

## CHURCH'S SOCIAL TEACHING ON MIGRATION. Issues and Challenges

Giovanni Graziano Tassello\*

The Church has always defended migrants' rights, endorsing the right to free movement, family reunification, and the respect for immigrants' cultural, linguistic and religious rights. The universal destination of the earth resources and the need for an international cooperation constitute the basis for the Church social teaching concerning migration.

Faced with new challenges such as the illegal migration flows, the Church advocates the respect for the fundamental human rights and calls upon international norms capable of regulating the rights and duties of each person, with the aim of preventing unilateral decisions that cause harm especially to the low-income and poor people. She protects illegal immigrants through political advocacy and by running an extensive legal and charitable network in their favour.

The Church social teaching on migration remains an unfinished task at the level of reflection. But through her teachings, the Church continues to sensitize public opinion and legislators by inputting ideals so that the fundamental rights of each person be respected and upheld everywhere and in every circumstance.

**Keywords:** Church social teaching; Migration; Migrants' rights; Illegal migration; Ethical issues

### Introduction

"The Church presence among migrant people was maintained constant through the years, achieving significant results at the beginning of

---

\*With a degree in Theology (New York) and in Social Sciences (Pontifical Gregorian University of Rome), he belongs to the Congregation of the Scalabrinian Missionaries. He was director of the Journal *Studi Emigrazione* and aide of the Pontifical Council for Migration and Tourism. He is currently director of the CSERPE (Centro studi e ricerche per l'emigrazione). He is the author of numerous articles and books on migration including *Lessico migratorio*, Rome: CSER, 1987; *Enchiridion della Chiesa per le migrazioni*, Bologna: EDB, 2001; *Diversità nella comunione*. Roma/Basel: Fondazione Migrantes/CSERPE, 2005. Basel/Switzerland.

the last century. One may recall the memory of blessed Bishop Giovanni Battista Scalabrini and St. Frances Cabrini"<sup>1</sup>. With the explosion of the modern phenomenon of migration, the Church, at least in her official documents, has given ample proof to be attentive and close to people forced to leave their country, by suggesting and implementing numerous religious and charitable activities for them. This choice of a practical nature has marked many of her operations in the 19<sup>th</sup> and 20<sup>th</sup> centuries.

The attention to the immediate needs of migrants goes hand in hand with her commitments to safeguard their faith. This has brought about the implementation of pastoral strategies that have shaped the religious life of migrants. They have also been very valuable in spreading the faith in a particular region. We may recall the benefits that assisted migration has had on the churches in Brazil and the United States from a religious point of view.<sup>2</sup>

### **Evolution of the Church social teaching on migration**

Leo XIII states: "Neither one believes that the attentions of the Church are so wholly and solely aimed at the salvation of souls, to overlook what belongs to the moral life on earth. She wants, and gets it mostly, the working class emerge from its unhappy state, and improve its living conditions."<sup>3</sup> The Church does not reduce the immigrant to a receiver of charitable services, but emphasizes his personal dignity. Even though the commitment to the welfare and the pastoral care in favour of these people is important, the official documents of the Church soon begin to address the phenomenon of human mobility in more general terms by developing, over the years, some guidelines which will, later on, bring about a social doctrine in this field of migration. However, so far, no documents of the Church and even less moral theologians offer us a systematic treatment of the rights and responsibilities towards forcibly displaced persons.<sup>4</sup>

Pius XII is a witness of the tragedy of World War II and the subsequent flight of millions of people from their lands. He introduces some forceful considerations on migrants' rights.

Examining the various documents of the Church, we will highlight some tenets which the Church considers basic in regard to the migrant

<sup>1</sup> BENEDICT XVI. *Angelus Address on the occasion of World Day of Migrants*, January 17, 2010.

<sup>2</sup> For a discussion on this topic, we refer to ROSOLI, Gianfausto. *Insieme oltre le frontiere*. Caltanissetta-Roma: Salvatore Sciascia Editore, 1996.

<sup>3</sup> LEO XIII. Encyclical Letter *Rerum novarum*, n. 23.

<sup>4</sup> See TOMASI, Silvano. "Human rights as a framework for advocacy on behalf of the displaced", in *Origins- CNS Documentary Service*, v. 38, n. 29, December 25, 2008, p. 464; TASSELLO, Giovanni Graziano; DEPONTI, Luisa; PROSPERPIO, Felicina. *Migrazioni e scienze teologiche*. Rassegna bibliografica (1980-2007), p. 9.

person, “a human being coming from a different background, culture, and traditions, but a person to be respected, with rights and duties, in particular in the area of employment, where it is easier to follow the temptation of exploitation, but also within the concrete conditions of life”<sup>5</sup>.

The Church has in mind the damage that forced migration can have on individuals, families and the departing and arriving communities. It becomes a priority to safeguard the right to live in one’s own land. In fact, “men would cling to the country in which they were born, for no one would exchange his country for a foreign land, if his own afforded him the means of living a decent and happy life”<sup>6</sup>. And John Paul II, taking up ideas expressed at other times by the Popes, continues: “In this context it seems appropriate to stress that it is a basic human right to live in one’s own country”<sup>7</sup>.

This basic right includes the following:

Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medicare, rest, and, finally, the necessary social services. As a consequence, he has the right to be looked after in the event of ill health; disability stemming from his work; widowhood; old age; enforced unemployment; or whenever, through no fault of his own, he is deprived of the means of livelihood.<sup>8</sup>

However, the Church is aware of the geopolitical situation in which the continuing disparities and inequalities always cause new departures. “Every human being has the right to freedom of movement and of residence within the confines of his own State. When there are just reasons in favor of it, he must be permitted to emigrate to other countries and take up residence there.”<sup>9</sup>

The basic right to live in one’s own homeland, in fact, becomes effective, only if one constantly monitors the factors that drive migration. They are, among others, internal conflicts, wars, the government system, the uneven distribution of economic resources, agricultural policy, incoherent and irrational industrialization, rampant corruption. In order to correct these situations, it is essential to promote balanced economic development, the gradual overcoming of social inequalities, the scrupulous respect of the dignity of the human person, the proper functioning of democratic structures. It is also essential to implement at the right time

<sup>5</sup> BENEDICT XVI. *Message during the Angelus*. January 10, 2010 (translation by author).

<sup>6</sup> LEO XIII, *op. cit.*, n. 47.

<sup>7</sup> JOHN PAUL II. *Address to Participants in the Fourth World Congress organized by the Pontifical Council for Pastoral Care of Migrants and Itinerant People*. October 9, 1998, n. 2 (translation by author).

<sup>8</sup> JOHN XXIII. *Encyclical Letter Pacem in terris*, n. 11.

<sup>9</sup> *Ibidem*, n. 25.

corrective actions of the current economic and financial system, dominated and manipulated by developed countries against developing countries.

If, initially, the focus was on the right of the individual to emigrate, increasingly the documents of the Church emphasize "the right to emigrate as a family in search of a better life"<sup>10</sup>. Even John XXIII had previously stressed the right to emigrate as a family unit.<sup>11</sup>

Though the Church claims the right to emigrate, with equal force she urges the international community to "reduce the causes of forced migration, to make migration a choice"<sup>12</sup>. John Paul II notes:

We must deal firmly with the causes, by seeking international co-operation to foster political stability and eliminate underdevelopment. This challenge must be met with the awareness that it is a question of building a world in which all human beings, regardless of race, religion or nationality, can live a fully human life, free from slavery to others and from the nightmare of having to spend their life in misery.<sup>13</sup>

The right to emigrate goes hand in hand with the duty to receive migrants by states rich in resources. "The more prosperous nations are obliged, to the extent of their ability, to welcome the foreigner in search of the security and the means of livelihood which he cannot find in his own country of origin"<sup>14</sup>.

The clause "to the extent of their ability" is actually a burning issue. The interpretation and implementation in the legislative field give rise to differences and contradictions. The state has the right to define the conditions for entry of foreigners within its territory and to manage migration. This is a complex task because it includes cultural, economic, legal, political, social and religious aspects. The official teaching of the Church does not opt for an "open doors" policy, indiscriminately to all. The common good of the countries of departure and the countries receiving the newcomers constitutes a target that should always be taken into account, without however making it an absolute tenet. "Public authorities have the responsibility of controlling waves of migration with a view to saving the requirements of the common good. The acceptance of immigrants must always respect the norms of law and must therefore be combined, when necessary, with a firm suppression of abuses"<sup>15</sup>. The Catechism of the Catholic Church further explains:

<sup>10</sup> JOHN PAUL II. Apostolic Exhortation *Familiaris consortio*, n. 46.

<sup>11</sup> JOHN XXIII. Encyclical Letter *Mater et magistra*, n. 45.

<sup>12</sup> CONSILIIUM CONFERENCEIARUM EPISCOPORUM EUROPAE CCEE. *The Malaga Message, "Building the future of Europe together"*, 8th CCEE European Migration Congress. Málaga, April 24, 2010, n. 4.

<sup>13</sup> JOHN PAUL II. *Address to Participants in the Fourth World Congress organized by the Pontifical Council for Pastoral Care of Migrants and Itinerant People*, October 9, 1998, n. 3 (translation by author).

<sup>14</sup> Catechism of the Catholic Church, n. 2241.

<sup>15</sup> JOHN PAUL II. Post-synodal Apostolic Exhortation *Ecclesia in Europa*, n. 101.

Political authorities, for the sake of the common good for which they are responsible, may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants' duties toward their country of adoption. Immigrants are obliged to respect with gratitude the material and spiritual heritage of the country that receives them, to obey its laws and to assist in carrying civic burdens.<sup>16</sup>

The right to legislate, however, must not cancel or coerce people's fundamental rights. The Church warns against inhuman or anti-solidaristic laws, so much so that if this would happen, civil disobedience would be necessary.

Every citizen has the moral duty not to comply with the regulations of state authorities if these regulations violate ethical laws, the Fundamental Human Rights, or the teachings of the Gospel. This disobedience to state laws that violate the laws of morality can be justified by the distinction between service to God and service to mankind. "Give unto Caesar what is Caesar's and to God what is God's!" (Mt 22, 21). "Thou shalt obey God more than man!" (Acts. 5, 29).<sup>17</sup>

The state must ensure for everyone – immigrants and native population – a normal family life, access to health care, child education. All nations must engage in developing a proper legislative framework to ensure that human dignity is respected. In this context, from the time of Paul VI on, the Church speaks of a statute of the migrant worker. "It is urgently necessary for people to go beyond a narrowly nationalist attitude towards them and to give them a charter which will assure them a right to emigrate, favour their integration, facilitate their professional advancement and give them access to decent housing where, if such is the case, their families can join them".<sup>18</sup>

While accepting that we must think of thresholds of sustainability in the acceptance of foreigners, it is difficult to establish a set of fair rules. John Paul II, however, states:

Although developed countries are not always able to absorb the entire number of those who intend to migrate, it should however be noted that the criterion for determining the thresholds of sustainability can not be only that of the simple protection of one's own welfare, without taking into account the needs of those who are forced to ask hospitality.<sup>19</sup>

The interaction between the common good of individual nations and solidarity with people forced to flee from critical situations such as

<sup>16</sup> Catechism of the Catholic Church, n. 2241.

<sup>17</sup> *Ibidem*, n. 2242.

<sup>18</sup> PAUL VI. Encyclical Letter *Octogesima adveniens*, n. 17.

<sup>19</sup> JOHN PAUL II. *World Migration Day Message*, 1992 (translation by author).

violence, hunger, oppression and seeking elsewhere a normal life requires analysis and a constant update. That's why in *Pacem in terris* we read:

And among man's personal rights we must include his right to enter a country in which he hopes to be able to provide more fittingly for himself and his dependents. It is therefore the duty of State officials to accept such immigrants and—so far as the good of their own community, rightly understood, permits—to further the aims of those who may wish to become members of a new society.<sup>20</sup>

The Church does not simply support the right of emigration, but also stresses the need to safeguard the cultural and religious rights of migrants, whose identity is a treasure for the Church and society. It argues that the principle of cultural homogeneity and religious assimilation are against the plan of God. Enumerating the various rights, the document of the Pontifical Commission for the pastoral care of migrants and itinerant people refers to the “human right to preserve and develop one's own ethnic, cultural and linguistic heritage, to publicly profess one's own religion, to be recognized and treated according to one's own personal dignity in all circumstances”<sup>21</sup>. Of particular importance is the commitment of the Holy See to support and defend the religious rites of groups who have migrated to areas where only the Latin liturgical rite is practiced.

In the documents of the Church there are numerous references to the rights of migrants as migrant workers.

When workers come from another country or district and contribute to the economic advancement of a nation or region by their labour, all discrimination as regards wages and working conditions must be carefully avoided. All the people, moreover, above all public authorities, must treat them not as mere tools of production but as persons, and must help them to bring their families to live with them and to provide themselves with a decent dwelling; they must also see to it that these workers are incorporated into the social life of the country or region that receives them. Employment opportunities, however, should be created in their own areas as far as possible.<sup>22</sup>

The most important thing is that the person working away from his native land, whether as a permanent emigrant or as a seasonal worker, should not be placed at a disadvantage in comparison with other workers in that society in matter of working rights. Emigration in search for work must in no way become an opportunity for financial or social exploitation. As regard to the work relationship, the same criteria should be applied to immigrant workers as to all other workers in the society concerned. The value of work should

<sup>20</sup> JOHN XIII. Encyclical Letter *Pacem in terris*, n. 106.

<sup>21</sup> PONTIFICAL COMMISSION FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE. *Church and human mobility*, n. 17 (translation by author).

<sup>22</sup> VATICAN COUNCIL II. Pastoral Constitution *Gaudium et spes*, n. 66.

be measured by the same standard and not according to the difference in nationality, religion or race. For even greater reason the situation of constraint in which the emigrant may find himself should not be exploited. All these circumstances should categorically give way, after special qualifications have, of course, been taken into consideration, to the fundamental value of work, which is bound up with the dignity of the human person. Once more the fundamental principle must be repeated: The hierarchy of values and the profound meaning of work itself require that capital should be at the service of labour and not labour at the service of capital.<sup>23</sup>

The Church pays special attention to a special category of persons to whom the protections of rights is even more necessary. Refugees and asylum seekers should be guaranteed a special protection. In *Pacem in terris*, we read:

For this reason, it is not irrelevant to draw the attention of the world to the fact that these refugees are persons and all their rights as persons must be recognized. Refugees cannot lose these rights simply because they are deprived of citizenship of their own States.

And among man's personal rights we must include his right to enter a country in which he hopes to be able to provide more fittingly for himself and his dependents. It is therefore the duty of State officials to accept such immigrants and – so far as the good of their own community, rightly understood, permits – to further the aims of those who may wish to become members of a new society.<sup>24</sup>

## Basic principles of the Church social teaching on migration

We have briefly dwelt on some rights upheld by the Church in the field of migration. But it is not just a list of rights. The Church dwells on the foundation on which these rights are based.

If one is not blinded by anti-immigrant propaganda, he can see that the migratory problems refer to fundamental issues such as human dignity, human rights and workers' rights, the common good, the pursuit of justice, the sustainable and responsible development. Human mobility, as a magnifying lens, highlights the need to create a fairer global order, no longer governed solely by the law of the market.<sup>25</sup>

<sup>23</sup> JOHN PAUL II. Encyclical Letter *Laborem excercens*, n. 23.

<sup>24</sup> JOHN XXIII. Encyclical Letter *Pacem in terris*, n. 105-106. The documents of the Holy See on "Refugees and asylum seekers" are many. See, for example, the document of the Pontifical Council "Cor Unum". *Refugee camps near the borders* issued in 1986.

<sup>25</sup> DEPONTI, Luisa. "Migranti: merce o persone?". In *Sulle strade dell'esodo*, v. XXXV, n. 1, gennaio-febbraio 2010, p. 18.



The implementation of migrants' rights has become a useful tool for entering into dialogue and communion with the rest of humanity. Thus we have "a convergence between natural law and faith-inspired principles, which provides a framework within which forcibly displaced persons find a response to the claims posed by their particular situation of vulnerability, and society finds the duty to assume responsibility to remedy that situation"<sup>26</sup>.

The starting point is the universal destination of earthly goods. The Second Vatican Council reminds us that "God intended the earth with everything contained in it for the use of all human beings and peoples. Thus, under the leadership of justice and in the company of charity, created goods should be in abundance for all in like manner"<sup>27</sup>. And in the Catechism of the Catholic Church we read: "The goods of creation are destined for the whole human race... The appropriation of property is legitimate for guaranteeing the freedom and dignity of persons and for helping each of them to meet his basic needs and the needs of those in his charge. It should allow for a natural solidarity to develop between men"<sup>28</sup>.

To put into practice this principle, while facing a social phenomenon of epic proportions, we require

bold, forward-looking policies of international cooperation, if it is to be handled effectively. Such policies should set out from close collaboration between the migrants' countries of origin and their countries of destination; it should be accompanied by adequate international norms able to coordinate different legislative systems with a view to safeguarding the needs and rights of individual migrants and their families, and at the same time, those of the host countries. No country can be expected to address today's problems of migration by itself.<sup>29</sup>

Recently another very significant principle has been highlighted in the Pope's message: the principle of world citizenship:

As a member of the human family, each person becomes, as it were, a citizen of the world, with consequent duties and rights, since all human beings are united by a common origin and the same supreme destiny... The condemnation of racism, the protection of minority groups, the provision of aid to displaced persons and refugees, and the mobilization of international solidarity towards all the needy are nothing other than consistent applications (ways of applying the) of the principle of world citizenship.<sup>30</sup>

<sup>26</sup> TOMASI, Silvano, *op. cit.*, p. 464.

<sup>27</sup> VATICAN COUNCIL II. Pastoral Constitution *Gaudium et spes*, n. 69.

<sup>28</sup> Catechism of the Catholic Church, n. 2402.

<sup>29</sup> BENEDICT XVI. Encyclical Letter *Caritas in veritate*, n. 62.

<sup>30</sup> JOHN PAUL II. *Message for the celebration of the World Day of Peace*, 1 January 2005, n. 6.



These two principles constitute the basis for policy decisions of the international community in order to promote the development of peoples in an ethical and culturally-oriented perspective towards an integral and solidaristic development of humankind.

### **New contexts and new challenges**

Economic, demographic and democratic imbalances at a global level<sup>31</sup> prevent the stoppage of migration flows. Besides, the existing migrant networks play a significant role in human mobility.<sup>32</sup> The economies of the more developed countries continue to request low-wage labourers. At the same time, immigration policies are becoming very restrictive being under the pressure of right-wing political parties which display a rare ability in exploiting the emerging difficulties in the integration processes<sup>33</sup> and the concerns and fears regarding the accelerated pace of globalization and the difficulties of the welfare state.

The current processes of globalization are transforming illegal migration flows into a phenomenon which has no historical precedent at quantitative and qualitative levels, and presents a growing autonomy with its own dynamic. Despite the countermeasures adopted by the states through increasingly restrictive policies, the strengthening of border control systems as well as the lack of solidarity with asylum seekers who are thus compelled to choose the path of illegality, the number of illegal immigrants is bound to increase.

The phenomenon of “Sans-Papiers” (foreigners who are not holders or no longer possess a valid document of residence, authorizing them to remain in the state where they are) is often so emotionally charged or used for political purposes that we run the risk of forgetting that we are dealing with human beings, who must always be respected in their fundamental rights regardless of their legal status.

John Paul II writes:

<sup>31</sup> GLOBAL COMMISSION ON INTERNATIONAL MIGRATION. *Migration in an interconnected world. New directions for action*. Geneva: GCIM, 2005, p. 12.

<sup>32</sup> ALT, Jörg. *Globalisierung, illegale Migration, Armutsbekämpfung*. Analyse eines komplexen Phänomens. Karlsruhe: Von Loeper, 2009, p. 154-155. To manage these flows these aspects are essential: respect for human rights even when dealing with illegal immigrants, the fight against criminal organizations, illegal labour and the exploitation of illegal immigrants, a correct policy on asylum, an estimate of migration routes for regular migrants and the regularization of illegal migrants, improving the economic channels for transmission of remittances, increased collaboration between institutions and migrants living in the host countries to support development in countries of origin, a better use of the available limited resources.

<sup>33</sup> In the last two decades in several European democracies right-wing populist parties have gained importance by contributing, among other things, to the political exploitation of migrants. See also SKENDEROVIC, Damir; D'AMATO, Gianni. *Mit dem Fremden politisieren*. Rechtspopulismus und Migrationspolitik in der Schweiz seit den 1960er Jahren. Zürich: Chronos Verlag, 2008.

Today the phenomenon of illegal migration has assumed considerable proportions ... The necessary caution that the discussion of such a delicate matter requires cannot become reluctance or elusiveness in tackling the issue. In fact to suffer the consequences of this are thousands of people, victims of situations that seem destined to get worse rather than resolved. The condition of legal irregularity does not allow discounts on the dignity of the migrant, who has inalienable rights, which cannot be violated nor ignored. Illegal immigration must be prevented. But we must also fight vigorously against the criminal activities, which exploit illegal immigrants to leave the country. The most appropriate choice, destined to bring substantial and lasting fruit in the long term is that of international cooperation, which aims at promoting political stability and eliminating underdevelopment. The present economic and social imbalance, which in large measure feeds the migratory flows, should not be seen as inevitable, but as a challenge to the responsibility of humankind.<sup>34</sup>

In addition to the specific thinking of the Holy See regarding the illegal immigrants, we must keep in mind specialised activities and operations carried out in many parts of the world. They can become privileged opportunities for Christians to become aware of this reality.<sup>35</sup> The commitment supported by various Christian groups sets an example for civil society at large. From the outset Catholic organizations such as Caritas<sup>36</sup> have assured assistance to illegal migrants. At the same time, they have promoted awareness among society and politicians, in order to improve the conditions of illegal residents, relying upon the ethical principles that advocate taking care of those who do not belong to the same national society.<sup>37</sup>

While acknowledging the usefulness of boundaries to ensure a proper functioning of the democratic system, access to certain public goods and social security for all as well as opportunity to make concrete particular concessions to the common good<sup>38</sup>, it is foundational for the Church social doctrine the explicit awareness of the common belonging to the human family.

The challenge of irregular migration flows shows that the need to manage this phenomenon at international level has become imperative.

<sup>34</sup> JOHN PAUL II. *Message for World Day of Migration*, 25 July 1995, n. 2 (translation by author).

<sup>35</sup> We may recall the services carried out by Caritas, the Jesuit Refugee Service, the Scalabrinian network, etc. for immigrants without a residence permit, as well as their pastoral activities in poor areas of the world, often countries of origin of immigrants. In turn this becomes a good occasion to study migration.

<sup>36</sup> See NEHER, Peter. *Illegalität – Was heißt das für soziale Dienste vor Ort? Perspektiven der Caritas*, VI. Jahrestagung Illegalität, Katholische Akademie Berlin, 03. März 2010, p. 4.

<sup>37</sup> BAUMGARTNER, Alois; KORFF, Wilhelm. "Das Prinzip Solidarität. Strukturgesetz einer verantworteten Welt", in *Stimme der Zeit*, v. 208, 1990, p. 239.

<sup>38</sup> See DEUTSCHE BISCHOFSKONFERENZ. *Ökonomisch motivierte Migration zwischen nationalen Eigeninteressen und weltweiter Gerechtigkeit. Eine Studie der Sachverständigergruppe, „Weltwirtschaft und Sozialethik“*. Bonn : Deutsche Bischofskonferenz, 2005, p. 4.

International cooperation as well as targeted investments in developing nations must be part of a comprehensive plan in order to safeguard the unity of the human family, the duty of mutual aid as intended for a common destiny and the communion of goods.

Other issues arise from policies concerning border control. Within the various countries, in recent years, populist campaigns have approved tougher laws on asylum seekers, depriving them of their protective nature and creating a false understanding of the reality itself of refugees.

In addition to international cooperation it is now necessary to examine the phenomenon in its totality by introducing comprehensive global policies.

The fact of having forgotten these principles has produced imbalances, that keep generating new uncontrolled migrations and on-going disparities, thus preventing a more humane and inclusive management of the phenomenon.

### **Cultural charity**

Benedict XVI recalls: "It is also your task to awaken the Organizations committed to the world of migrants and itinerant people to forms of co-responsibility"<sup>39</sup>. We may define this engagement in the field of awareness and advocacy for migrants "cultural charity". In the first place, it turns into a condemnation of the often critical conditions in which many immigrants live, of their labour exploitation and of a system that prefers to rely on the trilogy "immigration crime-and terrorism-insecurity" instead of ensuring a dignified life for all. In fact these serious social omissions generate a widespread anti-immigration feeling, further exacerbating the lives of migrants.

Cultural charity induces the social teaching of the Church to operate a shift from the vision of migration only as a problem - while not denying the dramatic challenges that immigrants pose to communities nationally and internationally - to migration flows perceived in the context of the great human family where it becomes possible to live peacefully and in a reciprocal exchange of wealth. "Migrants are not just a 'problem', but are a 'resource' to be used appropriately for the genuine development of humanity"<sup>40</sup>.

Benedict XVI states that the privileged path that leads to peace "starts... with a respectful look that recognizes a person in the face of the other, whatever the colour of his skin, whatever his nationality, language

<sup>39</sup> BENEDICT XVI. *Address to participants in the Plenary Assembly of the Pontifical Council for the pastoral care of migrants and itinerant people*, 28 May 2010.

<sup>40</sup> IDEM. *Address to participants at the VI World Congress for the pastoral care of migrants and refugees*, 9 November 2009 (translation by author).

or religion"<sup>41</sup>. The Pope is convinced that men and women can be open to transcendence, a "beyond" of humankind which invited people to overcome the barriers of differences and to build an open fraternity and ever wider forms of solidarity. "We Christians believe above all that the Spirit, which is a communion of love in the Triune God, acts continuously to bring into unity all human beings on this earth"<sup>42</sup>.

The Church seeks to form consciences<sup>43</sup> to respect each other and to reject any type of prejudice, violence and racist and xenophobic attitudes. For the Church, the culture of welcoming means culture of respect, equality and promotion of diversity, accepting migrants as bearers of values and resources. There is not therefore a "dominant culture that imposes itself by force upon others, but ... the experience of becoming human, in its truest meaning, that is universal. Working together in this process, we are able to accept differences in a desired and shared humanity and the future of 'living together', according to the Creator's plan"<sup>44</sup>. Of course the Church hopes and urges politicians, who have at heart the common good, to turn into law a commitment to promote justice and solidarity.<sup>45</sup>

The receiving ecclesial communities have the duty to facilitate the integration of newcomers. Paul VI admonishes: "We can never insist too much on the duty of giving foreigners a hospitable reception. It is a duty imposed by human solidarity and by Christian charity, and it is incumbent upon families and educational institutions in the host nations"<sup>46</sup>. This insertion, read as mentioned above, in the key of reciprocal self-giving, means

ability to provide forms of intelligent *acceptance and hospitality*. A "universal" vision of the common good demands this: we need to broaden our gaze to embrace the needs of the entire human family. The phenomenon of globalization itself calls for openness and sharing, if it is not to be a source of exclusion and marginalization, but rather a basis for solidarity and the sharing of all in the production and exchange of goods. Everyone must work for the growth of a *mature culture of acceptance* which, in taking into account the equal dignity of each person and need for solidarity with the less fortunate,

<sup>41</sup> *IDEM*. *Homily*, 1st January 2010.

<sup>42</sup> CONSILIIUM CONFERENTIARUM EPISCOPORUM EUROPAE CCEE, *op. cit.*, n. 3.

<sup>43</sup> Here is the following quote from MÜLLER, Denis. "Patria dei viaggiatori. Per un'etica delle migrazioni", in *Concilium*, n. 4, 1993, p. 180: "How can we speak of migration and, above all, of an ethical attitude towards emigrants / immigrants without taking in personally the prospect of social change and an in-depth migration of conscience itself? How can we to face the challenges of a changing world without accept ourselves the change in our ways of thinking and our lifestyles? In short, ethics of migration requires, in the core values of our society, a genuine conversion to the other" (translation by author).

<sup>44</sup> CONSILIIUM CONFERENTIARUM EPISCOPORUM EUROPAE CCEE, *op. cit.*, n. 2.

<sup>45</sup> Paul VI had once defined politics as "the highest form of charity."

<sup>46</sup> PAUL VI. Encyclical Letter *Populorum progressio*, n. 67.

calls for the recognition of the *fundamental rights of each immigrant*.<sup>47</sup>

The pedagogy of acceptance also involves training people who engage in the protection of migrants, especially in providing services for the most vulnerable ones, particularly immigrants in irregular status.

On the occasion of the Jubilee of year 2000, the Holy See has even requested an amnesty for illegal immigrants. In his speech to participants at the IV World Congress for the Pastoral Care of migrants and itinerant people, held in the Vatican at the beginning of October 1998, the Holy Father appealed for a significant gesture of reconciliation: "A dimension proper to the Jubilee would find expression in the form of an amnesty for a wide range of those immigrants who, more than others, suffer the drama of precariousness and uncertainty, that is, those who are illegal"<sup>48</sup>.

The insistence of the Holy see that migrants should not be exploited goes hand in hand with the commitment of the Holy See, so that nations ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the U. N. General Assembly (resolution 45/158) on the 18th of December 1990 and entered into force in 2003 with the signing of the 20th state. This Convention is, perhaps, not very crucial in the political field, but it has a highly symbolic value. That is why it is part of the recommendations contained in the Conclusions of the Fourth World Congress on the Pastoral Care of Migrants and Refugees, held in the Vatican, 5 to 10 October 1998,<sup>49</sup> even though the Holy See underlines, with regret, the lack of the signatures of the "major foreign labour-importing countries, which host the majority of migrant workers and benefit from their service"<sup>50</sup>.

## Moral theology and migration

If the Church has developed profound reflections on the rights of migrants and on outlines for migration policies, moral theology<sup>51</sup> is quite absent from this field. Beyond a general call for welcoming and solidarity,

<sup>47</sup> JOHN PAUL II. Apostolic Exhortation *Ecclesia in Europa*, n. 101.

<sup>48</sup> *IDEM*. *Message to the Fourth World Congress on the Pastoral Care of Migrants and Refugees*, n. 2.

<sup>49</sup> The recommendation appears again in the Final Document of the regional meeting of the National Directors for the Pastoral Care of Migrants in Asia and the Pacific, held the following year in Kaohsiung, Taiwan, 22 to 24 September 1999.

<sup>50</sup> HAMAQ, Stephen Fumio. "Convenzione Internazionale sui Diritti dei Lavoratori Migranti e delle loro Famiglie", in *People on the Move*, v. XXXV, n. 91-92, April - August 2003, p. 255.

<sup>51</sup> For a thorough treatment of the subject see BATTISTELLA, Graziano (a cura di). *Migrazioni e diritti umani*. Città del Vaticano: Urbaniana University Press, Quaderni SIMI, 2004; *IDEM* (a cura di), *Migrazioni. Questioni etiche*. Città del Vaticano, Urbaniana University Press, 2008, Quaderni SIMI; *IDEM*, "I contributi dell'etica alla gestione delle migrazioni", in *Studi emigrazione*, v. XLVII, n. 178, aprile-giugno 2010, p. 346-376.

we do not find a solid platform of values steering the conduct and, even more, the production of specific moral norms to address the critical aspects related to the presence in the same area of ethnic, social, cultural and religious traditions.

This is because, as Graziano Battistella points out, "migration and justice do not form a combination that coexists easily. For some, immigration is a demand for justice, for others it is a concession out of benevolence"<sup>52</sup>.

The contribution of theologians on migration, as a matter of justice, has so far been very limited. Ethical scientists are still asking which theory may be the basis for global justice and what kind of incisiveness may global justice have in a world without a global authority.

Thus the teachings of the Church have played a solitary role in defence of (the) immigrants, calling for a just treatment, and running contrary to policies pursued by several nations.

In the sphere of public ethics it should be noted how, faced with the structural phenomenon of migration, national policies are unable to reach the goals they want to pursue, since they are marked by deep internal contradictions.<sup>53</sup> However these policies are not without effect, relegating millions of immigrants into an illegal status. Given the complexity of the phenomenon, its effective governance would, at least, require overcoming unjustified fears and conduct a debate based on the real dynamics of international migration.<sup>54</sup>

The identification and the protection of human rights are therefore to be rediscovered as a "work in progress". They constitute a challenge not to be taken for granted, that requires a new and creative effort to bridge the gap between rights which are stated and protection to be put into practice. Otherwise, the same protection of freedom and equality made by the states – which alone can assure them – becomes a defence of the privileges of its citizens and an injustice towards the potential immigrants, running contrary to its aspirations. Such a dynamic affects not only the treatment but undermines the meaning and therefore the potential for the recognition of human rights, to the detriment of society as a whole.

The responsibility of states and international organizations, therefore, is shown especially in the commitment to influence matters that, apart from the competence proper of the national assemblies, involve the whole family of peoples, and call for consultation and agreement between the governments

<sup>52</sup> BATTISTELLA, Graziano. "Migrazioni e giustizia", p. 479.

<sup>53</sup> See BOSWELL, Christina. "Theorizing migration policy: is there a third way?", in *International Migration Review*, v. 41, n. 157, 2007, p. 92-93.

<sup>54</sup> "We must accustom our mind to greater flexibility, in order to tackle the increasing complexity of data. The constant mobility of immigrants, with its interplay of departure and return circulation and settlement, uprooting and taking root, requires a greater intellectual and political mobility from us": MÜLLER, Denis. *Patria dei viaggiatori...*, op. cit., p. 191 (translation by author).

and organizations more directly involved. I refer, for example, to issues such as the expulsion of migrants, the usability of the goods of nature, culture and art, science and technology, which should be made accessible to all. Besides, we must not forget the important role of mediation so that national and international resolutions promoting the universal common good, may be welcomed by local authorities and have an influence in everyday life.<sup>55</sup>

There are however some hopeful openings. As regards, for example, asylum seekers we must point out the recent proposal (September 2, 2009) of the European Commission to establish a “common EU resettlement program”, aimed at transforming the resettlement within the European Union in a more effective means to provide protection to refugees, thus increasing the political and practical cooperation among Member States. The initiative concerns the resettlement of refugees coming from non EEC countries into an EU Member State.

## Conclusion

The statement of Benedict XVI is very timely: “A new trajectory of thinking is needed in order to arrive at a better understanding of the implications of our being one family; interaction among the peoples of the world calls us to embark upon this new trajectory, so that integration can signify solidarity rather than marginalization”.<sup>56</sup>

Coping with today’s movements of peoples, then, means to deepen even more “themes as the fundamental unity of humankind, freedom of religion and worship, universal brotherhood, the universal destination of goods of this world, the right of movement, the centrality of the human person and its fundamental rights to be protected everywhere, such as family reunification and the education of children, respectful of the original culture of the migrant, and, ultimately, the responsibility of rulers to seek stable solutions, in the socio-economic sphere, so that people are not forced to emigrate any longer”<sup>57</sup>.

Norwegian political scientist Janne Haaland Matlárý, rightly, points out: “I think the problem lies not so much in the lack of reason, but rather in the lack of virtue. It’s really easy to know what is right”<sup>58</sup>.

<sup>55</sup> BENEDETTO XVI. *Address to the participants of the Plenary Assembly of the Pontifical Council for the pastoral care of migrant and itinerant people*, 28.05.2010.

<sup>56</sup> IDEM. *Encyclical Letter Caritas in veritate*, n. 53.

<sup>57</sup> VEGLIÒ, Antonio Maria. “Indirizzo al Santo Padre in occasione dell’Udienza concessa da Benedetto XVI ai partecipanti al VI Congresso mondiale per la pastorale dei migranti e dei rifugiati, 9 novembre 2009”, in *People on the Move*, v. XLI, n. 111, December 2009, p. 11 (translation by author).

<sup>58</sup> HAALAND MATLÁRY, Janne. *Diritti umani abbandonati? La minaccia di una dittatura del relativismo*. Lugano: Eupress FTL, 2007, p. 227 (translation by author).



## Bibliografia

- BATTISTELLA, Graziano. "Migrazioni e giustizia", in *Rivista di teologia morale*, v. XL, n. 160, 4, ottobre-dicembre 2008, p. 479-485.
- BENEDICT XVI. Encyclical Letter *Caritas in veritate*, 2009.
- Catechism of the Catholic Church*. New York: Doubleday, 2003.
- JOHN XXIII. Encyclical Letter *Pacem in terris*, 1963.
- \_\_\_\_\_. Encyclical Letter *Mater et magistra*, 1961.
- JOHN PAUL II. Encyclical Letter *Laborem exercens*, 1981.
- LEO XIII. Encyclical Letter *Rerum novarum*, 1891.
- MÜLLER, Denis. "Patria dei viaggiatori. Per un'etica delle migrazioni", in *Concilium*, 29, 4, 1993, p. 180.
- PAUL VI. Encyclical Letter *Octogesima adveniens*, 1971.
- \_\_\_\_\_. *Populorum progressio*, 1967.
- TASSELLO, Giovanni Graziano; DEPONTI, Luisa; PROSPERPIO, Felicina. *Migrazioni e scienze teologiche*. Rassegna bibliografica (1980-2007). Basilea: Cserpe, 2009.
- VATICAN COUNCIL II. Pastoral Constitution *Gaudium et spes*, 1965.

## Resumo

### *A doutrina social da Igreja em matéria de migração. Características e desafios*

A Igreja sempre defendeu os direitos dos migrantes, endossando o direito à livre circulação, reunificação familiar, e o respeito pelos direitos culturais, linguísticos e religiosos dos imigrantes. A destinação universal dos recursos da Terra e a necessidade de cooperação internacional constituem a base da doutrina social da Igreja com relação às migrações.

Diante de novos desafios, como os fluxos de migrações ilegais, a Igreja defende o respeito pelos direitos humanos fundamentais e sugere normas capazes de regular os direitos e deveres de cada pessoa, com o objetivo de prevenir decisões unilaterais que causem danos especialmente para pessoas pobres e de baixa renda. Ela protege imigrantes ilegais por meio de demandas políticas e pela construção de uma extensiva rede legal e de caridade a favor dos mesmos. A doutrina social da Igreja em matéria de migração permanece uma tarefa inacabada no nível de reflexão. No entanto, através de seus ensinamentos, a Igreja continua sensibilizando a opinião pública e legisladores, introduzindo ideais a fim de que os direitos fundamentais de cada pessoa sejam respeitados e acolhidos em todos os lugares sob quaisquer circunstâncias.

**Palavras-chave:** Doutrina social da Igreja; Migrações; Direitos dos migrantes; Migração ilegal; Questões éticas

Received for publication on June, 28<sup>th</sup>, 2010.

Accepted for publication on September 18<sup>th</sup>, 2010.

Recebido para publicação em 28/06/2010.

Aceito para publicação em 18/09/2010.