given the Church a body of teaching that will take generations to fathom. This issue of the *Notre Dame Journal of Law, Ethics & Public Policy* is an attempt to collate his teaching regarding law and public policy. This article will attempt to bring together John Paul II's thought and teaching on migration, which is implicit in many of his teachings, and also explicit in many of his discourses. Underlying his teaching is an understanding of human dignity which became the departure point for John Paul II's understanding of natural law.

Migration happens more because of unwritten laws in an irregular manner than through normal processes and written laws. Hopefully, this treatment of migration and John Paul II's understanding of migration will contribute to furthering the understanding of his thought and how it applies to this current public policy issue.

I have called the Holy Father the migrant pope, not because of his many travels, but because he described himself as such in

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Bishop DiMarzio wishes to extend his thanks and appreciation to Father Robert Connor for his assistance in conceptualization of this article.

his *First Greeting to the Faithful* from the balcony of St. Peter's Basilica. "Praised be Jesus Christ!" he said.<sup>1</sup> "Now their eminences the cardinals have summoned a new bishop of Rome. They have summoned him from a distant land—distant, yet always so close in the communion of faith and in Christian tradition."<sup>2</sup> John Paul II gave this spontaneous address in somewhat halting Italian. He went on to joke, "I do not know whether I can express myself properly in your/our Italian tongue. If I make mistakes, you will correct me"<sup>3</sup> (he had already made two errors). With that initial greeting, it is clear that John Paul realized that he, too, was a migrant, the first migrant pope in 400 years who became the defender of human dignity and human rights of migrants. No pope before him was ever able to accomplish as much as he did in this area. In his homily at the mass beginning his pastoral ministry, his famous words rang out, "Do not be afraid! Open the doors to Christ, open them wide! Open the frontiers of states to His saving power, open the economic systems and the political systems, the vast realms of culture, civilization and development. Do not be afraid."<sup>4</sup> It is clear that the issues of human freedom and law very much form the core of his teaching. A careful analysis of his work would lead one to believe that he should be called the "Freedom Pope."

## I. IMPLICIT SOURCES OF MIGRATION TEACHING

### A. *Christian Anthropology*

From John Paul's various encyclicals and other writings, we can find a Christian anthropology. It forms the basis from which we can understand his teaching on migration. After giving some serious consideration to the presentation framework, it was clear that mere recitation of statements on migration from the Holy Father would not do justice to the real issues at hand. Just how can the human person be understood as the Pope understood it? The person is the subject of migration and not its object in a world that has often forgotten human dignity. John Paul II understood the human person as a subject and not an object. This theological and philosophical understanding comes from the elaboration of the experience of faith, as described in *Fides et*

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1. POPE JOHN PAUL II, *First Greeting to the Faithful* (Oct. 16, 1978), in 24 THE POPE SPEAKS 4 (1979).

2. *Id.*

3. *Id.*

4. Pope John Paul II, *Open Wide the Doors to Christ: Homily of Pope John Paul II at the Solemn Beginning of His Pontifical Ministry* (Oct. 22, 1978), in 24 THE POPE SPEAKS 24 (1979).

*Ratio, Veritatis Splendor* and his earlier works before becoming pope.<sup>5</sup> The basic groundwork is faith, as anthropological act, and experience which he then describes phenomenologically and assigns to it being, giving it value and weight. Man is subject as he images God by the obedience of faith. The migration of Abraham illustrates this obedience of faith.<sup>6</sup> The human person emerges into self-consciousness from the act of believing in the revealing person of Jesus Christ. This Christian anthropology builds on the foundation of *Gaudium et Spes*. In that document, the likeness of the human person is compared to the Trinity; it concludes with the statement: "This likeness reveals that man, who is the only creature on earth which God willed for itself, cannot fully find himself except through a sincere gift of himself."<sup>7</sup>

The human person is a self-determining freedom. That freedom must be ordered by the truth of conscience. And the truth of conscience must be ordered to the being of the person as image of God. John Paul II said in an interview with Andre Frossard:

Liberty is what opens me to reality—but also what often binds me by an inner dependence: a dependence on truth. It is through this dependence on the recognized and admitted truth that I am really "independent"—with regard to others and to things. I am dependent *on myself*. Responsibility is born with the knowledge of the truth: the truth of being, the truth of values, the truth of my relations to being and to values, the truth of the actions which I undertake.

. . . . [R]esponsibility indicates the necessity of acting in conformity with the known truth, that is, in accord with oneself, in accord with one's conscience and, to be more precise, with a conscience formed in the truth. Responsibility so understood is another name for moral obligation. So in man liberty is a faculty of responsible self-determination. It lies at the very centre of the transcendence peculiar to man as a person. It also lies at the basis of morality, where it appears as a capacity for choice . . . principally as a

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5. See POPE JOHN PAUL II, *FIDES ET RATIO: FAITH AND REASON* (1998) [hereinafter *FIDES ET RATIO*]; POPE JOHN PAUL II, *VERITATIS SPLENDOR: THE SPLENDOR OF TRUTH* (1993) [hereinafter *VERITATIS SPLENDOR*]; and KAROL WOJTYLA, *FAITH ACCORDING TO ST. JOHN OF THE CROSS* (1981).

6. *Genesis* 12.

7. SECOND VATICAN ECUMENICAL COUNCIL, *GAUDIUM ET SPES: ON THE CHURCH IN THE MODERN WORLD* para. 24 (1965) [hereinafter *GAUDIUM ET SPES*].

faculty of choice between good and evil in the moral sense of these terms . . . .<sup>8</sup>

Then-Cardinal Ratzinger clarifies that one must always follow a certain conscience, even if erroneous. The evil does not consist in following an erroneous conscience, but in the formation of a conscience that is erroneous. He says:

[T]he conviction a person has come to certainly binds in the moment of acting . . . . It is never wrong to follow the convictions one has arrived at—in fact, one must do so. But it can very well be wrong to have come to such askew convictions in the first place by having stifled the protest of the anamnesis of being. The guilt lies then in a different place, much deeper – not in the present act, not in the present judgment of conscience, but in the neglect of my being which made me deaf to the internal promptings of truth.<sup>9</sup>

The theories of migration that are based upon the study of laws that govern migration are wide and varied. The author of this article, in his doctoral dissertation, entitled, "Profiling Undocumented Aliens in the New York Metropolitan Area, Social Welfare and Labor Market Implications," attempted to categorize the current theories which purported to state the laws of migration.<sup>10</sup> In a complicated matrix which took sixty pages to explain, this author attempted to bring some clarity at least to his own thinking regarding the theoretical models of migration and their implications for international migration theory.

In order to do the necessary field research, a large part of the study was directed to understanding the theoretical models of migration, with their implications for international migration theory.<sup>11</sup> Without a theory of migration, or an understanding of the laws which govern it, it would be difficult to address the subject of undocumented migration which seems to defy theoretical constructs and categorizations. It is migration that takes place outside of human law and it seems outside of developed theories. It was difficult to find one theory that promised to explain this

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8. ANDRÉ FROSSARD, *BE NOT AFRAID: POPE JOHN PAUL II SPEAKS OUT ON HIS LIFE, HIS BELIEFS, AND HIS INSPIRING VISION FOR HUMANITY* 100 (J.R. Foster trans., 1984) [hereinafter *BE NOT AFRAID*].

9. Joseph Cardinal Ratzinger, "Conscience and Truth," *Proceedings of the Tenth Bishops' Workshop*, Dallas, Texas (1991) 23.

10. Nicholas A. DiMarzio, *Profiling Undocumented Aliens in the New York Metropolitan Area: Social Welfare and Labor Market Implications* (May 1985) (unpublished Ph.D. dissertation, Rutgers University Graduate School of Social Work) (on file with Rutgers University).

11. *Id.* at 26–36.

complicated human phenomenon; however, the work developed by the discipline of anthropology seemed to hold the most hope. This author at that time wrote:

Anthropology perhaps holds the best hope for a theory of migration by giving proper attention to the human consequences of migration. The main change of migration is, in fact, cultural by the migrant transfer from one place to another. The problems of cultural change and shock need greater attention, as does the whole area of migration consequences. A migrant is a person and those disciplines which respect the human quality of this phenomenon offer a better means of analysis than those which exclude the personal consequences.<sup>12</sup>

What is interesting about John Paul II's thought on immigration is that he, in effect, developed a Christian anthropology that allows us to reconcile many difficulties of the past by developing an adequate anthropology of the believing self. In sum, John Paul II developed a Christian anthropology based on the self-transcendence that constitutes the Christian faith. Christian faith is anthropological insofar as it demands the gift of the entire person, and is not restricted to the mere faculties of intellect and will. It is this Christian anthropology, with all of its facets, that forms the framework in which we can understand the Pope's teaching on the human person as migrant.

To continue the discussion of the person, not merely in the reductive terms of being as an object, but rather as a subject, the topics of freedom and therefore self-determination must be addressed. If faith is the most determinant act of the person as person, because of a complete handing over of the self to the revealing Self of Christ, then we have to consider how the self is able to be handed over, such that it can be a gift. How could there be a gift that is not free? Freedom now takes on the meaning of having the use and possession of oneself, which is manifested in the experience of responsibility. Responsibility implies the exercise of a freedom that is dependent on truth.<sup>13</sup>

Self-determination is such an important aspect of understanding migration, since migrants determine their action. Some theories of migration see migrants as magnets in push and pull theories as if they have no say in what they do. Other theories, especially those in the conflict school, describe migration as a phenomenon of post modern capitalism seen in a Marxist perspective. Others would concentrate their attention on socio-eco-

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12. *Id.* at 37.

13. *See supra* text accompanying note 8.

nomie models. However, only the anthropological theories come close to describing the true human perspective of migration, because it views persons as both subject and object who migrate.

### B. *Human Dignity*

The other major concept in John Paul II's thought is the issue of human dignity. Human dignity derives from the freedom to obey the divine laws, and proceeds from all that was said above about self-determination.<sup>14</sup> The "structure" of the human person is taken from the Godhead itself—his dignity derives from the dynamic of self-determination to become relational just as dynamic of the Trinity of Persons is relational. The meaning of the "Father" is the act of engendering the Son. He is not Father and then engenders the Son, but He is the very act of engendering. Hence, "person" in God means relation. In the dynamic of fatherhood and filiation, this relation is a gift. This is the core of the Holy Father's teaching. Because man is made in the image and likeness of God, he has a masterful dignity. The Second Vatican Council, of which John Paul II was a father, reminds us in *Gaudium et Spes* that we cannot forget that "man is the only creature on earth that God has wanted for its own sake."<sup>15</sup> This means that "God willed to leave man 'in the power of his own counsel,' so that he would seek his Creator of his own accord and would freely arrive at full and blessed perfection by cleaving to God."<sup>16</sup>

These words indicate the wonderful depth of the sharing of God's dominion to which man has been called. They indicate that man's dominion extends in a certain sense over himself. This we find reflected in *Veritatis Splendor*. "The exercise of dominion over the world represents . . . a rightful autonomy [which] is due to every man . . . Not only [of] the world; however, but also man himself has been entrusted to his own care and responsibility."<sup>17</sup>

Theological underpinnings of John Paul's anthropology help us to understand "dominion" and "autonomy" as they were translated into the philosophical term of self-determination by the earlier works of Karol Wojtyla. We must remember that here he is defining the workings of human freedom in a new way.

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14. *Id.*

15. VERITATIS SPLENDOR, *supra* note 5, at para. 13 (quoting GAUDIUM ET SPES, *supra* note 7, at para. 24).

16. *Id.* at para. 34 (quoting GAUDIUM ET SPES, *supra* note 7, at para. 17).

17. *Id.* at paras. 38–39 (emphasis omitted).

This understanding is very important to migration concerns and laws, as freedom to move and migrate is so critical.

John Paul's thought on the human person well pre-dated his election to the Pontificate. In an article entitled "The Personal Structure of Self-Determination" he says,

Only if one can determine oneself . . . can one also become a gift for others. The Council's statement that "the human being . . . cannot fully find himself or herself except through a disinterested gift of himself or herself" allows us to conclude that it is precisely when one becomes a gift for others that one most fully becomes oneself. This "law of the gift," if it may be so designated, is inscribed deep within the dynamic structure of the person. The text of Vatican II certainly draws its inspiration from revelation, in the light of which it paints this portrait of the human being as a person. One could say that this is a portrait in which the person is depicted as a being willed by God "for itself" and, at the same time, as a being turned "toward" others. This relational portrait of the person, however, necessarily presupposes the immanent (and indirectly "substantial") portrait that unfolds before us from an analysis of the personal structure of self-determination.<sup>18</sup>

Practical experience with immigrants, migrants and refugees reveals that the reality of the disinterested gift of self is almost always found. If one would ask one of the above-mentioned individuals why he or she chose to migrate, rarely does someone answer for "self." Rather "it was for my children's sake," "my family," and sometimes even "to help my country." The concrete fact of the power of remittances, or money sent to families in home countries, is verification of the almost universal gift of self which migrants, immigrants and refugees make.

How important the notion of self-determination is to understanding the motivation for migrants to leave comfortable surroundings and to start out for the unfamiliar. Even the refugee, who is categorized as a forced migrant, makes a decision to flee for his life or to protect his family. Human beings are persons, not inanimate objects, nor can they be pushed to and fro by external circumstances. This is key to understanding migrants and migration today. John Paul II, by giving us an insight to the human person, has given us a foundation upon which to base our thinking.

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18. Karol Wojtyła, *The Personal Structure of Self-Determination*, in PERSON AND COMMUNITY: SELECTED ESSAYS 194 (Theresa Sandok trans., 1993).



In *Fides et Ratio*, John Paul II speaks clearly about the foundation of philosophical thought. In fact, his own Wojtylan method has been described as a phenomenological description of experience which is accompanied by philosophical and theological mediation. Most of his encyclicals follow this pattern. The human experience is described, but its philosophical foundations are extricated so that a theological reflection, especially from the scriptures, can be given. In *Fides et Ratio* he says:

We face a great challenge at the end of this millennium to move from phenomenon to foundation, a step as necessary as it is urgent. We cannot stop short at experience alone; even if experience does reveal the human being's interiority and spirituality, speculative thinking must penetrate to the spiritual core and the ground from which it rises. Therefore, a philosophy which shuns metaphysics would be radically unsuited to the task of mediation in the understanding of Revelation.<sup>19</sup>

Some might ask what does this have to do with migration? But an example of this methodology may help to understand the first migrant couple, Adam and Eve. Adam and Eve, having been expelled from Paradise, moved from one place to another and, perhaps, were the first refugee couple.<sup>20</sup> John Paul II spoke about the state of anthropological innocence depicted in *Genesis* 1 and 2 when he stated, "I have attempted . . . to stress the very real need for a confrontation of the metaphysical view of the person that we find in St. Thomas and in the traditions of Thomistic philosophy with the comprehensive experience of the human being."<sup>21</sup> What he really tries to do is to cross the threshold from original sin to the original innocence of man who was working with God in the Garden of Paradise in obedience. This, later on, would form the core of his understanding of human work. John Paul deploys the descriptive powers of phenomenology to disclose a biblical understanding of the "original solitude" experienced as the result of self-determination in the work of tilling the garden and naming the animals that we find in *Genesis*.<sup>22</sup> He unites it to a metaphysics of being where he asserts that "[i]n a special way, the person constituted a privileged locus for the encounter with being and hence is capable of metaphysical enquiry."<sup>23</sup> The extraordinary character of this anthropological

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19. FIDES ET RATIO, *supra* note 5, at para. 83 (emphasis omitted).

20. *Genesis* 3.

21. Wojtyla, *supra* note 18, at 194–95.

22. *Genesis* 2–3.

23. FIDES ET RATIO, *supra* note 5, at para. 83.

proposal and of the understanding of man is a unique attempt to take the revelation of God and apply to it the ancient and modern tools of philosophic reasoning, so that we can understand the true nature of man before his reason was darkened and his world was weakened by sin. That is, before the decomposition of his anthropological structure set in. Hence, we might deduce that migration has been described many times by our Holy Father not as a good in itself, but rather as an evil that has resulted from the very weakening of human nature that was part of original sin.<sup>24</sup>

### C. *Human Rights*

All human rights and human laws which govern this proceed from the anthropological understanding of self-determination with self-completion. This means that the human person cannot be used or exploited by anyone, not even God Himself. Karol Wojtyła asserted this in *Love and Responsibility* when he says, “[W]e must never treat a person as the means to an end. This principle has a universal validity. Nobody can use a person as a means towards an end, no human being, nor yet God the Creator.”<sup>25</sup>

In *Crossing the Threshold of Hope*, the Holy Father responds to certain questions posed to him. On the question of human rights, he continues to assert that human rights

were inscribed by the Creator in the order of Creation . . . [they are not] concessions on the part of human institutions, [or] on the part of states and international organizations. These institutions express no more than what God Himself inscribed in the order He created, what He Himself has inscribed in the moral conscience, or in the human heart, as Saint Paul explains in the Letter to the Romans.<sup>26</sup>

In his *Letter to the Romans*, Saint Paul noted that “their conscience bears witness together with that law, their thoughts will accuse or defend them on the day when in accordance with the Gospel I preach, God will pass judgment on the secrets of men

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24. See POPE JOHN PAUL II, *LABOREM EXERCENS: ON HUMAN WORK* para. 23 (1981) [hereinafter *LABOREM EXERCENS*].

25. KAROL WOJTYŁA, *LOVE AND RESPONSIBILITY* 27 (H.T. Willetts trans., 1981).

26. POPE JOHN PAUL II, *CROSSING THE THRESHOLD OF HOPE* 196–97 (Vittorio Messori ed., 1994) [hereinafter *CROSSING THE THRESHOLD OF HOPE*] (citation omitted).

through Jesus Christ."<sup>27</sup> The Holy Father goes on to say, "The Gospel is the fullest confirmation of all of human rights."<sup>28</sup>

Human dignity has its source in the redemption itself. That is why in *Redemptor Hominis*, the Holy Father's first encyclical, there is a discussion of human rights as "letter" or "spirit."<sup>29</sup> The Holy Father went on for nine paragraphs to describe the basis of human rights as the human person who has been redeemed by Jesus Christ. He specifically mentioned the Declaration of Human Rights as the basis for the setting up of the United Nations organization.<sup>30</sup> He asks "whether the Declaration of Human Rights and the acceptance of their 'letter' mean everywhere also the actualization of their 'spirit.'"<sup>31</sup> John Paul II's understanding of law is rooted in his understanding of the inviolable human dignity and freedom possessed by man.

In *Crossing the Threshold of Hope*, in response to a question on human rights, the Holy Father says, "The Redeemer confirms human rights simply by restoring the fullness of the dignity man received when God created him in His image and likeness."<sup>32</sup> He goes on to answer the question by asserting two important aspects of the human person, the person as a sincere gift of self and the person who is only realized through love.<sup>33</sup> Because a person can only realize himself through love, he is truly deprived of human freedom (the most basic human right) when he cannot completely give of self. He goes on to say, "If we cannot accept the prospect of giving ourselves as a gift, then the danger of a selfish freedom will always be present."<sup>34</sup> In this clear and simple response to the question of human rights and human dignity, the Holy Father joins together freedom with truth.<sup>35</sup> At the same time, he gives us a real understanding of freedom as conformity with the will of God, reflecting the wisdom of God which is truth. The Holy Father's teaching in this regard provides a firm foundation to human rights.

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27. *Romans* 2:15-16.

28. *CROSSING THE THRESHOLD OF HOPE*, *supra* note 26, at 197 (emphasis omitted).

29. POPE JOHN PAUL II, *REDEMPTOR HOMINIS: THE REDEEMER OF MAN* para. 17 (1979) [hereinafter *REDEMPTOR HOMINIS*].

30. Universal Declaration of Human Rights, G.A. Res. 217A, pmbi., at 71, U.N. GAOR, 3d Sess., 183d plen. mtg., U.N. Doc A/810 (Dec. 10, 1948).

31. *REDEMPTOR HOMINIS*, *supra* note 29, at para. 17.

32. *CROSSING THE THRESHOLD OF HOPE*, *supra* note 26, at 197 (emphasis omitted).

33. *Id.* at 201-02.

34. *Id.* at 202 (emphasis omitted).

35. This relationship between freedom and truth is treated at length in *VERITATIS SPLENDOR*, *supra* note 5.

When speaking of migration as a human right, reference can be made to the *Charter of the Rights of the Family*, presented by the Holy See “to all persons, institutions and authorities concerned with the mission of the family in today’s world.”<sup>36</sup> Article 12 of this document states:

The families of migrants have the right to the same protection as that accorded other families. (a) The families of immigrants have the right to respect for their own culture and to receive support and assistance towards their integration into the community to which they contribute. (b) Emigrant workers have the right to see their family united as soon as possible. (c) Refugees have the right to the assistance of public authorities and International Organizations in facilitating the reunion of their families.<sup>37</sup>

I believe that we can see the Holy Father’s fingerprints in this clear declaration of the rights of families in migration which arise from the law of human dignity.

In the Annual Migration Message of 1993, which marked the International Year of the Family, the Holy Father quoted his Apostolic Letter *Familiaris Consortio*, “The families of migrants . . . should be able to find a homeland everywhere in the Church.”<sup>38</sup> The Church must avoid the risk of marginalized pastoral care for the marginalized. The personal parish’s mission for the care of a soul’s integration is a desirable process not to be rushed. Human rights are not simply an amenity to be afforded families in society, but rather a right within the Church itself.

In *Laborem Exercens*, John Paul II makes a clear statement joining work and the immigration question. “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.”<sup>39</sup> This right to migrate, which is incumbent on both countries of origin and countries of destination, supports the basic human freedom and the dignity of the person. The entire encyclical, *Laborem Exercens*, enunciates the “gospel of work” which asserts the priority of labor over capital, the primacy of man over things.<sup>40</sup> Again, we see the basic theme, the subject of work is man and work has man as its subject. Work can be misconstrued as an object, something which is produced by man

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36. THE HOLY SEE, CHARTER OF THE RIGHTS OF THE FAMILY, pmb. (October 22, 1983).

37. *Id.* at art. 12.

38. POPE JOHN PAUL II, *FAMILIARIS CONSORTIO: THE ROLE OF THE CHRISTIAN FAMILY IN THE MODERN WORLD* para. 77 (1981) (emphasis omitted).

39. *LABOREM EXERCENS*, *supra* note 24, at para. 23.

40. *Id.* at para. 6.

which can degenerate into seeing human beings as tools of production. This can happen in both the capitalistic and Marxist system of labor. He concludes the section on work and emigration by saying that "capital should be at the service of labor and not labor at the service of capital."<sup>41</sup> It is certainly clear that the sound anthropology in the Holy Father's teaching gives a foundation from which to judge the question of immigration as it relates to "man the worker."

#### D. *Culture and Inculturation*

It is almost impossible to speak about the phenomenon of migration without contemporaneously addressing the issue of culture. Pope John Paul II devoted a significant amount of his teaching to the issue of culture, and there are many ways that this relates to his treatment of the migration issue. An in depth understanding of the teaching of John Paul II can be found in the book of His Eminence, Francis Cardinal George entitled, *Inculturation in Ecclesial Communion: Culture and Church in the Teaching of John Paul II*.<sup>42</sup> In trying to understand John Paul's teaching on culture, Cardinal George's analysis and study is excellent.

Cardinal George stated, "A person's right to freedom and identity is ontologically basic because the self-possession revealed in action is irreducible. Without self-possession, the person is less than human; his or her truth and dignity are destroyed at the root, even if a superficial array of choices remains open."<sup>43</sup> There is nothing more basic to human identity than culture itself. Because of the freedom to self determine—the basis for all human rights<sup>44</sup>—the human person has a right to create his own culture. Karol Wojtyla wrote regarding the constitution of culture through human praxis.

My reflections here on the constitution of culture through human praxis arise within the context of this controversy as well. They are intimately linked to an understanding of the human being as a person: a self-determining subject. Culture develops principally within this dimension, the dimension of self-determining subjects. Culture is basically oriented not so much toward the creation of human *prod-*

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41. *Id.* at para. 23.

42. FRANCIS E. GEORGE, OMI, *INCULTURATION AND ECCLESIAL COMMUNION: CULTURE AND CHURCH IN THE TEACHING OF POPE JOHN PAUL II* (1990).

43. *Id.* at 37. This quotation makes the link between culture and migration clearer.

44. *See supra* text accompanying note 13.

ucts as toward the creation of the human *self*, which then radiates out into the world of products.<sup>45</sup>

John Paul II's phenomenological analysis of culture, consistent with his understanding of the human person, gives us a basis upon which we can defend the inalienable right to culture that is part of every human person's heritage. The migrant himself is a person who moves from one culture to another in most instances. Even internal migrants change geography and culture in moving from one part of their own country to another. But since culture is a function of the person's self-determination, the external diversity that is objectified from other cultural self-determinations need not damage the interior defining culture. As the Trinity is the prototype of *communio* as unity and diversity, so also divergent cultures can be integrated within a *communio* of cultures, provided there is the defining absolute of the human person (the core of *communio* as finding self by gift of self).

In the annual *Migration Day Message* of 2002, the Holy Father stated, "On the day of Pentecost, it was the Spirit of Truth who completed the divine plan for the unity of mankind in the diversity of cultures and religions."<sup>46</sup> The theme of the overall message was inter-religious dialogue which necessarily involves cultural differences. Migrants bring the question of cultural identity to the world's attention. They are the prime movers in the world of diversity since they carry their unique subjective determination with them. They challenge the world to be open.

Cardinal George, in describing the relationship between culture and faith said this, "If culture is also to be related to faith, believers need a philosophical anthropology which restores to human persons their integrity in such a way that they remain certain of their own identity and yet always open to goals which transcend their own particular experience."<sup>47</sup>

Most migrants in the process of migration undergo an identity crisis, a challenge to their own identity, a challenge to take on a new culture, while at the same time they must defend their innate culture lest they lose something of who they are. Hence, the teaching of the Holy Father on migration issues comes down on the side of cultural preservation, as well as cultural pluralism.

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45. Karol Wojtyła, *The Constitution of Culture Through Human Praxis*, in *PERSON AND COMMUNITY*, *supra* note 18, at 265.

46. Pope John Paul II, Immigration and Its Link to Interreligious Dialogue: Message of Pope John Paul II to Bishops' Conferences Regarding the World Day For Migrants and Refugees (July 25, 2001), in 47 *THE POPE SPEAKS* 133, 135 (2002).

47. GEORGE, *supra* note 42, at 31.

The 1991 *Migration Day Message* addresses this fact most directly. The Holy Father said:

Migration always has two aspects, diversity and universality. The former comes from the meeting between diverse individuals and groups of people and involves inevitable tension, latent rejection and open polemics. The later is constituted by the harmonious meeting of diverse social subjects who discover themselves in the patrimony that is common to every human being formed as it is by the values of humanity and fraternity. There is a mutual enrichment when diverse cultures come into contact.<sup>48</sup>

The message goes on to contrast the biblical images of the Tower of Babel and the Pentecost event.<sup>49</sup> The ethnic and linguistic diversity and the issue of language and culture as seen in this context teaches that culture is at the very root of human existence. What Babel had destroyed, the Holy Father has said, "On Pentecost then the legitimacy and ethnic and cultural pluralism was restored . . . . Every person must have his dignity recognized and his cultural identity respected. This principle finds its individual and specific application in the area of migration."<sup>50</sup>

The defense of cultural pluralism, especially in regard to migrant peoples, is always consistent with the Holy Father's understanding of the human person. To strip a person of his or her culture is to reduce a person to an object, when only a free self-determining subject can truly be human. The person needs the freedom to create his or her own culture. The Holy Father's theory of culture is perhaps best expressed in a talk that he gave at the UNESCO Headquarters in Paris on June 2, 1980.<sup>51</sup> This gave him the opportunity to speak in later discourses on the relationship of culture and faith. The theme of the talk was that the future of mankind depends on culture. In that historic talk he said, "It is through culture that man lives a truly human life. Human life is also culture in the sense that it is by culture that man is distinguished and differentiated from everything else that

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48. POPE JOHN PAUL II, *MIGRATION AND RELIGIOUS PROSELYTISM: MESSAGE OF POPE JOHN PAUL II TO BISHOPS' CONFERENCES REGARDING THE WORLD DAY FOR MIGRANTS AND REFUGEES* para. 3 (1991).

49. *Id.* at para. 4.

50. *Id.*

51. Pope John Paul II, *The Future of Mankind Depends on Culture: Address by His Holiness Pope John Paul II on the occasion of His visit to the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (June 2, 1980)*, in *PATHS TO PEACE: A CONTRIBUTION* 29 (Permanent Observer Mission of the Holy See to the United Nations eds., 1987).

exists in the visible world: man cannot do without culture.”<sup>52</sup> If we were to apply this to the situation of migrants, a migrant person also cannot do without culture. He or she often straddles two cultures and not only must maintain his or her own, but also acquire all that a new culture entails (languages, customs, etc.). Migrants become the purveyors of diversity which contributes to the ultimate unity of the human family.

Many times the conflict of cultures results in racism—often taking the form of xenophobia or the fear of strangers. In the 1984 *Annual Migration Day Message*, written for the Holy Father but issued by Agostino Cardinal Casaroli, the unbiblical term of xenophobia is translated into the newly coined word of philoxemia.<sup>53</sup> “Philoxemia” is a sense of open and cordial hospitality of which St. Paul speaks in the *Letter to the Romans*. “If anyone of the Saints is in need, you must share with them, you must make hospitality your special care.”<sup>54</sup> The statement goes on to say that the same concept is expressed in the *First Letter of Peter* in a most lively and practical statement, “Welcome each other into your houses without grumbling . . . .”<sup>55</sup> In the *Letter to the Hebrews*, it is underlined that a mysterious design may be hidden in this brotherly behavior. “And remember always to welcome strangers, for by doing this some people have entertained angels without knowing it.”<sup>56</sup>

Pope Benedict XVI understood John Paul II’s mind and explained his thought as Joseph Cardinal Ratzinger. In an address at Hong Kong in 1993 to the presidents of the Asian Bishops Conference, he addressed the specific issue of “Christ, Faith and the Challenge of Cultures.”<sup>57</sup> The issue of inculturation is closely related to the world of migrants and especially related to the understanding of the Church’s missionology. It challenges us to understand what culture is and how the movement from one culture to another presents great challenges. Cardinal Ratzinger then said that from the biblical perspective, Israel’s faith is based on the call of Abraham.<sup>58</sup> Abraham was called to leave his country and to find not only a new land, but

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52. *Id.* at 30 (emphasis omitted).

53. *Annual Migration Day Message* 1983 (all *Annual Migration Day Messages* are on file with the author).

54. *Romans* 12:13.

55. *Peter* 4:9.

56. *Hebrews* 13:12.

57. Joseph Cardinal Ratzinger, *Christ, Faith and the Challenge of Cultures*, 24 *ORIGINS* 679 (1995).

58. *Id.* at 682. This call, in itself, (author’s interpretation) is also a migration event.



also a new religion and all that the culture entailed. Ratzinger says that a cultural break is very necessary.<sup>59</sup> A new beginning and a new healing is necessary as the basis of all religious faith. A new center calls a person to a different understanding of God. For example, Christ's cross was a break. It was a type of expulsion, an alienation from the earth. It was a new center of magnetic pull, drawing all men to Himself, as the Scripture tells us.<sup>60</sup> In his talk, Ratzinger describes how one cannot be a Christian without a certain exodus, a break from one's previous life in all aspects. How much does this apply to the migrant who is called to break from his previous culture to find a new culture? Cardinal Ratzinger went on in his talk to coin a new phrase for inculturation:

For this reason, we should no longer speak of inculturation but of the meeting of cultures of *interculturality*, to coin a new phrase. For inculturation presumes that a faith stripped of culture is transplanted into a religiously indifferent culture whereby two subjects, formally unknown to each other, meet and fuse. But such a notion is first of all artificial and unrealistic . . . Only if all cultures are potentially universal and open to each other can interculturality lead to flourishing new forms.<sup>61</sup>

Having explored the realms of John Paul II's thought that implicitly touch upon the issues surrounding migration (human dignity, human rights, and culture), it is now incumbent upon us to cover John Paul II's explicit teachings on migration.

## II. EXPLICIT SOURCES OF MIGRATION TEACHING

The main sources of Papal teaching most obviously are the encyclicals, but the Pope also discusses migration in his annual Migration Day messages, the four World Migration Congress messages, and numerous other talks.<sup>62</sup> Finally, the post-synodal

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59. *Id.* at 683.

60. *Id.* at 682, citing *John* 12:31.

61. *Id.* at 681.

62. The Pontifical Council for the Pastoral Care of Migrants and Itinerant People states that there are thirty-seven messages regarding refugees and twenty-one messages regarding migrants in various other places. See Pontifical Council for the Pastoral Care of Migrants and Itinerant People, [http://www.vatican.va/roman\\_curia/pontifical\\_councils/migrants/s\\_index\\_migrants/rc\\_pc\\_migrants\\_sectionmigrants.htm](http://www.vatican.va/roman_curia/pontifical_councils/migrants/s_index_migrants/rc_pc_migrants_sectionmigrants.htm) (last visited April 23, 2007). Some other, more recent, sources include the Apostolic Letters *As the Third Millennium Approaches* and *At the Beginning of the New Millennium*. See Pope John Paul II, *As the Third Millennium Approaches* (Nov. 10, 1994), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_letters/documents/hf\\_jpii\\_apl\\_101119](http://www.vatican.va/holy_father/john_paul_ii/apost_letters/documents/hf_jpii_apl_101119)

exhortations, particularly *Ecclesia in America*, can be helpful in understanding the specific migration teaching of John Paul II.<sup>63</sup>

### A. Encyclicals

The encyclicals will be presented in chronological order, the first being *Redemptor Hominis: the Redeemer of Man*, which certainly forms the basis of the Christian anthropology of John Paul II.<sup>64</sup> The human person is the “primary route that the Church must travel in fulfilling her mission: he is the primary and fundamental way for the Church, the way traced out by Christ himself, the way that leads invariably through the mystery of the Incarnation and the Redemption.”<sup>65</sup> The Church looks to man in order to bring him the truth about God and himself. As previously noted, the spirit versus the letter of the Declaration of Human Rights is discussed in this Encyclical and primarily discusses the fact of redemption.<sup>66</sup> But the redemption is not merely a theological fact; it is the basis of Christian anthropology. Most fundamental is the citation of *Gaudium et Spes*, in which we see clearly enunciated that “by his incarnation, he, the son of God, has in a certain way united himself with each man.”<sup>67</sup> This being so, John Paul completed the logic that “each person may be able to find Christ, in order that Christ may walk with each person the path of life, with the power of the truth about man and the world that is contained in the mystery of the Incarnation and the Redemption . . .”<sup>68</sup> The Church Herself is a traveler. If the way of the Church is man, the Church must travel through the depths of the mystery of the incarnation. All the human activity, therefore, must be the concern of the Church. In this case, migration never falls far from the Church’s concern.

In the next encyclical, *Dives in Misericordia: Rich in Mercy*, we understand that the intimate relationship between mercy and justice can be found.<sup>69</sup> Mercy, not merely justice, provides a solid foundation for a society which can truly meet human expect-

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94\_tertio-millennio-adviente\_en.html; Pope John Paul II, At the Beginning of the New Millennium (Jan. 6, 2001), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_letters/documents/hf\\_jp-ii\\_apl\\_20010106\\_novo-millennio-ineunte\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_letters/documents/hf_jp-ii_apl_20010106_novo-millennio-ineunte_en.html).

63. POPE JOHN PAUL II, *ECCLESIA IN AMERICA: THE CHURCH IN AMERICA* (1999) [hereinafter *ECCLESIA IN AMERICA*].

64. *REDEMPTOR HOMINIS*, *supra* note 29.

65. *Id.* at para. 14.

66. *See supra* text accompanying notes 29–31.

67. *GAUDIUM ET SPES*, *supra* note 7, at para. 22.

68. *REDEMPTOR HOMINIS*, *supra* note 29, at para. 13.

69. POPE JOHN PAUL II, *DIVES IN MISERICORDIA: RICH IN MERCY* (1980).

tations. Divine mercy and human dignity are intrinsically combined. Social relations and laws cannot be based only on a justice that lacks mercy. True mercy is, so to speak, the most profound source of justice. In some of the Migration Day messages, this encyclical is quoted, especially in regard to the issue of undocumented migrants.

*Laborem Exercens* addresses the human person as worker; in fact, human work is the key to the social question. Work must not be seen as an object, as a result, or product. Rather, work must be seen through the subject who performs the work. Work has man as its subject.<sup>70</sup> This encyclical enunciates the idea of the Gospel of Work as well as how that Gospel applies to the question of immigration for work. Migrants are workers, but they must not become the *object* of our concern, but rather the *subject*.<sup>71</sup>

*Sollicitudo Rei Socialis* discusses the topic of authentic human development, and elaborates upon the necessary cooperation for development which must exist between nations and peoples.<sup>72</sup> The moral character of development can never be forgotten; otherwise, in the process of development, the rights of nations and peoples (and especially individuals) will be disregarded. There is a unique balance between solidarity and freedom, and that balance must characterize the relations between nations and peoples if authentic human development is to become a reality.

The migration right is implied in integral human development. Development has a unique connection to migration, and even if the exact relationship between these two social realities is not settled, the fundamental interconnection remains. A further description of this relationship is necessary.

In general, migration is a limited mechanism for development in the sending countries, although some immediate results of migration, namely the capital sent home by the migrants, can provide short-term assistance. Remittances are in a certain sense a double-edged sword in relation to development. They may have positive results: because remittances are individually sent by migrants and spent by the migrant's family, this capital is often used to purchase goods and land, to improve housing, and even to develop small business or agricultural projects. However, the multiple effects of these remittances are not capable of develop-

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70. *LABOREM EXERCENS*, *supra* note 24, at para. 20.

71. *Id.* at para. 23.

72. POPE JOHN PAUL II, *SOLLICITUDO REI SOCIALIS: TWENTIETH ANNIVERSARY OF POPULORUM PROGRESSIO* (1987).

ing a society at large, and, in some ways, micro-level remittances even contribute to inflation.

The characteristics of the migrants who leave developing countries also tend to influence long-term development. If skilled workers and professionals leave, then development is hindered. At the same time, however, the emigration of low-skilled workers can some times contribute to development. The eventual repatriation of migrants can also contribute to development, especially if a sizeable number of migrants return who were either successful in the receiving countries or who gained skills needed in the sending countries.

The structural problems associated with the causes of underdevelopment create the necessary conditions for emigration of surplus labor; yet, these same conditions are not sufficient to induce labor to migrate. The influence of personal decision-making in the labor migration process must be considered. Not all labor migration is receiving-country induced.<sup>73</sup>

The encyclical *Centesimus Annus* develops a Christian anthropology as the basis of Catholic social doctrine, which begins with the correct view of the human person and his or her unique value.<sup>74</sup> Human dignity and human rights must necessarily be supported by subsidiarity and participation. We hear the call “to abandon a mentality in which the poor—as individuals and as peoples—are considered a burden, as irksome intruders . . . .”<sup>75</sup> This is a clear reference to migrants who often are poor and seen as intruders. We see that “the social message of the Gospel must not be considered a theory, but above all else a basis and a motivation for action.”<sup>76</sup>

*Veritatis Splendor* discusses culture. “It must certainly be admitted that man always exists in a particular culture, but it must also be admitted that man is not exhaustively defined by that same culture.”<sup>77</sup> Man is not the prisoner of any culture; the human person’s transcendent nature is the measure of all culture.

*Veritatis Splendor* also describes the Gospel as the gift of the commandment of new life, and it is a reflection on the life which professes truth and love.<sup>78</sup> It provides the anthropological con-

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73. DiMarzio, *supra* note 10, at 17.

74. POPE JOHN PAUL II, *CENTESIMUS ANNUS: THE HUNDRETH YEAR* (1991) [hereinafter *CENTESIMUS ANNUS*].

75. *Id.* at para. 28.

76. *Id.* at para. 57. This paragraph goes on to discuss the Church’s special concern for the marginalized, including refugees and migrants.

77. *VERITATIS SPLENDOR*, *supra* note 5, at para. 53.

78. *Id.* at para. 23.

cerns that underline the moral doctrine for a vision of man set forth by the Church.

Finally, *Evangelium Vitae*, contains a powerful dissertation on the moral foundation of civil law.<sup>79</sup> Civil law should conform to the moral law.<sup>80</sup> It further states that:

[C]ivil law must ensure that all members of society enjoy respect for certain fundamental rights which innately belong to the person, rights which every positive law must recognize and guarantee.

...  
 ... Thus any government which refused to recognize human rights or acted in violation of them would not only fail in its duty; its decrees would be wholly lacking in binding force.<sup>81</sup>

These citations provide a basis for the defense of asylum seekers and undocumented workers who sometimes challenge existing civil laws, but who do so in exercise of natural rights.

These encyclicals provide much of the background for John Paul II's teaching on migration and for the annual Migration Day messages discussed below.

#### B. *Annual Migration Messages and Other Religious Statements*

The annual Migration Day messages can be divided into two categories. From 1974 through 1983, the messages were issued under the signature of the Secretary of State. Although approved by the Holy Father, they are not directly attributable to him as author, although he is quoted extensively. From 1985 to 2002, each message bears the signature of the Holy Father and therefore, can be interpreted as authentically his own authorship. Instead of characterizing each message, I will attempt to analyze and categorize the issues treated. A general division can be made between the statements regarding anthropology and those which are more of a religious nature. A few brief statements to enunciate some of the themes of these numerous messages, beginning from the most recent to the earlier statements, now follows.

The following issues have been treated most recently: the issue of inter-religious dialogue,<sup>82</sup> evangelization,<sup>83</sup> the unity of

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79. POPE JOHN PAUL II, *EVANGELIUM VITAE: GOSPEL OF LIFE* (1995) [hereinafter *EVANGELIUM VITAE*].

80. *Id.* at para. 72.

81. *Id.* at para. 71.

82. World Day of Migration Message 2002.

83. World Day of Migration Message 2001.

humankind and the diversity of culture,<sup>84</sup> and globalization of solidarity.<sup>85</sup> The right to migrate, relying heavily on *Laborem Exercens*, is seen as enriching to both sending and receiving countries.<sup>86</sup> The issues of human freedom and communion also are treated in a separate message.<sup>87</sup> The development issue, relying heavily on *Centesimus Annus* and *Sollicitudo Rei Socialis*, is treated in one message.<sup>88</sup> The issue of necessity of ecclesial integration and incultural pluralism is set in the biblical context of Pentecost—an event that overturned the Babel event that divided humankind.<sup>89</sup> Human mobility in general is a constant theme, as well as the solidarity that is necessary between sending and receiving cultures.<sup>90</sup> One message already cited in the talk above described racism against migrants as xenophobia which must be replaced by “philoxemia.”<sup>91</sup> The issue of discrimination against migrants is treated from the perspective of family unity (a principle of migration rights).<sup>92</sup> It is a subject that draws heavily from the Apostolic Letter *Familiaris Consortio*. Interdependence and the structures of sin, drawing from *Sollicitudo Rei Socialis*, are also treated in one of the letters.<sup>93</sup> The issue of cultural acceptance, as cited above, is essential to ecclesial identity. Drawing heavily from *Centesimus Annus*, we hear that work is meant to unite the human race, not divide it.<sup>94</sup> Human dignity and human rights are integral to the social message of gospel proclamation. It must reach out to the marginalized, especially refugees and migrants.

Other religious statements are also instructive. The letters *As the Third Millennium Approaches* and *The Beginning of the New Millennium* include a citation to the “Gospel of Charity.”<sup>95</sup> Both the respect for conscience and the incarnation as a religious fact extend the Gospel to all people. Christian service is treated as an obligation toward migrants.<sup>96</sup> This springs from an understand-

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84. World Day of Migration Message 1991.

85. World Day of Migration Message 1998.

86. World Day of Migration Message 1995.

87. World Day of Migration Message 1987.

88. World Day of Migration Message 1992.

89. World Day of Migration Message 1991.

90. World Day of Migration Message 1999.

91. World Day of Migration Message 1983.

92. World Day of Migration Message 1993.

93. World Day of Migration Message 1989.

94. World Day of Migration Message 2000.

95. Pope John Paul II, *As the Third Millennium Approaches*, *supra* note 62; Pope John Paul II, *At the Beginning of the New Millennium*, *supra* note 62.

96. Pope John Paul II, *At the Beginning of the New Millennium*, *supra* note 62, at para. 49.

ing of the unity of the Trinity, which becomes a model for the integration of newcomers. *Lumen Gentium* instructs us toward this understanding of how the image of the Church is one of unity.<sup>97</sup>

John Paul II compares the undocumented to the man on the roadside in the Parable of the Good Samaritan.<sup>98</sup> There are several references to Mary, who on her pilgrimage of faith experienced exile,<sup>99</sup> as well as the mention of the encyclical *Redemptoris Missio*, citing the missionary nature of the Church, which involved migration for its missionaries.<sup>100</sup>

This extensive body of teaching, augmented on an annual basis, represents a veritable treasure trove of thought and development of the issue of migration.<sup>101</sup>

### C. Migration Congresses

The Pontifical Council on Migration, over the course of its almost thirty years of existence, has called four world congresses on migration, three of which have taken place in John Paul II's pontificate. The Fourth World Congress, in 1998, dealt with the pastoral care of migrants and refugees. As is customary, the Holy Father addressed the congress delegates and issued a statement.<sup>102</sup> A particular concern of the 1998 statement was the issue of illegal migration, which was explained in the context of the basic right to leave one's own country.<sup>103</sup>

Immigration is a complex matter which very much depends on public opinion. Public opinion needs to be shaped, so that solidarity with the poor will result. Denunciations of racism and xenophobia are not enough. John Paul II said the Church must be the Good Samaritan of the world when it comes to the world's migrants and refugees.<sup>104</sup> At the conclusion of the document, citing the coming of the third millennium and the Jubilee Year,

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97. SECOND VATICAN ECUMENICAL COUNCIL, *LUMEN GENTIUM: DOGMATIC CONSTITUTION ON THE CHURCH* para. 9 (1964).

98. World Day of Migration Message 1996.

99. World Day of Migration Message 1994.

100. World Day of Migration Message 1997.

101. For a more detailed analysis of the annual Migration Day Messages, see un-published paper, Michael Blume, *Themes of Messages of Pope John Paul II for World Migration Day*, Pontifical Council on Migration (on file with author).

102. Pope John Paul II, Address to the Congress on Pastoral Care of Migrants (Oct. 9, 1998), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/speeches/1998/october/documents/hf\\_jp-ii\\_spe\\_19981009\\_migranti\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/speeches/1998/october/documents/hf_jp-ii_spe_19981009_migranti_en.html).

103. *Id.* at paras. 1, 4, 6.

104. *Id.* at para. 5.

as well as its practices such as debt cancellation, the Holy Father also called for an amnesty for illegal immigrants.<sup>105</sup>

At the Third World Congress on Migration, he spoke regarding the increase of the migration phenomenon of the world and cautioned against seeing migrants merely as a labor force, but rather as human beings.<sup>106</sup> The Holy Father said that in Matthew 25, we find the injunction to “Welcome the Stranger”—the hallmark for the Church’s work with migrants and refugees. Openness and cooperation must be the hallmarks of the Church’s reception of migrants, as well as the defense of human rights and justice.<sup>107</sup>

At the Second World Congress, in 1985, the Holy Father cited his Encyclical *Laborem Exercens* in order to underline the right to leave, to return, and to seek better conditions of life.<sup>108</sup> He describes immigration as a drama and a trial. It is a necessary evil and not a positive experience for all. For example, refugees experience a negative effect of migration because the right to migrate comes with duties. In contrast, asylum, immigration for work, and the right to settle are strict rights that should be protected by civil societies.<sup>109</sup> The Holy Father also addresses the issue of integration: immigrants must not be assimilated or absorbed (much less dissolved); rather, they must maintain their own identity and culture.<sup>110</sup> This creates a tension. Ghettos are not conducive to integration, yet the migrants are urged to be faithful to their origins and faith. This pressure is often quite strong within their local communities. However, the Church is a sacrament of unity. It welcomes diversity and unity and is a reconciling force in the world. The Church must welcome all as brothers, even though they might be strangers. The Church must be the voice of the voiceless when it comes to immigration matters.

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105. *Id.* at para. 6.

106. Pope John Paul II, Migrants Need Our Solidarity: Address to the Third World Congress for the Pastoral Care of Migrants and Refugees (Sept. 30, 1991), in *SOLIDARITY IN FAVOUR OF NEW MIGRATIONS: PROCEEDINGS OF THE III WORLD CONGRESS FOR THE PASTORAL CARE OF MIGRANTS AND REFUGEES 7* (1992).

107. *Id.* at 8.

108. Pope John Paul II, Address to the Second World Congress for the Pastoral Care of Migrants and Refugees (1985).

109. *Id.*

110. *Id.*



#### D. *Post Synodal Document*

Finally, the question of immigrants is treated in the post-synodal document *Ecclesia in America*.<sup>111</sup> The future of migration in America is obviously of great concern to all nations in the hemisphere.<sup>112</sup> During the first service that the Holy Father gave on the issue of migration, the Pope called the Church in America to be one Church.<sup>113</sup> Economic globalization has already forged an uneasy unity between the nations of this hemisphere. The Pope treated the question of immigrants both with attention to migrants' rights and non-legal immigration, as well as seeking means for effective evangelization of those recent arrivals who do not yet know Christ.

#### CONCLUSION

The teaching of John Paul II on migration gives us a legal framework to understand this complex public policy issue. This legal framework is rooted in human dignity and freedom, without which the human laws necessary to guide migration and the common good can never be correctly formed.

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111. *ECCLESIA IN AMERICA*, *supra* note 63.

112. *Id.*

113. *Id.* at para. 5.