

Malta and its European Neighbours as Havens for Migrants: What Mercy? Whose Justice? Which Policies?

Introduction

Given the context of the Extraordinary Jubilee of Mercy, Pope Francis has chosen the following theme for the 2016 World Day of Migrants and Refugees: *“Migrants and Refugees Challenge Us: The Response of the Gospel of Mercy.”* In his *Message* published for this occasion, the Pope notes that the experiences of people on the move - especially the poor and marginalized - constitute a challenge for such people and for the societies who find themselves hosting them and integrating them.² Yet, the response of mercy can help us overcome this challenge and convert it into a “gospel,” a locus of good news for all.

The Pope’s message is very skilfully written, since linking asylum-seeking and the “economic” migration of very poor and vulnerable migrants (including those displaced primarily by environmental disasters or degradation) to the concept of “mercy” can lead to many misunderstandings. On the one hand, in the face of widespread xenophobia and political games of passing the buck, the Catholic Church has on many occasions defended these persons’ *right to migrate*. Hence,

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² Pope Francis, “Message of His Holiness Pope Francis for the World Day of Migrants and Refugees 2016 - Rome, January 17, 2016,” https://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20150912_world-migrants-day-2016.html.

the “mercy” we are asked to show when welcoming them is not a supererogatory act, something we do out of philanthropic charity, but rather an expression of justice, where mercy is what shapes the way we perform our duty. In other words, we are not being asked to do out of *pity* (which is the primary sense many people give to the word “mercy”) something we are not duty-bound to do (*viz.*, welcome the stranger in need), but rather, we are being challenged to perform *according to the highest standards of gospel excellence* (i.e., according to the “gold standard” of biblical mercy) what the Church believes is everybody’s duty. On the other hand, in the face of certain NGOs’ excessive insistence on the misery and despair of these persons (for advocacy and fundraising purposes), Church teaching on asylum and migration has often underlined the agency, resilience and responsibilities of asylum seekers and immigrants. Speaking of mercy in the context of migration should not therefore be understood as an invitation to see such persons as helpless minors, to infantilize them and subject them to paternalistic practices and policies.

However, this article is not mainly intended to present Pope Francis’ or the Catholic Magisterium’s ethical reflections on the subject, easily dismissed as “naïve wishful thinking” or even “dangerous cosmopolitanism” by some, even within the Church, and “totally useless” in the harsh realities of policymaking by others.² Thus, before venturing into the territory of biblical mercy, Catholic Social Teaching and hotly-debated claims regarding the rights of asylum seekers and subsistence immigrants, I would like to reflect on the issues of patriotism and national identity, which are often presented as diametrically opposite to such mercy, Teaching and claims. The four main words in the title - havens, mercy, justice, policies - indicate a reflection across four moments. Accordingly, in the first part of my article, I will discuss Maltese national identity using the concept of “haven.” In the second part, I will link this to biblical mercy - as it applies to the phenomenon of migration - and then, in the third part, I will present mercy as a true and excellent way of living out justice. Finally, I will present some rights and principles included in Catholic Social Teaching on Migration and Asylum which I believe should shape the concrete decisions taken by policymakers.

Given the issue, I feel that an interdisciplinary approach is in order, but I believe it fair to note where my reflections are rooted and situated: I speak, first

² Griff Witte, “Hungarian Bishop Says Pope Is Wrong about Refugees,” *Washington Post*, September 7, 2015, https://www.washingtonpost.com/world/hungarian-bishop-says-pope-is-wrong-about-refugees/2015/09/07/fcba72e6-558a-11e5-9f54-1ea23f6e02f3_story.html; Ben Shapiro, “Pope Francis Rips Capitalism, American Immigration Policy at Mexican Border,” *Breitbart*, February 18, 2016, <http://www.breitbart.com/big-government/2016/02/18/pope-prays-for-migrants-at-mexican-border/>.

and foremost, as a theological ethicist and a migrant (I don't like being rebranded as an "expat"). What I would like to provide here is not so much a structured argument in favour or against a particular thesis, but a series of reflections to stimulate and challenge readers, to help them see and imagine reality from a different viewpoint. My approach, therefore, will be more synthetic than analytic: my main task will be to sketch links between the above-mentioned concepts that will challenge many of my readers' standard ways of understanding the phenomenon of migration and their conception of justice and mercy, and lead them to further reading on these topics that will fill in the gaps which are unavoidable in any article-length treatment of such complex issues.

A Haven People

In 1994, Martha Nussbaum published a provocative article in the *Boston Review*, entitled "Patriotism and Cosmopolitanism,"³ together with twenty-nine replies from leading philosophers and political scientists. Anthony Appiah's reply - which brings to mind the very Catholic "both and" approach - is that we can and should be "cosmopolitan patriots."⁴ When the debate was re-ignited after the 11 September 2001 attacks, Appiah wrote a book to flesh out his concept of a "rooted cosmopolitanism."

Cosmopolitan Patriotism and Malta's Warrant for Statehood

I consider myself a "cosmopolitan patriot" in Appiah's sense. I believe we should defend a serene and healthy notion of "patriotism," fending off the many attempts being made by xenophobes, fear-mongers and petty parochial minds to hijack such a term. I can get visibly flustered and annoyed by fellow Maltese citizens who lack a good command of Semitic Maltese idiom, syntax, and vocabulary, who are unable to place one of our architectural or artistic gems in its proper historical or archaeological setting, who have no sense of Maltese geography, geology or ecology, or who cannot say anything fair yet critical about the champions of Maltese identity, such as Mikiel Anton Vassalli, Manwel Dimech or Archbishop Michael Gonzi, and who unconsciously embarrass themselves and their country speaking in public, writing newspaper articles or commenting on blogs parading their supposed love of country.

³ Martha C. Nussbaum, "Patriotism and Cosmopolitanism," in *For Love of Country?*, ed. Joshua Cohen and Martha C. Nussbaum, (Boston, MA: Beacon Press, 2002), 1-17.

⁴ Kwame Anthony Appiah, "Cosmopolitan Patriots," in *For Love of Country?*, ed. Joshua Cohen and Martha C. Nussbaum (Boston, MA: Beacon Press, 2002), 19-29.

Being a patriot, however, is not merely a question of cultural awareness and a meet sense of pride in one's country, just as sports fans may be proud of their favourite team. An honest Maltese patriot cannot avoid asking herself: "What is Malta's warrant for statehood?" Indeed, what makes us a people, distinct from other peoples? What allows this tiny arid archipelago off the coast of Sicily, a hump on the Pelagian Block, to send its representatives to the U.N. and to the European institutions, and expect them to be treated as equals among the representatives of the great polities of the world?

To properly frame this question, we need to make some distinctions in the concepts of country (*patria*, whence patriotism), and people (*populus*). After the horrors of World War II, authors like Jacques Maritain have reflected on the concept of "country" and taught us to distinguish between a *nation* and a *body politic*.⁵ A "nation" is a sociological, ethnological, and/or cultural *fact*, which can be pre- or post-political, but is not in itself a political reality. A "body politic" (or "polity") is a product of human reason and will, and hence is a moral and political reality, not a mere fact. In history persons associate with (or dissociate from) others to build polities by constructing common institutions and defining boundaries. Of course, the decisions which implicitly or explicitly create body politics also give rise to sociological, ethnological and cultural realities, so that a body politic can also engender a nation, but a nation, being a mere fact, does not automatically give rise to a body politic. Though the distinction might sound a bit forced, given the complexity of concrete political realities, political will formation, and situated decision-making, it is nonetheless helpful to unmask xenophobia, disguised as nationalism, and then further disguised as patriotism, after the horrific wars and massacres of the nineteenth and twentieth century.

Jürgen Habermas helps us to understand this further by reflecting on the term "people" and distinguishing between the *ethnos* and the *demos*.⁶ The *ethnos* is understood as the biological and cultural reality built on (perceived) kinship ties. The *notion* of common ancestry is an essential element here, even though most of the so-called European "ethnic nations" are imagined communities and mythical inventions;⁷ *modern* European nationalisms are mass movements made

⁵ Jacques Maritain, *Man and the State*, new ed. (Washington D.C.: Catholic University of America Press, 1998), 1-27.

⁶ Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* (Cambridge, MA: MIT Press, 1998), 129-153.

⁷ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, new ed. (London: Verso, 2006); David Brown, *Contemporary Nationalism* (London: Routledge, 2000).

possible by industrialization and modernization,⁸ and ultimately constructed by romanticist ideologues as a reaction to the hegemonic cosmopolitanism promoted during the French Revolutionary Wars and the Napoleonic Wars.⁹ Today, we still have influential authors like Paul Collier trying to make arguments in favour of immigration restriction based on claims that “seventy percent of the current population of Britain are directly descended ... from the people who inhabited Britain in pre-Neolithic times.”¹⁰ Such jingoistic claims - sometimes used by Brexiters and anti-immigration pundits to give a “scientific” lustre to their agendas - obviously misrepresent studies on Y-chromosome haplogroups and mitochondrial DNA markers shared by white Britons, and are based on incipient research, dating and mapping which have changed drastically over the past ten years.¹¹ Similar claims have been made by a group of researchers in 2008

⁸ Ernest Gellner, *Nations and Nationalism*, 2nd ed. (Ithaca, NY: Cornell University Press, 2008); Anthony D. Smith, “Dating the Nation,” *History Today* 58, no. 3 (March 2008): 32-34.

⁹ Gerard Noiriel, *The French Melting Pot: Immigration, Citizenship, and National Identity*, trans. Geoffroy De Laforcade (Minneapolis, MN: University of Minnesota Press, 1996); Patrick J. Geary, *The Myth of Nations: The Medieval Origins of Europe* (Princeton, NJ: Princeton University Press, 2003).

¹⁰ Paul Collier, *Exodus: How Migration Is Changing Our World* (Oxford: Oxford University Press, 2013), 59.

¹¹ As regards mtDNA, even if most Britons were actually descended from indigenous “pre-neolithic Eves,” this does not mean that they are not also descended from immigrant “Adams,” pre- or post-neolithic, since mitochondrial DNA only traces maternal lineage and hence, male immigration - by far the most common in history - does not leave a mitochondrial DNA trace. As regards Y-chromosome DNA analysis, this does not trace the genes coming from maternal grandfathers, who are obviously the ancestors of modern white British nationals (just as much as their paternal grandfathers), and who could be more “recent” migrants (Neolithic, Bronze Age, Iron Age, Roman Era, Anglo-Saxon migration period, Viking migration period, Norman migration period, European Wars of Religion migration period, etc.). Furthermore, Collier bases his claim on Barry Cunliffe’s *Britain Begins* (Oxford: Oxford University Press, 2012), which in turn bases its claims on popular-culture interpretations of studies of R1b haplogroups by Bryan Sykes (*Blood of the Isles*, London: Bantam, 2007) and Stephen Oppenheimer (*The Origins of the British*, London: Robinson, 2006) which had already been outdated when Cunliffe’s book was published. Recent and more comprehensive studies have, in fact, shown that the R1b-S21 (U106 or “Germanic”) subclade, which is the most common R1b subclade in England, is also common in the North Sea regions such as the Netherlands, Denmark, and southern Norway, and doesn’t exceed 40% of the population. The remaining 60% shows a variety of genetic origins (mainly R-L21, which suggests considerable migration from Brittany and north-western France, and R-S28, which suggests migration from eastern France, Germany and northern Italy). For updated European haplogroup maps based on peer-reviewed research, cf. “Distribution Maps of Y-Chromosomal Haplogroups in Europe, the Middle East and North Africa,” *Eupedia*, January 2016, http://www.eupedia.com/europe/maps_Y-DNA_haplogroups.shtml.

regarding the “Phoenician” origin of the Maltese,¹² using a flawed methodology, then debunked by Prof. A. Felice and his team.¹³ More importantly, however, these arguments, when used in politics, commit the naturalistic fallacy of moving from an empirical “is” to normative claims regarding how our societies “ought” to be now and in the future.

The *demos* is precisely the political, moral and juridical reality that we should be speaking about when reflecting and debating on issues situated in the world of the “ought,” rather than exclusive majority groups defined by genetic markers, skin colour, language or religion. Even (and especially) if we believe that the “ought” in politics should be determined through democratic processes (rather than through some form of paternalistic moral authority that imposes on us the “proper” respect of the rights of migrants and natives), democracy is not ethnic, linguistic or religious majoritarianism.¹⁴ To be sure, citizens enter the political space encumbered by multiple identities and forms of belonging, which cannot be simply bracketed and forgotten.¹⁵ Nonetheless, at some point, they need to go beyond ochlocracy, beyond haggling over group interests using the force of wealth and numbers, to engage in honest, inclusive, and fair discourses (jurgenerative processes) based on the force of reason, that seek the common good of all citizens and lead to the formulation of laws and policies rationally acceptable to all.¹⁶ Of course, many laws, in history, are not inclusive enough, and not sufficiently considerate of the rights of all, but the *hope* underlying our enduring belief in the validity of the democratic system of government is precisely that when democracy is in place (not mere majoritarianism), and when it is reinforced through the building of a united

¹² Pierre A. Zalloua et al., “Identifying Genetic Traces of Historical Expansions: Phoenician Footprints in the Mediterranean,” *The American Journal of Human Genetics* 83, no. 5 (November 17, 2008): 633-642, doi:10.1016/j.ajhg.2008.10.012.

¹³ C. Capelli et al., “Population Structure in the Mediterranean Basin: A Y Chromosome Perspective,” *Annals of Human Genetics* 70, no. 2 (March 2006): 207-225, doi:10.1111/j.1529-8817.2005.00224.x; Alex E. Felice, “Genetic Origin of Contemporary Maltese,” *The Times (Malta)*, August 5, 2007, <http://www.timesofmalta.com/articles/view/20070805/opinion/genetic-origin-of-contemporary-maltese.9032>.

¹⁴ Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2004).

¹⁵ Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1998).

¹⁶ Cf. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, 1998); John Rawls, *Political Liberalism*, 2nd ed. (New York: Columbia University Press, 2005); David Hollenbach, *The Common Good and Christian Ethics* (Cambridge: Cambridge University Press, 2002). Rousseau’s treatment of the “general will” in the *Social Contract* has been a major locus of this discussion in the history of thought.

and inclusive *demos* (via civic patriotism), positive laws can evolve through a series of “democratic iterations” into less flawed versions, and thus align themselves to a system of rights and duties based on a cross-cultural shared morality.

Fifty years after the end of World War II, *ethnic patriotism*, with its usual xenophobic manifestations, is back on the rise in Europe, but I believe Malta can be spared. We cannot tell our children, with a straight face, that all Maltese are descendants of some legendary figure such as Vercingetorix, William Tell, or Romulus and Remus. Being candid regarding our multi-ethnic roots can help us become *civic patriots*. There is, of course, a horrible temptation to pervert Catholicism - which etymologically evokes cosmopolitanism and inclusiveness - so as to create a xenophobic national myth, allowing us to distance ourselves from Muslims, sub-Saharan Africans and other newcomers who are more difficult to relate with, and whose cultural and religious differences provoke within us much fear and anxiety. This strategy might allow us to create a marginalized metic underclass of residents whose presence we tolerate, given its economic importance, but whose rights we ignore, and whose path to citizenship is permanently blocked. That would certainly be a recipe for future woes.

Civic patriotism, which sees the people as a *demos* a civic assembly,¹⁷ however, can help us avoid a lot of those problems, and learn to integrate others. It should be easier for us Maltese to understand than it is for our larger European neighbours, since we are a young *demos*, a young *body politic*. The choices we made to become an independent republic, to remain non-aligned and devoid of military bases during the Cold War, and to become a full member of the European Union are still fresh in our collective memory. They are not merely facts we were born with, such as skin colour; or born into, such as language. Civic patriotism gives cosmopolitanism local roots (“glocalism”), and makes it less cold and ethereal, by providing a sense of belonging to an imagined entity larger than a “natural” social group of around 150 persons,¹⁸ but shifts the accent from imagined blood links to imagined common ideals and history, enshrined in a limited number of texts and practices (imagined as “traditional”) that are not too hard to adopt by newcomers. Of course, in dynamic and pluralistic polities, newcomers are not simply requested to adopt these ideals, practices and imagined history, but they are invited to challenge any elements of unfairness or injustice encapsulated therein, and to gradually renegotiate, to some extent, the texts, the interpretations of historical narratives, and the practices to make them more inclusive over time of the *demos* as it stands.

¹⁷ Unfortunately, the adjective “demotic” in English cannot be used, given its other meanings.

¹⁸ Yuval Noah Harari, *Sapiens: A Brief History of Humankind* (New York: Harper, 2015), 7.

The Patriotism of a Haven People

Let us now return to the question: “What is Malta’s warrant for statehood?” In my opinion, the main warrant is a choice we or our ancestors made, a situated choice made in particular historical circumstances, with the ambiguities implied in all such choices, but also a choice which we tacitly or explicitly make ours. The Maltese *demos* is not merely a product of historical, cultural or biological fact. Yet, while I do not believe there is such a thing as a Maltese ethnicity, there are material and historical factors that gave our forebears the courage to believe that creating an independent Maltese polity made sense. The major factor, in my opinion, is topographical (and symbolical). It consists in the fact that the archipelago is blessed with a series of natural harbours or havens, in Maltese, *mraġi* or *mraġjes*. Instead of simply being a thinly-populated island of sheep and goat farmers, like many islands of similar size in the Mediterranean, Malta’s topography has forced the archipelago and its people to deal with merchants and conquerors, to feature on trade routes and in geopolitical games, to accept constant demographic expansion and densification, and to blend cosmopolitanism with a fortress mentality.

Thus, we can serenely opt to constitute and consider ourselves as a *Maltese* people - rather than British or Italian or Tunisian - because we have an identity which sets us apart. The image which, in my opinion, best encapsulates that identity is that of a “haven.” Whether or not “Malta” is derived from “Maleth” (a Phoenician word for “haven”), our country is quintessentially and by nature a *marsa* (anchorage). *Marsa* is the mimated noun from the Arabic root verb *rasa’a*, “to be anchored,”¹⁹ which from a kinopolitical point of view is a better metaphor for patriotism and nationhood than the static, botanical image of “being rooted.”²⁰ Indeed, a haven can be hospitable to strangers because it can offer stability: it is a safe and secure place where to weather storms. After medieval sieges and pirate raids that brought the Islands to the verge of being uninhabited, in A.D. 1040 the Fatimid Arabs embarked on a project to repopulate the Maltese islands²¹ and since then, generation after generation of colonists, merchants, soldiers, slaves, adventurers and missionaries have dropped anchor in the Maltese harbours, and some decided to settle, to forge with other migrants a common destiny, a common identity. To be sure, we cannot forget the hiatus of 170 years of mass

¹⁹ Ġużè Aquilina, *Maltese-English Dictionary* (Malta: Midsea, 1987), 788.

²⁰ Thomas Nail, *The Figure of the Migrant* (Stanford, CA: Stanford University Press, 2015), 21-38.

²¹ Joseph M. Brincat, *Malta 870-1054: Al-Himyari’s Account and Its Linguistic Implications* (Malta: Said International, 1995), <http://melitensia.wth.com/incoming/Index/The%20Arabs%20in%20Malta/199501.pdf>.

emigration from these islands when, starting with the 1814 Treaty of Paris and the economic woes that followed, many sons of anchored migrants felt obliged to weigh anchor and leave our shores; today, we should indeed feel relieved that the painful exodus is finally over.²² Yet, should that wrenching experience not stir any empathy in our generation toward today's migrants and refugees, let us remember that they were preceded by 774 years of constant migration *towards* the islands. I dare say that a Maltese patriot who does not recognize that our identity has been forged by generations of anchored migrants is a sham patriot.

At this point, however, I would not like to commit the naturalistic fallacy of moving directly from topographical and historical facts to political "oughts." There is no direct route from arguing that we *are* a haven people to claiming that we *should* continue to be welcoming towards others (and not only tourists!). If, as a *demos*, and through democratic processes, the Maltese believe that they should be an autarkic, xenophobic, isolationist people starting from today - in spite of our history and identity that were shaped by the openness of our shores - I will (grudgingly) submit to that decision, as a citizen. Of course, I believe that such an option would be morally wrong, especially if it means letting thousands of people die in the Mediterranean, fanning the flames of xenophobia, suffocating our economy by limiting the skills available on the labour market, impoverishing our culture and denying the fundamental unity of the human race and severely limiting the right to freedom of movement. And that is why, given my convictions, I dare participate in the processes of public opinion and will-formation invoking the topographical, historical and religious symbol of "haven" evocatively and parenetically.

For me, the fundamental question is not whether Malta can or should take in more migrants and refugees, rich or poor, Christian or not, Asian or Black or Caucasian. We can and we should. The question is whether we can help those willing to stay to actually drop anchor here, along with us. This expression is important for me: every year many people "drop anchor" in Malta, but most do not stay and ask to become permanent residents or citizens. There are different types and lengths of stay and the respective policymaking typologies should be wise and fair - hence complex. I do not believe in a one-size-fits-all solution or extreme and simplistic policies, like rapidly and automatically offering citizenship

²² Charles A. Price, *Malta and the Maltese: A Study in Nineteenth Century Migration* (Melbourne: Georgian House, 1954); Lawrence E. Attard, *Early Maltese Emigration: 1900-1914* (Malta: Gulf, 1983), <http://www.maltamigration.com/history/earlymigration1.shtml>; Lawrence E. Attard, *The Great Exodus 1918-1939* (Malta: PEG, 1989), <http://www.maltamigration.com/history/exodus/>; Lawrence E. Attard, *The Safety Valve: A History of Maltese Emigration from 1946* (Malta: PEG, 1997).

to every refugee who lands on our shores, or refusing to give permanent residency to all but the talented and wealthy. Many of us take pride in the fact that the people of Melitē (or Melitēnē, in the Codex Vaticanus) showed “not the ordinary kindness” to St. Paul, a convict in chains, but, literally, a love of humankind (philanthrōpía) not usually experienced (tychōn), according to Acts 28:12. Paul’s ship had no anchors - they had been cut loose and left in the sea (Acts 27:40) - yet the island’s shores and its people still offered him the possibility to be safe and grounded. Melitē can provide people on the move, like Paul, with a place to sojourn or to stay, or with a safe ship equipped with good anchors, to travel onwards. Its culture can mark sojourners and migrants in the flesh for life, like a viper’s fangs, while being itself radically transformed and enriched by theirs. Indeed, the complex and painful process we call “integration” can be a blessing,²³ as long as the autochthonous people stop seeing newcomers as helpless vagrants or as dangerous criminals; as long as they dare to see the great opportunities that economic and political storms bring crashing to their shores; as long as they promote among themselves an extraordinary and contagious love of humankind, rather than spread myths and rumours about the migrants’ murderous nature, as some of the inhabitants of Melitē did regarding Paul (Acts 28:4). And before hastily associating dark-skinned or Semitic-tongued migrants with crime - a phenomenon called crimmigration²⁴ - we should remember the liminality of the Maltese community in colonial Algeria,²⁵ and the Maltese stigma in 1960s London.²⁶

²³ Regarding policy-making and integration, cf. John W. Berry, “Immigration, Acculturation, and Adaptation,” *Applied Psychology* 46, no. 1 (1997): 5-68; Maurizio Ambrosini, *Non passa lo straniero? Le politiche migratorie tra sovranità nazionale e diritti umani* (Assisi: Cittadella, 2014); Alejandro Portes and Rubén G. Rumbaut, *Immigrant America: A Portrait*, 3rd rev.ed. (Berkeley, CA: University of California Press, 2006); Roberto G. Gonzales, *Lives in Limbo: Undocumented and Coming of Age in America* (Oakland, CA: University of California Press, 2016).

²⁴ Juliet Stumpf, “The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power,” *American University Law Review* 56, no. 2 (December 2006): 367-419; Sandra M. Bucierius, “Immigrants and Crime,” in *The Oxford Handbook of Ethnicity, Crime, and Immigration*, ed. Sandra M. Bucierius and Michael Tonry (Oxford; New York: Oxford University Press, 2013), 385-419.

²⁵ Andrea L. Smith, *Colonial Memory and Postcolonial Europe: Maltese Settlers in Algeria and France* (Bloomington, IN: Indiana University Press, 2006).

²⁶ Geoff Dench, *Maltese in London: A Case-Study in the Erosion of Ethnic Consciousness* (London: Routledge & Keegan Paul, 1975).

The Syrian Refugee Crisis

Citizens of other countries in Europe may find it harder to recognize themselves as daughters and sons of migrants,²⁷ and to see in the very identity of their nations the vocation of being safe havens for strangers. First, because the very image of a “haven” does not form part of the identity of the nations which make up the large majority of their body politics. And, secondly, because they have a difficulty distancing themselves from ethnonationalism, and nourishing a true civic patriotism that is inclusive of different others. Some of our European neighbours, especially in the north of the continent, do have a longer experience with welcoming strangers and integrating them into their body politics, but their collective self-image and historiography continue to make hospitality and integration difficult. This is exacerbated by the widening gap between the rich and the poor, and a sense of political disenfranchisement among the working class which, in the context of economic globalisation, does not have an easy solution and becomes a reservoir of pent-up resentment and rage ready to be exploited by demagogues. Malta’s geography and history as a haven, however, if transformed from a mere fact to a political decision regarding what kind of society we want to be, can help us fare better than our neighbours.

To be sure, this debate is of great import for the future of the European Union, and the solidarity needed to keep it together. Freedom of movement in the Union deals a serious blow to ethnonationalistic claims. The liberal-egalitarian and democratic principles on which the Union is based entail the integration of foreign-born European citizens - with the provision of a wide range of rights - in their countries of residence. Furthermore, it entails a deep respect for the rights of third-country nationals, and a common asylum system that respects human dignity and international law, in letter and spirit.²⁸ The recent arrivals of Syrian refugees have been a litmus test for European solidarity. The way nationalism has been used, in that context, to justify building fences, to keep out destitute people who by international law have a right to apply for asylum and not be pushed back, to shirk responsibility and pass it on to others, is very sad. The current discussion on the reform of the Dublin Regulation²⁹ - with Cameron’s opt-outs (which were not good enough for the Brexiters), Renzi’s “corrective fairness

²⁷ Klaus Bade, *Migration in European History*, trans. Allison Brown (Malden, MA: Wiley-Blackwell, 2003); Dirk Hoerder, *Cultures in Contact: World Migrations in the Second Millennium* (Durham, NC: Duke University Press Books, 2002).

²⁸ Benhabib, *The Rights of Others*.

²⁹ Jennifer Rankin and Patrick Kingsley, “EU to Set out Proposals for Overhaul of European Asylum Rules,” ‘World News,’ *The Guardian*, April 6, 2016, <https://www.theguardian.com/world/2016/apr/06/eu-proposals-overhaul-european-asylum-rules-dublin>.

mechanism,” the crass realism of the Visegrad countries’ political class (which used to send us asylum seekers up till a few decades ago), and the ease with which authoritarian regimes are rebranded as “safe third countries” - is emblematic of Europe’s struggles with mercy and solidarity. Pope Francis’ address on the conferral of the Charlemagne Prize addresses this problem lucidly.³⁰

Things have not always been this way, and we can dream of a more solidary and courageous Europe with the Pope. During, and especially after World War II, Europe dared to bracket some of its xenophobic nationalism and so rediscovered its vocation of being a haven for strangers. In spite of the poverty and misery of those years, Europe managed to deal with a massive refugee crisis: some twelve million destitute people. Lest we think that hospitality was easier then, because the refugees and hosts came from “similar” cultures, let us remember what being enemies during a war feels like or what sharing rationed bread and food aid looks like. Even in a tiny country such as Malta, it was not easy for the people of *Haz-Żebbuġ* (like my paternal grandparents) to welcome the “refugees” from *Cospicua* (like my maternal grandparents) during the blitz, and make space for these strangers in the cramped, damp and sweltering underground shelters. Today, wealthy Europe, with its 500 million inhabitants, deems itself incapable of receiving 1.5 million Syrian refugees,³¹ when Lebanon and Jordan (countries with a population of 4.5 and 6.4 million, respectively) are welcoming much more than 1.5 million refugees. In the coming months and years, the central Mediterranean route will become, again and again, the centre of attention over coming weeks (at the time of writing in late May 2016, 700 were feared lost at sea in just one week).³² Demagogues decry the considerable sums of money that

³⁰ Pope Francis, “Address of His Holiness Pope Francis on the Conferral of the Charlemagne Prize, May 6, 2016,” http://w2.vatican.va/content/francesco/en/speeches/2016/may/documents/papa-francesco_20160506_premio-carlo-magno.html.

³¹ The figure of 1.5 million seems to be the most realistic at this point. Frontex claimed that it had documented around 1.8m irregular border crossings in 2015 but migration experts consider this figure inflated if used to estimate the actual number of asylum seekers and immigrants involved in the crossings, since each person typically crosses more than one border in the process. Cf. Megan Wadin, “Frontex and the Politics of Counting Migrants,” *Foreign Affairs Review (St Andrews)*, November 19, 2015, <http://foreignaffairsreview.co.uk/2015/11/frontex-and-the-politics-of-counting-migrants/>.

³² Patrick Kingsley, “More than 700 Migrants Feared Dead in Three Mediterranean Sinkings,” ‘World News,’ *The Guardian*, May 29, 2016, <https://www.theguardian.com/world/2016/may/29/700-migrants-feared-dead-mediterranean-says-un-refugees>; Patrick Kingsley, “Dozens Feared Dead as Migrant Boat Capsizes in Mediterranean,” *The Guardian*, May 28, 2016, <https://www.theguardian.com/world/2016/may/26/migrant-boat-capsizes-in-mediterranean-italian-coastguard>.

Sweden and Germany are spending to welcome and integrate the refugees, while serious economists recognize that all this money ends up in autochthonous Germans' pockets, constitutes a fiscal stimulus, and is furthermore an investment in the productivity of the newcomers which will bear fruit in the medium to long term.³³

From a social-scientific point of view, most of the negative things which are said about migrants and refugees are distorted truths, if not outright lies.³⁴ “They take our jobs.” “They are a burden on the welfare system.” “They do not integrate.” “They are dangerous criminals.” “They carry harmful tropical diseases.” “They are all illiterate and have no skills.” “They hate us.” I could spend hours explaining why these are mostly myths, but I will simply suggest reading some serious peer-reviewed scientific literature on these claims,³⁵ which sound so intuitively true, but can be so outrageously deceptive.

What Mercy?

I believe that what makes us imbibe the claims that depict immigrants and refugees simply as helpless, useless, or even dangerous others is precisely our struggle with mercy. But what is mercy? Is it the antithesis of justice? The comedy-drama *Le Havre* is a 2011 film written and directed by Aki Kaurismäki, set in the quintessential French haven and former slave-trade hub, completely devastated during World War II and then rebuilt as a model melting-pot city by migrants and displaced people. It helps us picture what happens when a blanket of mercy is spread over a migrant-receiving town as people start to open their hearts to a black boy, who reaches the town in a container, and is hunted down by the police who are simply “doing their duty” and “meting out justice.”

³³ Isabelle de Pommereau, “Germany’s Refugee Crisis: A Job-Creation Package in Disguise?,” *Christian Science Monitor*, April 1, 2016, <http://www.csmonitor.com/World/Europe/2016/0401/Germany-s-refugee-crisis-A-job-creation-package-in-disguise>.

³⁴ Francesca Sironi, “Immigrati: Sei Miti Da Sfatare; L’OCSE striglia l’Italia sull’integrazione,” *L’Espresso*, July 7, 2014, <http://espresso.repubblica.it/attualita/2014/07/07/news/immigrati-dieci-miti-da-sfatare-l-ocse-striglia-l-italia-sull-integrazione-1.172521>; Bethan McKernan, “10 Myths about the UK’s ‘Migrant Crisis’ Debunked,” *Indy100 - The Independent*, August 2015, <http://indy100.independent.co.uk/article/10-myths-about-the-uks-migrant-crisis-debunked-bJiNkKwaml>.

³⁵ A good place to start would be: Stephen Castles, Hein de Haas, and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 5th ed. (New York: The Guilford Press, 2013); Caroline B. Brettell and James F. Hollifield, *Migration Theory: Talking across Disciplines*, 3rd ed. (New York: Routledge, 2014).

As hinted in the introduction, I will challenge here a widespread notion of mercy (and justice) that has crept into modern parlance in many European languages, and even into philosophical discourse. We tend to conflate the biblical and medieval concept of mercy with mere pity, natural empathy, spontaneous compassion, and the like. We reduce it to a fickle feeling that we may or may not feel, depending on the level of our narcissistic tendencies, our exposure to images that stimulate certain areas in our brains, and cultural conditioning.³⁶ Empathy is common among primates and some complex mammals.³⁷ Yet, such natural empathy is in many ways morally problematic.³⁸ Mercy is a rational form of compassion that, in premodern thought, is conceived as a wider form of justice, defying any simple distinction between “perfect” and “imperfect” duties, “obligatory” and “supererogatory” acts. Between the realm of avoiding evil and giving to each their own according to some minimalist or legalistic understanding of what is due to each person or resident or citizen (legal justice/commutative justice), and the realm of totally gratuitous kindness whereby we allow ourselves to be crucified for the redemption of the unjust, there is a whole sphere of human action that is neither completely obligatory for all in every circumstance, nor completely “optional”. In certain ethical contexts, we speak of “beneficence”: we are duty bound to be as “beneficent” as we reasonably can afford to be in life, but there is no universal standard of “beneficence,” since this points to the various full-fledged, comprehensive or maximalist ethical doctrines we adhere to as a source of discernment, and not merely a common minimum or a Rawlsian or Habermasian “module.” What and how much a moral agent can afford to pay back to the human race, in the person of a concrete other, for all the sacrifices that have been made in history to make that agent’s life, education and wellbeing possible, depends very much on the agent’s spiritual, physical and psychological capital and wellbeing, and on her or his worldview. Yet formal and informal systems of welfare and communal support have codified this somewhat; and in other contexts, we may speak of the interplay between contributive and distributive justice, that constitutes “social justice.”³⁹

³⁶ Sociopaths and psychopaths cannot experience such feelings; recent studies posit a link between a lack of microstructural integrity in their uncinate fasciculus (the white matter connecting the amygdala and orbitofrontal cortex); cf. R. James Blair, “Neurobiological Basis of Psychopathy,” *The British Journal of Psychiatry* 182, no. 1 (January 1, 2003): 5-7.

³⁷ Frans De Waal, *The Age of Empathy: Nature’s Lessons for a Kinder Society* (New York: Broadway, 2010).

³⁸ Paul Bloom, *Against Empathy: The Case for Rational Compassion* (New York: Ecco, 2016).

³⁹ Hollenbach, *The Common Good and Christian Ethics*, 195-201.

Nevertheless, the classical way of speaking of this in the Christian tradition is through the concept of “mercy.” Mercy can be defined as “having one’s heart in the right place.” It allows us not only to empathize with people in need, but to challenge the stereotypes, overcome the fear that distorts and sours our interaction with strangers, and to see their richness, their beauty, their goodness. Mercy is a form of courage: it is the courage to see the other in his/her complexity, to bracket the fear or anger or prejudice I may have regarding the other, to dare see him/her with new eyes, as the loving God sees every human person. It is not a fickle sentiment of compassion, which makes us sob when we see the pictures of young Aylan Kurdi lying lifeless on the beach near Bodrum, Turkey, but which vanishes as soon as we hear a crime story involving refugees in the news.

Mercy is inseparable from justice: true justice is merciful, and true mercy is just. In the Old Testament, mercy is understood as an expression of God’s “absolute” freedom: “I will be gracious [*hen*] to whom I will be gracious, and will show mercy [*racham*] on whom I will show mercy” (Exodus 33:19).⁴⁰ Yet, it is not a stoic notion of freedom, that of being unperturbed and unconditioned by emotion. It is a freedom to let oneself be moved through a maternal and intimate contact with reality. One word for mercy, “*rachamim*,” is derived from the term for womb and for bowels (*rechem*), while others, namely “*hesed*” and “*hen*,” imply freely-imparted favour and kindness. The “absolute” freedom, however, is mainly one from external obligation (the coercion associated with positive law), not from internal moral obligation. In the biblical concept of *hesed*, Katherine Sakenfeld writes, “there is certainly ‘obligation’ present - or preferably, ‘responsibility’ - but it is not in the nature of a requirement which is punished or punishable by society. Hence, *hesed* is not a legal right but a moral right and as such can also be a gift.”⁴¹

The Biblical notion of mercy could easily upend our conception of justice, freedom, compassion and desert. Some of us admirably seek to rationally understand what migrants and refugees deserve, in terms of commutative

⁴⁰ Walter Kasper, *Mercy: The Essence of the Gospel and the Key to Christian Life*, trans. William Madges (New York: Paulist Press, 2014), 48-49.

⁴¹ Katharine D. Sakenfeld, *The Meaning of Hesed in the Hebrew Bible: A New Inquiry* (Eugene, OR: Wipf & Stock, 2002), 3. Sakenfeld accepts, in part, the results of Nelson Glueck’s classical 1927 study of the obligatory nature of *hesed*, which refutes the dichotomy between “mercy” and “justice” spread in Christian popular culture during modernity as a result of certain theologies and spiritualities. Biblical mercy is intimately linked with justice, and hence is morally obligatory. Sakenfeld, however, does not accept Glueck’s claim that the obligation is one imposed by law or social pressure, and hence recovers the popular notion that mercy is, in a sense, “freely-imparted.” Cf. Nelson Glueck, *Das Wort Hesed Im Alttestamentlichen Sprachgebrauche Als Menschliche Und Göttliche Gemeinschaftsgemässe Verhaltensweise* (Giessen: Alfred Töpelmann, 1927).

justice, and the rights they possess by reason of their human dignity, and thus try to figure out our duties in their regard, understanding these as limitations to our freedom. Others succumb to fear and prejudice, and insist that strangers deserve nothing and possess no rights in a foreign country, especially if they have entered it through irregular means, and that we are therefore free to treat them as we please. Biblical mercy, however, is the freedom to respect their rights and, simultaneously, to treat them as we feel we should, because in our “guts” we can intuit their rights and *want* that their rights be respected. God’s absolute freedom is not a freedom of choice allowing God to be cruel and unjust. In fact, God’s freedom consists in God following God’s heart, and God’s heart is by nature good and merciful and just (remember that in the Bible, the “heart” - a notion that denotes interiority and sometimes includes the “womb” and “entrails” - is the seat of wise and compassionate rationality, not only the seat of “irrational” and fickle feelings; the biblical God does not think and decide with God’s “head” or “brain”, but with God’s “heart”). Similarly, our freedom as a *demos* does not consist in being free to treat strangers badly or to deprive them of their rights. Rather, our inner moral compass, our “guts of mercy” or “womb of mercy” (which, I insist, is not mere natural pity or spontaneous empathy, but something we train ourselves to experience and perceive rationally), when truly free, will push us beyond the actionable rights recognized by law, beyond commutative justice, and challenge us to ask “how can we provide a safe haven for these people?” “How can we help them drop anchor here?” “How can we help them become patriots, cosmopolitan patriots, like us?” “How do we lucidly and strategically deal with the problems and tensions that arise when different cultures come in contact?” Biblical mercy also entails righteous anger when people are mistreated, wrongly accused, marginalized, left to drown at sea or to collapse in the desert.

Certainly, biblical mercy also pushes us to understand and relate with the problems and fears experienced by the communities that welcome foreigners. Susanna Snyder reflects on the dangers of simply insisting that other people “do their duty” (and therefore welcome refugees and recognize their rights).⁴² Preaching about duties can be especially problematic when the others expected to perform such duties are mainly the marginalized or poor citizens who inhabit the burdened, crime-ridden, dysfunctional or mismanaged neighbourhoods where low-income newcomers tend to settle - what Pope Francis calls the “peripheries.” Before proposing neat deontological systems to such persons, we need to help

⁴² Susanna Snyder, “The Dangers of ‘Doing Our Duty’: Reflections on Churches Engaging with People Seeking Asylum in the UK,” *Theology* 110, no. 857 (2007): 351-360.

them transition from what Snyder calls an “ecology of fear” to an “ecology of faith.” “Faith” - which can be understood at the anthropological level as a primordial trust in the other, and in the promise that a life lived in acting justly makes sense⁴³ - allows recipient communities and migrants to build enough trust in the other, such that people can find the will to habitually seek the Common Good and do their duty.

In 1952, in a major Catholic text regarding the rights of immigrants, *Exsul Familia* (EF), Pope Pius XII was very clear about the dangers that exist in conceiving social issues mainly in terms of supererogatory “charity”: “Charity can bring some remedy to a lot of injustices that are experienced in social relationships, but it is not enough. First, it behoves us to have justice enacted, observed and truly put in practice” (EF no.75). Francis will say the same, more subtly, in *Evangelii Gaudium* (EG nos.180, 188), and more vigorously in the speech of 10 September 2013 at the Centro Astalli in Rome. Yet, in that speech, Pope Francis recognizes the need to meet the stranger face-to-face and to build a relationship with him, rather than let professionals and institutions do all the hospitality work for us. Unless natives and migrants make a conscious effort to inch closer, and to rub elbows with each other, rights claims will be scoffed at or reduced to wishful thinking. Thus, in his Angelus address of 6 September 2015, Pope Francis made the following plea: “May every parish, every religious community, every monastery, every shrine of Europe welcome one [refugee] family.”⁴⁴ He then led by example, creating a haven for refugees in the Vatican and in the diocese of Rome, a tangible Jubilee-door of mercy.

Whose Justice?

As noted above, mercy, properly understood, not only leads us to legal or commutative justice, but to a deeper sense of justice: that which binds the many into one, the naturalized with the non-yet-naturalized resident, within a social and political setting. It is the justice which constitutes and re-constitutes the wholeness and wholesomeness of the polity - in Biblical Hebrew, “shalom” - helping individuals to see beyond their cultural, ethnic or religious differences as they seek, together, to define and push towards a Common Good. This is not some utopian ideal or pre-modern societal construct; it is, ultimately, a common political project, one engendered by a truly united and wholesome polity.

⁴³ Christoph Theobald, *Transmettre un Evangile de liberté* (Paris: Bayard, 2007), 21-38; Juan Luis Segundo, *La historia perdida y recuperada de Jesús de Nazaret: de los sinópticos a Pablo*, Colección presencia teológica, 65 (Santander: Sal Terrae, 1991), 19-37.

⁴⁴ Pope Francis, “Angelus, 6 September 2015,” http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco_angelus_20150906.html.

When communitarian authors like Alasdair MacIntyre ask “whose justice? which rationality?” they often exaggerate differences between worldviews, cast doubt on the possibility of striving towards a common good in modern, pluralistic democracies, and discard the idea that human rights could constitute a basis for fair political interactions in our societies.⁴⁵ They often work their way, somehow, from Aristotle and Thomas Aquinas - with their faith in a common human nature and rationality - to Huntington’s “Clash of Civilizations,” expressing a certain nostalgia for the supposedly close-knit and culturally homogenous communities of the Middle Ages. My contention is that God’s justice is not so different from human justice, Muslim justice not so different from Christian justice, because I believe that at the end of the day, humans are humans, made in God’s image and likeness. What makes differences seem so unsurmountable, concepts so incommensurable, common projects so unachievable, is that we often embark on social discourses with no mercy in our minds and hearts, seeking by all means to trump the other, fearful that they might be right, or that they might end up better off at the end of the debate. Fear, envy and group interests are often disguised, today, in religious language, which is used as a conversation stopper when we fear we might lose some advantage. Even wanton spectacular acts of political violence are shrouded in religious and “civilizational” language today, especially in those cultural *milieus* where nationalism, Marxism or anarchism are no longer fashionable, and when young people are led to believe that there are no other viable channels to release pent-up frustration at real or perceived injustice.

In such a context, mercy is not mere tolerance, but, as we said, the courage to face the other, to listen, to let her story and claims sink in, deep into my abdomen. Though I might come to disagree, mercy allows me to express that disagreement appropriately, challenging the other to engage in a healthy, respectful social debate, rather than in denial and avoidance tactics. On the basis of our common humanity, of the urgency to find solutions to common problems, of the deep-seated human desire to build a solidarity that goes beyond a mere societal *modus vivendi*, mercy can lead us from “my justice” or “your justice,” from “nativist justice” or “cosmopolitan justice,” to “our justice.”

Which Policies?

If there is such a thing as common justice, we can find a basis for policies that are just and acceptable to all. Admittedly, concrete policy-making is a messy

⁴⁵ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed. (Notre Dame, IN: University of Notre Dame Press, 2007); Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1989).

business, and historical incarnations of justice are the product of people who are limited, biased, and blind to some of the experiences of their neighbours; we have already mentioned Seyla Benhabib's concept of "democratic iterations" as a way of understanding the moral evolution of laws and policies in democracies.⁴⁶ Modern democracies have policy-making procedures that, in theory, are based on this medieval principle: "What concerns all should be approved (of) by all."⁴⁷ Fairness is not limited to citizens, otherwise citizens will become the new noble class, surrounded by politically-excluded migrant underclasses, and we would be back living under the *Ancien Régime*. Policies concerning immigration should hence be considered fair by migrants. That does not mean that migration management is immoral, but that it must be based on rational arguments that are acceptable to those who end up being excluded or deported.

Rights in CST on Migration

Catholic Social Thought (CST) includes a body of teaching on migration and asylum seeking,⁴⁸ and offers us a series of rights and principles to guide debates in civil society and in policy-making circles. In CST, rights entailing duties and distinct rights claims, formulated in simple, isolated, normative enunciations, are not considered absolute. Rather, they should be understood together as a web or agenda of rights that, together with the major ethical principles, orient us towards the Common Good.

⁴⁶ Benhabib, *The Rights of Others*, 17-20, 171-212.

⁴⁷ "Quod omnes tangit ab omnibus approbari debet." Cf. Gaines Post, "A Romano-Canonical Maxim, 'Quod Omnes Tangit,'" in Bracton, *Traditio* 4 (1946): 197-251; Arash Abizadeh, "Closed Borders, Human Rights and Democratic Legitimation," in *Driven from Home: Protecting the Rights of Forced Migrants*, ed. David Hollenbach (Washington D.C.: Georgetown University Press, 2010), 147-166; Arash Abizadeh, "Democratic Theory and Border Coercion," *Political Theory* 36, no. 1 (Feb. 2008): 37-65.

⁴⁸ Since World War II, the Catholic Church has developed a considerable body of thinking on migration, inspired by the Bible and by cross-cultural ethical standards. The major documents are not encyclicals, but form part of CST; they were written by popes, the Congregation of Bishops and Pontifical Councils such as *Cor Unum* and the Council devoted to the Pastoral Care of Migrants and Itinerant People. *Exsul Familia Nazarethana* (1952, henceforth *EF*), *De Pastoralis Migratorum Cura (Nemo Est, 1969, henceforth DPMC)*, *Church and Human Mobility* (1978, henceforth *CHM*) and *Erga Migrantes Caritas Christi* (2004, henceforth *EM*) concern migrants in general. *Refugees: A Challenge to Solidarity* (1992, henceforth *RCS*) and *Welcoming Christ in Refugees and Forcibly Displaced Persons* (2013, henceforth *WCR*) concern asylum seekers and internally displaced persons (IDPs). Updates to this body of teaching are often presented in the yearly *Messages for World Migrants' [and Refugees'] Day* (henceforth *MWMD*).

We can distinguish four classes of rights in CST on migration. The first group includes basic freedoms and political rights of persons. CST insists that people should not be left stateless or in danger of persecution; that is why it declares that people have a *right to some nationality*,⁴⁹ and that *refugees and forced migrants have a right to asylum*.⁵⁰ CST also claims that people have a *right to migrate*; both to emigrate from their home country and to immigrate into another country, together with their families.⁵¹ The documents do not make a clear distinction between the right to emigrate and the right to immigrate, as some political philosophers and international law experts tend to do;⁵² the right to emigrate (exit one's home country) would be vacuous if there were no corresponding right to enter some other country.⁵³ To be sure, this is not an "absolute" right, and should not be understood as a right to enter and stay in *any* country

⁴⁹ Cf. *DPMC*, no.6; *CHM*, no.17; *RCS*, no.9; *MWMD* 1992, no.2; *MWMD* 2001, no.3.

⁵⁰ In *CST*, this is not simply a right to file an asylum claim when already in a foreign country. Cf. *RCS*, no.14; *MWMD* 1996, no.4.

⁵¹ *CST* uses various strategies to argue for this moral right, invoking human flourishing (cf. *Gaudium et Spes*, no. 26 - henceforth *GS*; *Laborem Exercens*, no.23; *DPMC*, no.7; *CHM*, no.17; *MWMD* 2001, no.3), duties towards one's family (*Mater et Magistra*, no.45), freedom of movement and the unity of the human family (*Pacem in Terris*, no.25, henceforth *PT*) and the universal destination of created things (*EF*, no.102; *GS*, no.69; *Popolorum Progressio*, no.22).

⁵² Roman Boed, "The State of the Right of Asylum in International Law," *Duke Journal of Comparative & International Law* 5, no.1 (October 1, 1994): 1-34; Drew Christiansen, "Sacrament of Unity: Ethical Issues in Pastoral Care of Migrants and Refugees," in US Catholic Bishops' Committee on Migration, *Today's Immigrants and Refugees: A Christian Understanding* (Washington D.C.: United States Catholic Conference, 1988), 87.

⁵³ Some Catholics have been led to believe that *CST* makes this distinction by misleading translations from the Latin, where *iure personali migrationis* (in *GS*, no.65) and *migrandi [...] ius* (in *Octogesima Adveniens*, no.17) is rendered as "the (personal) right to emigrate." The translations are particularly problematic in the case of *OA*, no.17. The Latin text is the following and clearly addresses the issue from the point of view of the policy-making practices in the receiving country, hence of right to "immigrate" and not merely to "emigrate": "Omnino necessarium est illam exsuperari agendi rationem, in nimio propriae nationis studio positam, ut lex de illorum statu condatur, qua ipsis migrandi agnoscatur ius, facilius iidem populi corpori inserantur, expeditius iis reddatur suae artis profectus, et copia praebeatur convenienti domo utendi, ubi familiae, data opportunitate, cum iis coniungi possint". Paul VI, *Epistula Apostolica Octogesima Adveniens*, 1971, http://www.vatican.va/holy_father/paul_vi/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens_lt.html. This text may be rendered more literally as follows: "It is altogether necessary that we overcome a way of proceeding which places excessive emphasis on one's own nation, so that their law [of receiving countries] is established in such a way that the right of these [immigrants] to migrate is recognized, etc." The official translation, unfortunately, makes us think that the Pope is speaking of "sending" countries and international "charters."

whenever one wishes. Nevertheless, in the current political situation where there are no longer any developed countries with permissive border policies, we cannot simply tell people who leave their country and knock at our door that they have a right to *emigrate* but that they should “*immigrate* elsewhere.” There must be *grave* reasons to refuse entry to immigrants and to deny such a right. Furthermore, CST recognizes the right to migrate for *economic* reasons even though not all “economic migrants” are entitled to immigrate *into* a foreign country. The documents identify one class of “economic migrants” which possess this right: these are the people who, due to poverty and rapid population growth in their home countries cannot find adequately-paid employment there to feed their families or to attain a decent standard of living that allows them to flourish as human persons. The popes recognize that the situation of these people may, at times, be more precarious than that of conventional refugees. Both groups of people migrate due to some sort of “necessity”⁵⁴ and the current political arguments that easily recognize the rights of “true” refugees but not those of “economic” migrants may be unjustified.⁵⁵ The documents also underline the *right to basic freedoms in one’s homeland*,⁵⁶ which, when not respected, pushes people to migrate and go through the many difficulties (and often harrowing experiences) linked to the migration. Environmental degradation and natural disasters (often exacerbated by climate change and poverty) also push people to migrate (reducing the availability of rights and freedoms in one’s homeland): this is why Pope Francis speaks of environmentally-displaced persons in *Laudato Si* (nos. 25, 134, 175), pushing the international community to undertake mitigation measures and not simply resign itself to policies of post-factum adaptation to environmental crises.

The second group of rights concerns the socio-economic rights of persons. As far as possible, people should not feel forced to migrate, so CST also insists on the *right to (adequate) employment in one’s homeland*.⁵⁷ This brings us to other

⁵⁴ *MWMD* 1992, no.3.

⁵⁵ US Immigration laws and policies enacted in the 1980s, for instance, easily recognized the rights of political refugees fleeing communist regimes, but placed many restrictions on immigration from impoverished countries in Central America. It was far from obvious, at the time, that the latter did not “need” to leave their country as much as the former. Christiansen, “Sacrament of Unity,” 91.

⁵⁶ Cf. *PT*, nos.14-24; *CHM*, no.17; *MWMD*, 2001, no.3.

⁵⁷ Cf. *DPMC*, no.9; *Gaudium et Spes*, nos.63, 66; *PT*, nos.101-102; *MWMD* 1992, no.4. To be sure, some poor countries can do much more to create good jobs for their citizens and attract investment, but they often have serious structural problems that weigh on their economies, and cannot be expected to provide a decent standard of living for their citizens unless helped effectively by wealthier nations. Cf. Antonio Sergi, “Come ‘aiutarli a casa loro?’,” in *La sfida*

socio-economic rights claimed by CST for migrants: the *right to be helped to integrate in a new country*,⁵⁸ and the *right (of migrants) to receive equal pay for equal work*,⁵⁹ when one compares their salaries with those of native workers.

The third group of rights concerns families and groups affected by migration. Among the rights of families and groups affected by migration, CST makes a special emphasis on the *right to family reunification*,⁶⁰ linking it to the dignity of the family and the need of having united, functioning and healthy families to ensure the future of societies in both the sending and receiving countries. The documents also refer to the *right of host communities (and migrants) to live in a cohesive and well-ordered society*,⁶¹ which implies ensuring the rule of law (by creating realistic and enforceable laws concerning migration, and then seeing that they are respected by all) and the effective integration of immigrants; the *right of migrants (and also native minorities) to keep their native identity*,⁶² and the *right to public profession of religion*.⁶³

The last group of rights defended by CST concern the rights of polities. Sovereign states have a *right to limit "brain drain" and capital flight*,⁶⁴ and a *right*

delle migrazioni: rischi e opportunità: Convegno internazionale, Pontificia Università Gregoriana, Roma, 27-28 ottobre 2014, ed. Giulio Cipollone, Quaderni del Seminario Giuseppe Vedovato sull'etica nelle relazioni internazionali 5 (Roma: Gangemi, 2015), 151-178. This right also applies to the citizens of receiving countries who may be having difficulty finding jobs because of wage competition with migrants; one has to see the real dimensions of this problem (often exaggerated by politicians, labour unions and media) and seek appropriate solutions which are fair towards migrants and persons affected by migration. Cf. David Card, "Is the New Immigration Really so Bad?," *The Economic Journal* 115, no. 507 (Nov. 1, 2005): 300-323, doi:10.1111/j.1468-0297.2005.01037.x; Mark Kleinman, "The Economic Impact of Labour Migration," *The Political Quarterly* 74 (August 1, 2003): 59-74, doi:10.1111/j.1467-923X.2003.00581.x.

⁵⁸ Cf. *GS*, no.84; *Apostolicam Actuositatem*, no.14; *CHM*, no.17; *WCR*, no.61; *MWMD* 1986, no.3; *MWMD* 1992, 2.

⁵⁹ Cf. *Laborem Exercens*, no.23; *MWMD* 1992, no.2; *MWMD* 2005.

⁶⁰ Cf. *Apostolicam Actuositatem*, no.11; *CHM*, no.17; *MWMD* 1986, no.3; *MWMD* 1993, no.1; *MWMD* 2001, no.3.

⁶¹ Cf. *DPMC*, no.10; *Ad Gentes*, no.26; *Catechism of the Catholic Church*, no.2241; *PT*, no.97; *MWMD* 2005.

⁶² Cf. *DPMC*, no.11; *GS*, nos.29, 59; *PT*, nos. 95-96; *CHM*, no.17.

⁶³ Cf. *PT*, no.14; *DPMC*, no.11; *MWMD* 2001, no.3.

⁶⁴ Cf. *DPMC*, no.8; *GS*, no.65. The question of brain drain, or brain gain, is not as simple as it looks, and should not be used as a facile escamotage to justify blanket immigration restriction policies. For many countries, exporting a certain proportion of talented workers which they cannot afford to employ suitably, satisfactorily and profitably can actually promote development and motivate academic achievement, if done wisely. Cf. Tito Boeri et al., eds., *Brain Drain and Brain Gain: The Global Competition to Attract High-Skilled Migrants* (Oxford: Oxford University Press, 2012); Michele R. Pistone and John J. Hoeffner, *Stepping out of the Brain Drain: Applying*

to sovereignty.⁶⁵ This implies the right to protect one's own territory, and to take proper measures to safeguard legitimate national interests, to protect one's citizens from harmful persons, and harmful objects which criminals and enemies might try to smuggle across the borders. This right therefore implies a right to control borders. While noting the existence of such rights, the Catholic Church often insists that the prerogatives of states are limited by ethical imperatives, should not unduly restrict freedom, should respect human dignity and advance the common good. CST does not like to emphasize the prerogatives of modern states, but rather seeks to highlight the *rights* of individuals and small groups, and the *duties* of states. Sovereign states are well aware of their prerogatives, and often seek to exaggerate them to advance their interests at the expense of vulnerable individuals and groups. Similarly, ethical systems built on human rights after the experiences of totalitarianism in the twentieth century are often sceptical of the "rights" of states. If, as we have mentioned above, the language of rights could be problematic when appropriated in a piecemeal and absolutist fashion by individuals, it is much more problematic when states appropriate it in such a manner: they end up constituting themselves into both judges and plaintiffs against those who are seen to violate their prerogatives and this seems to be an excellent recipe for injustice.

Principles

For the sake of completion, I will now list some of the principles in the light of which CST invites to interpret and apply such rights in policy-making. For a reader not well acquainted with CST, simply stating the principles will sound too succinct and not very convincing, but there is much literature available on these topics and I will limit myself here to opening a door for further reading and reflection. A major principle that should inspire policymaking that affects migrants and refugees is the *Principle of the Universal Destination of Created Goods*, which places private property and political sovereignty in their proper ethical context.⁶⁶ The *Principle of Solidarity*⁶⁷ and the *Principle of Subsidiarity*⁶⁸ help us reflect on how to welcome and integrate the other, while respecting their agency and the value of faith-based and civil society organizations as an integral

Catholic Social Teaching in a New Era of Migration (Lanham, MD: Lexington Books, 2007).

⁶⁵ Cf. *EF*, no.102; *Catechism of the Catholic Church*, no. 2241; *MWMD* 1995, no.2; *EM*, nos.4, 21, 29.

⁶⁶ Cf. *GS*, no.69; *EM*, no.8; *MWMD* 2011.

⁶⁷ Cf. *Sollicitudo Rei Socialis*, no.38; *GS*, no.84; *Popolorum Progressio*, no.44.

⁶⁸ Cf. *Quadragesimo Anno*, no.79; *Mater et Magistra*, 65; *Centesimus Annus*, no. 48.

part of the process. The *Principle of Priority of Labour over Capital*⁶⁹ invites us, at an international level, to be mindful of the need to invest in emerging countries to create jobs there, rather than force people to move; and at a domestic level, that migrant labour should not be exploited by crony and unregulated capitalism. Finally, the *Preferential Option for the Poor* and the *Recognition of Structural Evil in the World* are two principles - rooted in a faith-seeking-justice framework⁷⁰ - that offer good examples of how biblical and theological concepts can help ethics in general to better understand what justice is about. The first principle mirrors God's tendency, manifest in the Judeo-Christian Bible, to side with the marginalized, given that they cannot press their claims on their own. In a way, John Rawls' famous "difference principle" can be seen as a secular adaptation of this notion of justice, which goes beyond a purely commutative calculus. The second helps us to see that some of the causes of migration are structural evils and should be resisted.⁷¹ Yet, the same could be said of some of the procedures, laws and institutions which we have put into place to keep migrants and asylum seekers, and their needs, from interrupting our lives and challenging our lifestyles. This principle teaches us to recognise that we cannot deal with these problems on our own, or solve them through quick fixes, and invites us to go beyond individualism and naïve belief in science and progress as sources of automatic and magical solutions to the world's problems.

Conclusion

In this article, I have sought to weave together several strands of thought, from different disciplines, so as to bring together what I believe Malta's identity is and should be - that of a haven people - and an ethics that should inspire jusgenerative democratic processes (and concrete policy-making) concerning the welcoming and integration of migrants and asylum seekers. The list of rights and principles - the ethical framework, that is - which I have succinctly presented at the end of this itinerary should not be seen as religious ideas being imposed by

⁶⁹ Cf. *Laborem Exercens*, no.23; *PT*, nos.101-102.

⁷⁰ Cf. *Redemptoris Mater*, no.37; *Octogesima Adveniens*, no.51; *Justitia in Mundo* [1971], no.6.

⁷¹ *Sollicitudo Rei Socialis*, no.36, cited in *MWMD 1988*, no.5. Papal texts sometimes use the less precise term "structures of sin"; sinfulness however concerns the relationship of individual persons with God and cannot be properly observed, described and determined by an external observer (Pinckaers, 2010). Evil structures are built and maintained directly through individual and common decisions, but they weaken human agency, such that the degree of responsibility and material gravity of individual acts of cooperation with such structures are sometimes hard to evaluate (even in the context of the spiritual direction and the sacrament of Reconciliation, where the vocabulary of "sin" properly belongs).

the Church or the Pope on voters and policymakers. They are a challenge being made to our hearts, to imagine a more inclusive and merciful society - a utopian provocation, if you will. Such rights and principles can be properly understood (and critically appraised) by hearts and minds versed in biblical mercy, which leads us to a deeper and truer sense of justice, a justice not invented or imposed by individuals or ethnic majorities, but a justice that is discovered in the search for the common good by rational and reasonable citizens and civic patriots.

When placed in the wider context of mercy and the common good, I believe that the ethical framework which CST offers us with regard to migration and integration policies is sound and realistic, not simply wishful thinking. If we are ready to challenge migration myths and confront them with social-scientific facts, we will see that these rights and principles can give rise to a very realistic utopia. It is the utopia that befits and becomes a haven people, whose heart is in the right place, anchored and ready to anchor others, with just mercy.

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