

DRAFT

Theological and ethical answers to the challenge of flight and asylum reflection by Ralf Geissler for CCME

1 The challenge

The global phenomenon of flight and migration results into three main challenges European societies have to face.

1. Important parts of the population of receiving countries feel threatened by the phenomenon of flight and migration. In numerous countries populist politicians succeed in exploiting fears of foreigners for political gain. Particularly in uncertain social situations, the immigration of foreigners is often perceived as an additional feeling of uncertainty and threat.
2. The explosive issues of flight and migration can never be truly understood while their social and economic dimensions are being ignored. One of the important factors why people feel threatened by migration is the clash of rich and poor.
3. Within the context of national migration, differences of culture may lead to conflict potential that show similarities to the conflict potential within the context of international migration. This holds true for the case of Germany after the fall of the Iron Curtain in 1989 and the Reunification of the country in 1990; as well as the integration process of Ethnic German Immigrants from states of the Former Soviet Union and the inner German migration between Eastern and Western Germany. A comparable phenomenon can be found in France in the process of integration of the French from Northern Africa.

How can Theology contribute to the answers of the questions broad up here?

II Theological and ethical reflections

The theological discourse about flight and migration is rooted in the conviction that every human being has an infinite value given by God that he cannot be deprived of. The idea that man is created in God's image raises the awareness for the vulnerability of people who seek admission as migrants or refugees.

II.1. The reality of sin

1. It stands to reason to speak of manifestations of sin and to start with a reflection on sin when we see that vulnerability often becomes hurt, when migrants and refugees hope to find admission but instead encounter rejection, hatred or even open violence
The Croatian theologian Miroslav Volf defines sin as exclusion and reflects on the bitter experiences of ethnic cleansing during the Serb-Croat conflict.
2. To start a theological reflection with the reality of sin is no fixation on the negative. On the contrary, a biblical reference to the reality of sin has a positive aspect. This is illustrated very clearly in the biblical story of God's covenant with Noah. In the biblical history of creation as God accepts the reality of sin as reality in his relation to man, certainly without approving of it, there is the account of the covenant with the promise to give man orders to succeed in life (cp. Genesis 8,21). The emphasis the Hebrew legal traditions place on the protection of the stranger can be understood as an expression of Gods will, that guides man towards a successful way of living together, taking into account the reality of sin.
3. In the context of migration and flight, the reality of sin has to be seen in it's social, as well as in it's personal dimensions. Luther's definition of "homo incurvatus in se ipsum" humanity

being curved in on itself, has lost nothing of its meaning. It describes society's failure and disruption caused by human self-isolation. Luther's characterization is still apt because it expresses the insoluble connection of the separation from God and the separation from fellow human beings.

4. Only those who understand that self-isolation from a fellow human being, e.g. a foreigner, coming towards me implicates a self-isolation from God and from the God-given source of strength escapes the danger of moralization. Appeals against xenophobia that neglect these dimensions and only morally condemn xenophobia fall flat because they don't impart that fear and hatred towards foreigners imply self-isolation from the God-given source of strength in our lives.

5. However, sin is not only a personal reality. Sin reveals itself also in social dimensions. A community can be characterized as self-isolated as well. In Luther's sense we could speak of a "communio incurvata in se ipsam". A community too, can be curved in on itself.

Correlations within a community harbor the risk of a reciprocal dynamic that intensifies the discrimination of others, a dynamic that can only partly be attributed to individuals.

6. Biblically inspired visions of coexistence of differences and a world without borders have to result in institutional regulations that take the reality of sin into account. Firstly this applies in view of receiving countries and their population. Visions of a multicultural society can only offer forward-looking perspectives if they do not underestimate the conflict potential of a sudden transition from a homogeneous society to a society of social and cultural inhomogeneity. At the same time it holds true that if we define sin as exclusion, clinging to the idea of a homogeneous society by excluding others has to be considered a form of sin as well.

7. The challenge of taking the reality of sin seriously is one that has to be met not only by the population of the receiving countries but as well by migrants and refugees seeking admission. The notion of abuse of asylum regulations and so called economic migrants usually appears when separation from foreigners is propagated and hatred towards foreigners is openly stirred up. However, it is wrong to leave these subjects to those who have "communio incurvata in seipsam" on their agenda. Only those who realize that the reality of sin exists as well on the side of those who seek admission can find a constructive approach towards an appeasing function of the law. Ideally, the law will ensure that not the reckless but the helpless will succeed. It will ensure that not those trafficking human beings reign but that those who need help will find admission.

8. One of the goals of Christian ethics is to support legal regulations and a corresponding legal practice that come as close as possible to these ideals. In view of all concerned people, legal regulations have to be error-friendly. Human failure has to be expected. For these reasons, expecting the reality of sin implicates clear mechanism of controlling power. Legal procedures that do not provide further instances that can correct wrong decision are not error-friendly.

9. Taking human imperfection into account is an important element of humanity in dealing with flight and migration. Creative power can only be released when we see people and societies tending to self-isolation in a perspective of the reality of God. From a theological point of view human nature is not marked by the reality of sin, the state of being curved in on itself nor by self-isolation from others, from foreigners, but it is marked by the reality of love.

II.2. The reality of love

Man - destined to love

Karl Barth's Church Dogmatics are still preeminent today: "...what man is, is decided in theological anthropology by the humanity of Jesus Christ as a human being." The "nature" of

the human being has to be guided in the light of these basic decisions. "...when it's about comprehending human nature as created and given by God then we have to understand the crucial element, that man in his human nature is destined to enjoy being together with fellow human beings." This basic anthropological proposition calls to attention the idea a succeeding human being without spreading naïve anthropological optimism.

2. In view of historical and present-day experiences of people living in different social situations and coming from different cultural backgrounds we might be tempted to dismiss visions of successful coexistence as unrealistic dreams. Visions of a life where human beings "enjoy being together with their fellow human beings" as Barth puts it. However, from a theological point of view one has to stress that this coexistence is the normal case for Christians. Resigning one self to the process of self-isolation from others can therefore not be accepted as a Christian way. It is obvious that these observations are not meant to be clerical admonitions but that they should introduce a critical self-contemplation of the church.

3. The basic ethical connection that should guide our approach towards others, foreigners is the biblical double commandment of love. According to the New Testament, the Agape, the love for all people is the basic destiny of interhuman existence before God. It is striking that love is of constitutive meaning in very different traditions of the New Testament. The *cantus firmus* of these traditions is that love of God and charity belong together. It has found it's way in the classical formulation of this commandment in the synoptic Gospel as the double commandment of love, composed of citations from the Old Testament. (Mk 12, 29-31; Mt 22,37-39; Lk 10,27) "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbor as thyself." This double commandment of love is Jesus' summary of the destiny of human life before God. In It lies "all the law and the prophets."

II.2.2. "For you were aliens"

1. The New Testament interprets the admission of aliens as an integral part of the insoluble connection between the love of God and charity.

This is why Christ in his famous vision of Armageddon sees how we deal with aliens as touchstone for how we deal with Christ himself. "I was a stranger and you welcomed me.." (Mt 25,35)

2. This shows that ethical questions cannot be separated from religious questions but have to be related to each other. If the insoluble connection between the relation to God and the relation to others is clear, it becomes clear why the commandment of the protection of the alien is far from being a moralistic law that will only make us fail.

There is hardly any other commandment in the Bible that states this as clearly as this one, wherever it appears. The importance of the commandment of the protection of the alien is deeply rooted in the healing experience of the history of the relation between God and man. "When a stranger resides with you in your land, you shall not do him wrong. The stranger who resides with you shall be to you as the native among you, and you shall love him as yourself, for you were aliens in the land of Egypt; I am the LORD your God. (Lev 19, 33; similar Dt 10, 19; Ex 22,20)

3. These reasons express that charity is rooted in the relation to God. It does not merely say: You shall love the alien, but it advocates the commandment in two ways. Firstly it appeals to the understandability by referring to personal experiences: "You know what it is like to be a stranger and to be excluded. So treat foreigners, as you would like to be treated if you were their situation!" The second way in which the commandment is advocated is directly related

to God “I am the LORD your God” it says. “I embrace all aliens, like I embrace you. I am your God, I love the aliens. So you shall love the aliens!”

4 The basis for being open toward foreigners is an **ethic of empathy**. The constitutive character of empathy is made clear in a passage of the second book of Moses. “You shall not oppress a resident alien; you at the heart of alien, for you were aliens in the land of Egypt.” (Ex 23,9) The idea that foreigners should be treated with respect is very plausible given their particular situation of vulnerability.

5 The constitutive character of empathy is a characteristic feature of Judaeo-Christian ethics that carries special importance in the of how to approach aliens, nonetheless it applies to ethics as a whole. This becomes very clear when one looks at the close links between the commandment of love and what is known as “the Golden Rule”. “In everything do to others as you would have them do to you; for this is the law and the prophets” (Mt 7,12). The Golden Rule is the formula for understanding ethical orientations and the possibility and the necessity to empathize with others. All the more, the commandment of love interpreted in view of the Golden Rule can be understood as a commandment of empathy and shows thus the same basic structure as the protection of the alien. The commandment to protect aliens urges us to empathize with others and alludes to the historic experience of the people of Israel who remember their oppression. The Golden Rule understood within the light of the commandment of love expands the basis of empathy with the imaginative force of reason and experiences made in history. “Imagine you were in the same situation, wouldn’t you want a fair treatment as well?”

6. Reactions of many German expellees to the recent stream of refugees during the Kosovo war prove how effective an ethical approach can be. The willingness among elderly people in Germany to accommodate refugees is not least due to personal experience and memories of expulsion from former German areas in Eastern Europe. Recent experiences as well, underline the significance of biblical ethics of empathy as a basis for how to deal with refugees and migrants today.

Mutual respect as basis for coexistence.

1. An Ethic of empathy orientated towards the commandment of love and the Golden Rule is of immediate social and ethical relevance concerning the rules of social coexistence. A legal tradition based on mutual respect corresponds to an ethic of empathy. Such mutual respect is insolubly connected with the criteria of human dignity.

2. The right of people who seek admission as refugees and migrants to humane treatment corresponds to the obligation to engage with the respective legal traditions. We can't demand complete assimilation, that is to say the abandonment of religious and cultural traditions for the sake of acculturation of those looking for admission in the democracies of Europe. However, we can ask for integration and the will to engage with rules that promote a culture of mutual respect in our society, rules that are the basis for successful coexistence of differences.

3. In order to create mutual respect, the medium of communication is indispensable. For this reason the willingness to learn the language of the receiving country corresponds to the willingness to engage with the rules of mutual respect. A social archipelago shaped by cultural biotopes can never put into practice a culture of mutual respect, because it doesn't even permit mutual perception. Religious and cultural communication in the spirit of mutual respect is the basis for a society's capability to regenerate, a society that wants to nourish it's orientation towards human dignity.

III Consequences for Europe

The Christian tradition is of central importance within the context of European heritage.

For these reason, the churches as committed actors of European civil society have to bring the basic orientations of their traditions into the public debate, even in a Europe that is today marked by religious and ideological pluralism. Europe needs these orientations also and especially for political decisions. Taking into account the reality of sin while being witness of the reality of love, the church is in a position of solidarity with refugees and migrants hoping for admission. At the same time the church has to display solidarity with those who carry political responsibility and have to find functioning humane regulations. Some consequences resulting from an ethic of empathy for the political approach on how to deal with flight and migration are suggested in the following ten thesis.

1. We have to withstand firmly all attempts to diminish the status quo of the Geneva convention.

The Geneva Convention has to be applied unrestricted and all-embracing. Not only the letter but also the spirit of the Geneva convention has to be integrated into the soul of a new, enlarged Europe.

2 It contradicts the commandment of the protection

of the stranger to delegate the responsibility of admitting refugees to poor countries outside of the EU, as planed with the concept of “safe third countries”.

3. In order to make procedures error-friendly

an efficient legal protection against decisions of refusal have to be guaranteed. Instances that review decisions have to be of judicial independence. Legal protection has to have suspensory effect.

4. Asylum seekers that have not been granted asylum

but who stay on the basis of chain exceptional leave to remain have to be given permanent right of residence. It contradicts everything I said about an ethic of compassion if children of such families who were born in the receiving country and who are perfectly integrated and who often don't even speak their native language anymore are deported to a country that is alien to them. Churches should stand up for the right of residence. I mention as an example the campaign “ who lives here for a long time must have the right to stay” of Pro Asyl in Germany, that has been supported by many prominent persons.

5. All asylum seekers in need

have to be granted accommodation, alimentation, clothing, medical care and school attendance.

6. In view of migrants

it important to emphasize the need to find family friendly regulations. Migrant families must not e torn apart by state law.

7. Finally it is necessary to ensure minimum standards

that guarantee that irregular migrants are not deprived of human dignity. This includes possibility to see a doctor and for children to attend school without the fear of prosecution. In order to fight human trafficking and forced prostitution, irregular migrants have to be able to file charges and to testify without the fear of deportation.

8. A culture of mutual respect

that results from an ethic of empathy and protects migrants from pressure of assimilation depends on the willingness to integrate. This includes the willingness to engage with the culture of mutual respect and the necessary medium of communication the common language.

9. In most, even where it does not fall in the scope of asylum law, migration

is no free choice but the result of an acute emergency situation. Nobody likes to leave his home country. This is why we have to stress the relation between migration and global injustice over and over again. The churches are locally based all over the word and at the same time they share a global perspective. Thus they have a special responsibility to raise awareness on an international level about economic injustice, the cause of migration.

10. Within the context of flight and migration the churches have to take up the role of an advocate

in political processes and in processes of shaping opinions in civil society. In this role the church has to accept the breach of law in extreme cases – in cases like church asylum, where there's no other way to protect most important right, the right to human dignity.

Dear Ralf,

I'm back from Cologne and from the Religious Leaders Meeting (I'm not a leader, I was just an expert). I was finally able to read your text on theological reflections on migration issues, thoroughly. Finally, real theological reflections that help to go beyond the usual views (including my own proposals). I am not sufficiently qualified to make theological comments., but here are some ideas.

Thank you very much for your work.

Kind regards

Rome, 6.12.07

Annemarie

A few thoughts on the text “theological and ethical answers on the challenge of flight and asylum”

(I don't think it's sufficient to mention only flight and migration, it's about migration in general)

1. I thought **the first part** of the text was very good. It was not easy for me to read but that's due to my lack of theological knowledge. Maybe other non-theologians might feel the same way. I liked to two main theme's: sin and the commandment of love plus the Golden Rule. I particularly like the part about empathy and acceptance these thoughts prevent a moralistic attitude.

The example in 2.6 is very helpful, on the other hand we often made the experience that the opposite is happening. In countries of destination, hierarchies of immigrants are developing, and the second-to-last immigrants look down on the latest immigrants (USA: Europeans, Blacks, Asians and Latin-Americans). In Italy people don't like to be reminded of the history of emigration in the context of current immigration.

I thought that II.2.3 was very interesting in view of issues of integration that followed. I miss a similar reflection on borders, the right to immigration and the refusal of immigration. Do the points you mention imply that there is an ethical obligation to support a correct border, immigration and refusal policies? These are the most explosive questions today.

I think there should be **a third point**: the dignity of every human being created in the image of God. This subject was only treated marginal, I think it would be good if there was a third part on this. To me it's important that we are responsible for the protection of a persons when his dignity is in danger (asylum and humanitarian protection). Furthermore it's about the fact that every person has many talents and abilities they should be able to realize.

This thought might imply that immigration in order to look for work or other should be possible. (This is a thought I'd like to discuss, I am not sure whether one can leave it like that. **It's important to me not to limit these ideas only to the commandment of protection. The issue of migration implies more aspects. Could we make theological comments on that or is our Christian thinking limited to asylum issues? How do we justify our commitment to migration in general?**

This third point would have to come before 2.3 but we'll talk about the structure later, once we've discussed the details.

Another point IV is man's responsibility for creation and the closely linked migration movements. This subject appears in the ten thesis but not in the theological part. The point I mentioned earlier about theological reflection on migration in general reappears (global responsibility, solidarity, freedom, to self-actualize???)

Second part

Introduction

To me it's not enough to attribute the rules of how the church should act to Europe's Christian roots. This a very sensitive political subject. Most of the Protestant churches in Italy argue that we should stop insisting on the entrenchment of these roots in political and legislative texts. Instead we should see these roots as an appeal to us and the churches to take action. It is a challenge we have to face, not a demand towards society and countries. I think it is important to show that the church is a part of society, without any privileges but with the responsibility to take action. This is based on the ideas of part I and II. I think we should not connect this responsibility to strongly to Europe because it has to apply globally.

The ten points.

This is a list that is marked by political presence and national perspective. It has to take into account the different aspects of different countries. Furthermore this list will have to be revised regularly. Current issues change. I miss issues of border policy, entry, right of residence, legal immigration because of reasons other than persecution, and expulsion. The whole question whether migration is only justified because of the need of protection or because a person wants to be and should be able to actualise his God-give talents has to be explored more deeply. How far could this go?

The questions in you letter

1.) fundamental ideas (see above)

To me the fundamental ideas are:

- a) Sin (maybe a bit shorter)
- b) Commandment of love plus the Golden Rule
- c) The dignity of every human being created in the image of God.
- d) Responsibility for creation, including the question of the opportunity to develop one's talents?

2) Structure:

On the whole I agree an the structure. Some changes might have to be made at the end of the discussion.

3) Examples:

I think there shouldn't be to many examples in the text. In an extended text we could include examples in a form that set's them apart from the main text. That would make it possible to read the reflection without interruption and without being distracted by the examples. But in other situations the examples could be helpful and easy to find in the text.

4) Range of subjects:

I mentioned this above. There are two points of special importance,

a) it's about migration in different forms, not just about asylum.

b) besides the issue of integration, issues of entry, border, expulsion, detention and the right of residence have to be addressed.

5) Translation:

I think we really need a translation into English, in order to include everybody. I wrote my letter answer in German, so it is easier for you to follow the reasoning. But in the future we have to work in English.