

NOTE TO USERS

This reproduction is the best copy available.

UMI[®]



uOttawa

L'Université canadienne
Canada's university

**FACULTÉ DES ÉTUDES SUPÉRIEURES
ET POSTDOCTORALES**



**FACULTY OF GRADUATE AND
POSTDOCTORAL STUDIES**

David Kumar Anthony

AUTEUR DE LA THÈSE / AUTHOR OF THESIS

Ph.D. (Canon Law)

GRADE / DEGREE

Faculty of Law

FACULTÉ, ÉCOLE, DÉPARTEMENT / FACULTY, SCHOOL, DEPARTMENT

**Pastoral Care of Refugees According to the Teaching of the Catholic Church with Particular
Reference to the Sri Lankan Tamil Refugees in Tamil Nadu, India**

TITRE DE LA THÈSE / TITLE OF THESIS

Augustine Mendonça

DIRECTEUR (DIRECTRICE) DE LA THÈSE / THESIS SUPERVISOR

CO-DIRECTEUR (CO-DIRECTRICE) DE LA THÈSE / THESIS CO-SUPERVISOR

Francis Morrissey

John Huels

**Joseph Chandrakanthan (U. of
Toronto)**

John Renken

Gary W. Slater

Le Doyen de la Faculté des études supérieures et postdoctorales / Dean of the Faculty of Graduate and Postdoctoral Studies

**PASTORAL CARE OF REFUGEES ACCORDING TO THE TEACHING
OF THE CATHOLIC CHURCH WITH PARTICULAR REFERENCE
TO THE SRI LANKAN TAMIL REFUGEES IN TAMIL NADU, INDIA**

by
David Kumar ANTHONY, OMI

A thesis submitted to the Faculty of Canon Law
Saint Paul University, Ottawa, Canada,
in partial fulfillment of the requirements for the degree of
Doctor of Canon Law



Library and Archives
Canada

Published Heritage
Branch

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque et
Archives Canada

Direction du
Patrimoine de l'édition

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file Votre référence
ISBN: 978-0-494-73891-7
Our file Notre référence
ISBN: 978-0-494-73891-7

NOTICE:

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

AVIS:

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.


Canada

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	vii
ABBREVIATIONS	viii
GENERAL INTRODUCTION	1
 CHAPTER ONE: ORIGINS OF THE SRI LANKAN TAMIL REFUGEE PROBLEM	 7
 INTRODUCTION	 7
 1.1 – DEMOGRAPHIC COMPOSITION OF SRI LANKA	 10
1.1.1 – The Sinhalese	10
1.1.2 – The Tamils	14
 1.2 – BACKGROUND AND ANTECEDENTS TO ETHNIC CONFLICTS	 20
1.2.1 – The Impact of the Buddhist Sangha and Dravidian Invasions	22
1.2.2 – The Fall of the Sinhalese Kingdom and the rise of the Jaffna Kingdom	27
1.2.3 – The Impact of the British Raj on Sri Lanka	29
1.2.3.1 – The Social Impacts on the Island	30
1.2.3.2 – Constitutional Reform: Communal Versus Territorial Representation	32
1.2.3.3 – The Pan-Sinhalese Ministry & Ponnambalam’s “50-50” Demand	34
 1.3 – FACTORS LEADING TO ETHNIC CONFLICT AND TO NATIONAL DISINTEGRATION	 36
1.3.1 – Sinhalese National Resurgence	37
1.3.2 – The Collapse of the Economy and Power-Politics	41
1.3.3 – Relation Between the Politics and the Sangha in Modern Times	43
1.3.4 – Legislation Favouring the Sinhalese	44
1.3.4.1 – The Language Bill of 1956	45
1.3.4.2 – Field of Education	48
1.3.4.3 – Field of Employment	51
1.3.4.4 – Land Reforms and Sponsored Colonization	52
1.3.4.5 – Indian Tamils’ Grievances	53
1.3.5 – Growth of Tamil Separatist Nationalism	54
 1.4 – THE ETHNIC VIOLENCE AND THE DISPLACEMENT OF TAMILS AS REFUGEES	 57
1.4.1 – Ethnic Violence and Conflicts 1956	58
1.4.2 – The Riots of 1958	59
1.4.3 – Ethnic Violence in the 1970s	61
1.4.4 – Ethnic Violence and the Burning of the Public Library in Jaffna 1981	62
1.4.5 – The 1983 Riots and the Displacement of Tamils as Refugees	63
 CONCLUSION	 65

ABSTRACT

The inspiration to undertake a scientific canonical study on the pastoral care of refugees came from the plight of thousands of Tamils from Sri Lanka who took refuge in the State of Tamil Nadu in India from 1983. A large number of them were Catholics and it was apparent from their way of life that the spirit of Catholicism was deeply entrenched in them. Because of their deep Catholic faith and their unique situation, the Catholic Church has a grave obligation to offer them special pastoral care. The purpose of this dissertation, therefore, is to address this pastoral situation, and examine critically some theoretical, pastoral and structural issues that might enable pastors of the Church to minister to Tamil refugees in accord with their emotional, psychological, spiritual, social and economic needs. Up to now there has not been any major study specifically on the *pastoral care* of Sri Lankan Tamil refugees in Tamil Nadu, India.

The principal method we use in this study is analytical in nature. We will review certain historical-sociological factors relating to the current Sri Lankan Tamil refugee phenomenon. But the central question of our inquiry concerns the *pastoral care* of Sri Lankan Tamil refugees in Tamil Nadu. The historical facts and various sources, such as papal constitutions, and Roman instructions, decrees and laws, the documents of the Second Vatican Council, and both Codes of Canon Law, are the focus of our analysis.

This dissertation contains four chapters which reflect four inter-related issues. The first chapter considers the historical and sociological background of the Sri Lankan Tamil refugee problem. The second chapter deals with the Catholic Church's teaching on the pastoral care of displaced persons, with special reference to refugees. The third chapter examines the canonical aspects of pastoral care of refugees in light of the canons of *CIC* 1983 and the norms of the Pontifical Council's recent Instruction, *Erga migrantes caritas Christi: The Love of Christ towards Migrants*. Wherever applicable, we also try to refer to those canons of the Eastern Code (*CCEO*) which have relevance to the care of refugees. The fourth chapter looks at the current pastoral care received by the Sri Lankan Tamil refugees in the State of Tamil Nadu and offers concrete recommendations to the Church in Tamil Nadu for a more effective pastoral care of Sri Lankan Tamil refugees.

The Church in Tamil Nadu has faced and continues to face many practical problems in attending to this enormous refugee problem. The Church has been generous in its service to Tamil refugees. However, the Church can improve its ministry further by establishing special canonical structures suitable for the effective pastoral care of displaced people irrespective of their origin.

In light of the recent developments that have taken place in Sri Lanka, it is our hope that all pastors and the Christian faithful of Tamil Nadu will continue to offer appropriate pastoral care to those Sri Lankan Tamil refugees who are still living in camps in the State. Such an attitude on the part of all concerned, we believe, is absolutely necessary for the success of any pastoral programme designed to promote and foster the all-round well-being of all refugees.

ACKNOWLEDGEMENTS

I wish to express my heartfelt thanks and gratitude to all those who have accompanied me through these years of my study at Saint Paul University. First and foremost my thanks rise to God for all the wonderful blessings God has bestowed upon me and to our Blessed Mother, Mary Immaculate, for her unfailing love and guidance I have experienced all my life.

I am grateful to my Congregation, the Missionary Oblates of Mary Immaculate, and in particular, all the Oblates in India whose prayers and encouragement have supported me all through my religious life. I thank my former superiors, Frs. Jeevaratnam Anthony and Pathinathan Missian who sent me first to Rome and then to Canada for Canon Law studies, and my present superior Fr. Francis Nallappan who has been a source of encouragement and support during my studies at Saint Paul University.

My special thanks go to Rev. Dale Schlitt, OMI., the former Rector of Saint Paul University, Rev. Alexander Taché, OMI., Rev. Francis G. Morrissey, OMI., and Rev. Denis Dancause, OMI., for inviting me pursue Canon Law studies at Saint Paul University and for their continued support through these past few years. I am truly indebted to Rev. Denis Dancause, OMI for the fraternal care he showed to me while living at the Seminary. I sincerely thank Rev. Luc Tardiff, OMI., Rev. Bro. Henry Gagnon, OMI., Rev. François Beyrouti, Dr. Michael Rock and all residents at the seminary for their support and encouragement.

I thank Professors Roland Jacques, OMI., and Anne Asselin, the former and current Deans, and all members of the Faculty of Canon Law for their support and encouragement during my doctoral studies. My sincere gratitude to Rev. Augustine Mendonça, the moderator of my thesis, for his scholarly guidance, assistance, continuous encouragement, and abundant kindness, without which this project would not have seen the light of day. Nothing can adequately express my gratitude to my moderator who, I am confident, will continue to inspire me in the years to come. Remembered with gratitude here are Beverly Kavanaugh and Sylvie Jutras, the members of the Faculty's secretarial staff. Also included in this grateful remembrance are the Library staffs of Saint Paul University for their generous help. I acknowledge with a grateful heart Rev. Carl Kelly, OMI and Ms. Mok Lai-Tao for reading my thesis and for offering valuable suggestions and corrections. I thank Rev. C. Amalraj, Rev. P. Amalraj, Rev. Premkumar, Rev. K. Arockiam and JRS Co-ordinators in Tamil Nadu, India for their helps.

The Oblates of the Déchatelets and Springhurst communities are remembered with sincere gratitude for their friendship and support. I am very grateful to Rev. Pedro Arana, the pastor of the Assumption parish and its parishioners in Ottawa and Rev. Augustine Mendonça, the pastor of St. Mary's parish and its parishioners in Carleton Place, for their hospitality and encouragement. I gratefully remember all Tamil Catholic families and members of the Ottawa Tamil Catholic Mission of Mary Immaculate, for their fraternal support and encouragement.

Finally, I wish to express sincere sentiments of gratitude to my mother, brother, family members and all my friends in Canada, in U.S.A., in India, in Italy and elsewhere for their genuine love, prayers and encouragement.

ABBREVIATIONS

<i>AA</i>	<i>Apostolicam actuositatem</i> , Decree on the Apostolate of the Laity
<i>AAS</i>	<i>Acta Apostolicae Sedis</i>
<i>AG</i>	<i>Ad gentes divinitus</i> , Decree on the Church's Missionary Activity
<i>ASS</i>	<i>Acta Sanctae Sedis</i>
BCC	Basic Christian Community
c.	canon
Can.	Canon
cc.	canons
CBCI	Catholic Bishops' Conference of India
CCBI	Conference of Catholic Bishops of India
CCCB	Conference of Canadian Catholic Bishops
<i>CCEO</i>	<i>Codex canonum Ecclesiarum orientalium</i> ,
<i>CD</i>	<i>Christus Dominus</i> , Decree on the Pastoral Office of Bishops in the Church
<i>CIC/17</i>	<i>Codes iuris canonici</i> , 1917
<i>CIC/83</i>	<i>Codes iuris canonici</i> , 1983
<i>CLD</i>	<i>Canon Law Digest</i>
CMSS	Chennai Multipurpose Social Service
CMSS	Coimbatore Multipurpose Social Service
CNC	Ceylon National Congress
CPM	Ceylon Pentecostal Mission
CSA	Centre for Social Action (in Bangalore, India)

CWC	Ceylon Workers Congress
CWL	Catholic Women's League (CWL)
DPMC	Instruction, <i>De pastorali migratorum cura</i>
DV	<i>Dei verbum</i> , Dogmatic Constitution on Divine Revelation
DMSS	Dharmapuri Multipurpose Social Service
DMSS	Dindugal Multipurpose Social Service
DMSSS	Diocesan Multipurpose Social Service Societies
FMCEI	Fondazione Migrantes della Conferenza Episcopale Italiana
GE	<i>Gravissimum educationis</i> , Declaration on Christian Education
GS	<i>Gaudium et spes</i> , Pastoral Constitution on the Church in the Modern World
ICMC	International Catholic Migration Commission
IPKF	Indian Peace Keeping Force
JVP	Janatha Vimukthi Peramuna Party (Political Party in Sri Lanka)
JRS	Jesuit Refugee Service
JRS/TN	Jesuit Refugee Service in Tamil Nadu
KMSS	Kumbakonam Multipurpose Social Service
LG	<i>Lumen gentium</i> , Dogmatic Constitution on the Church
LTTE	Liberation Tigers of Tamil Eelam
NBCLC	National Biblical, Catechetical and Liturgical Centre (in Bangalore, India)
NCCB-USA	National Conference of Catholic Bishops-USA
OAU	Organization of African Unity
OfERR	Organisation for Eelam Refugee Rehabilitation
PB	<i>Pastor bonus</i> , Apostolic Constitution on the Roman Curia, 1988

PCCMT	Pontificia Commissione per la Pastorale delle Migrazioni e del Turismo
PCCU	Pontifical Council “ <i>Cor Unum</i> ”
PCPCMIP	Pontifical Council for the Pastoral Care of Migrants and Itinerant People
PCPCMT	Pontifical Commission for the Pastoral Care of Migrants and Tourism
PCSCMIT	Pontifical Commission for the Spiritual Care of Migrants and Itinerant Peoples
<i>PO</i>	<i>Presbyterorum ordinis</i> , Decree on the Life and Ministry of Priests
PWD	Public Works Department (in India)
RMC	Regulated Market Committee (Authority, in India)
ROC	Refugee Outreach Committee
SCB	Sacred Congregation for Bishops
SIDCO	Small Industries Development Corporation (in India)
SIMI	Scalabrini International Migration Institute
SLFP	Sri Lankan Freedom Party
<i>StC</i>	<i>Studia canonica</i>
TNBC	Tamil Nadu Bishops’ Council
TUF	Tamil United Front
TULF	Tamil United Liberation Front
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNO	United Nations Organization
UNP	United National Party
WCC	World Council of Churches

GENERAL INTRODUCTION

The twentieth century has been dubbed “the century of the refugees.” Unfortunately, it looks as though the same expression might also have to be applied to the twenty-first century. In his letter of 25 June 1982 to the United Nations High Commissioner for Refugees, Pope John Paul II went so far as to use the phrase, “a shameful wound of our times,”¹ to describe their plight. It was when the refugee crisis was rapidly escalating that Pope John Paul II again used the strongest words to pinpoint the problem: “Of all the human tragedies of our day, perhaps the greatest is that of refugees.”² This is an alarming crisis, which continues to be one of the more pressing issues of the human family today. Probably more than any others, the refugees of today embody human suffering and despair.³

The Church claims its obligation and right to preach the faith and “to pass moral judgments even in matters relating to politics, whenever the fundamental human rights or the salvation of souls requires it” (GS 76). In many instances, refugees no longer enjoy fundamental rights in their place of origin, nor in the country where they seek refuge.

The inspiration to undertake a scientific canonical study on the pastoral care of refugees came from the plight of thousands of people from Sri Lanka who have taken refuge in India since 1983. As the refugees came, they were confined to various camps in India and were isolated from the common and normal life situation of the people around

¹ JOHN PAUL II, Letter to the United Nations High Commissioner for Refugees (= UNHCR), 25 June 1982, in *Insegnamenti di Giovanni Paolo II*, (maggio-giugno 1982), vol. V, 2, Città del Vaticano, Libreria editrice Vaticana, 1982, p. 2399.

² JOHN PAUL II, Address to Refugees in Exile at Morong, Philippines, 21 February 1981, in *AAS*, 73 (1981), p. 390.

³ Cf. UNHCR, *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action*, Geneva, Oxford University Press, 2000, pp. 306-309.

them. A large number of them were Catholics. Although they could leave camp to attend Sunday Mass, they were unable to receive adequate pastoral care by from the local Church.

There are at present some 103 refugee camps throughout Tamil Nadu, India. The residents of these camps are mainly Tamils. The spirit of Catholicism is deeply rooted. Their faith and respect for their religion and Church authority is unquestioned. The Church has a special place in their lives. However, at the present time, they receive very little sustained pastoral care. Because of this situation, many are turning to Pentecostal Churches or to other Christian denominations. Some even have become Hindus or Moslems in order to receive greater support from local organizations.

The purpose of this dissertation is to address this pastorally disturbing situation, and study some theoretical, pastoral and structural issues that might enable pastors of the Church to minister to Tamil refugees in accord with their emotional, psychological, spiritual, social and economic needs. This study attempts to analyse in a systematic way those magisterial teachings which deal with the pastoral care of refugees. This will involve a systematic analysis of the canons of the 1983 Code of Canon Law, and of the relevant corresponding canons of the 1990 Code of Canons of the Eastern Churches, which provide for their pastoral care; likewise we intend to review the norms of the Instruction, *Erga migrantes caritas Christi: The Love of Christ towards Migrants*, approved by Pope John Paul II on 1 May 2004 and published by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People on 3 May 2004.

In view of the foregoing, we intend to address the following specific questions:

1. What are the historical origins of the Sri Lankan Tamils? And what factors led to their flight to Tamil Nadu, India?
2. What is the content of the magisterial and canonical documents on the matter, and how can they be applied today? Does the legal system of the Catholic Church provide for the pastoral care of refugees?
3. What are the rights of refugees as “Christ’s Faithful” in the Church? Have appropriate provisions for their pastoral care been put in place?
4. What is the role of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People in implementing the Church’s teaching on this subject?
5. What practical approaches and canonical structures could be adopted to provide appropriate pastoral care to the Sri Lankan Tamil refugees who presently live in refugee camps in Tamil Nadu?

During the past decades there has been some discussion among writers about different aspects of the pastoral care actually provided for “people on the move” in general. A number of canonical studies have dealt directly with migrants or exclusively on refugees’ pastoral care. Two studies have dealt with Tamil refugees from a sociological perspective in India itself.

Among these, James Arampulickal has studied several issues relating to the pastoral care of Syro-Malabar Catholics, as a specific group, who have migrated to the northern part of India. The study, however, does not treat the refugee issue.⁴ P. Phan Van

⁴ J. ARAMPULICKAL, *The Pastoral Care of Syro-Malabar Catholic Migrants*, Doctoral diss., Rome, Pontifical Urban University, 1993. This was published as a book in 1994: J.

Hien has discussed the refugee issue from a moral perspective with specific reference to “Vietnamese Boat People.” His study examines the “Rights of Refugees” and the contribution of the international community, especially the UNO and the Catholic Church. He concludes with proposals for human solidarity for refugees. However, his work does not analyse the pertinent canonical legislation.⁵

In his doctoral dissertation, A.T. Opalalic analyses the pastoral structures and offices constituted for the pastoral care of Filipino migrants in Rome.⁶ He examines in depth the various structures and offices involved in the pastoral care of “people on the move” and of Filipino migrants in particular. His study does not deal with the refugee issue. Sumita Das’s work published in 2005 focuses on the Sri Lankan Tamil refugees’ socio-economic life in Tamil Nadu, refugee management by the Government, and the role of Non-Governmental organisations.⁷ K. Arockiam’s work concentrates on the social consequences of prolonged camp life of the Sri Lankan Tamil refugees in Tamil Nadu, with all its socio-politico-economic-cultural impacts.⁸ Though these two relevant studies consider the Sri Lankan Tamil refugees in Tamil Nadu, nevertheless, they do not deal with their pastoral care according to the perspective of the Catholic Church.

ARAMPULICKAL, *The Pastoral Care of Syro-Malabar Catholic Migrants*, Kottayam, Oriental Institute Religious Studies Publications, 1994.

⁵ P. PHAN VAN HIEN, *The Rights of Refugees with Special Reference to Vietnamese Boat People*, Doctoral diss., Rome, Pontifical Academy Alphonsiana, 1994.

⁶ A.T. OPALALIC, *The Filipino Communities in Rome: A Study Undertaken in the Context of the Ecclesiastical Organization for the Pastoral Care of Migrants*, Doctoral diss., Rome, Faculty of Canon Law, Pontifical Academy of Holy Cross, 1996.

⁷ S. DAS, *Refugee Management*, New Delhi, Mittal Publications, 2005.

⁸ K. AROCKIAM, *A Study on Social Consequences of Prolonged Camp Life of Sri Lankan Refugees in Tamil Nadu, India*, Doctoral thesis, Tiruchirappalli, Tamil Nadu, India, Department of Sociology, Bharathidasan University, 2007.

The principal method we use in this study is analytical in nature. We will review certain historical-sociological factors relating to the current Sri Lankan Tamil refugee phenomenon. But the central question of our inquiry concerns the pastoral care of Sri Lankan Tamil refugees in Tamil Nadu. The Catholic Church has faced the refugee problem in the past and responded to it in different ways. Instructions, directives and various other documents have been issued to deal with the care of refugees at different times. The historical facts and various sources, such as papal constitutions, and Roman instructions, decrees and laws, the documents of the Second Vatican Council, and both Codes of Canon Law, will be analysed. It is our hope that a careful analysis of the present situation and of the mechanisms in place in the Church of Tamil Nadu, India, will open the way for appropriate pastoral care for the Sri Lankan Tamil refugees.

Our project will be divided into four chapters reflecting four inter-related issues. The first, to be dealt with in chapter one, concerns the sources of the Sri Lankan refugee problem. It will consider the historical and sociological background. The principal sources for this chapter are writings on the history of Sri Lanka and the ethnic problems and struggles faced by the Tamil population of that country. This overview is intended to provide a basic understanding and knowledge of the origins of the plight of the Tamil people and their need for special pastoral care.

The second chapter will deal with the development of the magisterial teaching on the pastoral care of displaced persons, with special reference to refugees. This will provide us with an overview of the teachings of the Popes before, during and after the Second Vatican Council, instructions and norms of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and of other Dicasteries of the Roman Curia,

which attempted to respond to the pastoral needs of people on the move and of refugees in particular.

The focus of the third chapter will be the canonical aspects of pastoral care of refugees. This will involve a systematic analysis of the canons of *CIC* 1983 which provide for this, and of the Pontifical Council's recent Instruction, *Erga migrantes caritas Christi: The Love of Christ towards Migrants*. We will try to bring together the canons which have some relevance for the care of refugees, the various offices and the canonical structures which the Code directs toward their pastoral care. Wherever applicable, we will also try to refer to those canons of the Eastern Code (*CCEO*) which have relevance to the care of refugees/migrants.

The fourth chapter will examine the pastoral care of Sri Lankan Tamil refugees in the State of Tamil Nadu, India. This will entail a review of the pastoral praxis of the Catholic Church gathered from interviews and surveys of people involved in refugee ministry. We will then attempt to propose some recommendations for the Church in Tamil Nadu, India, in this regard. Our proposals for the efficacious pastoral care of refugees will include the possibility of establishing appropriate ecclesiastical offices and structures to make the Church to respond properly to these pastoral needs.

It is our hope that this study will offer some practical suggestions as how to respond effectively to the refugee problem the Church presently encounters in providing pastoral care to Tamil refugees in Tamil Nadu, India.

CHAPTER ONE

ORIGINS OF THE SRI LANKAN TAMIL REFUGEE PROBLEM

INTRODUCTION

The twentieth century has been dubbed ‘the century of the refugees’. Unfortunately, it looks as though the same expression may have to be applied to the twenty first century also. In his letter of 25 June 1982 to the United Nations High Commissioner for Refugees (= UNHCR), Pope John Paul II went so far as to use the phrase, “a shameful wound of our times,”¹ to describe the plight of refugees. It was when the refugee crisis was escalating and rapidly increasing that Pope John Paul II again used the strongest words to pinpoint the refugee problem, “but of all the human tragedies of our day, perhaps the greatest is that of refugees.”²

This is an alarming human crisis, which continues to be one of the more pressing issues of the human family today. More than any other people, the refugees of today embody human suffering and despair.³ In this regard, the Sri Lankan Tamil refugees in India draw our particular attention. There are at present, some 103 refugee camps throughout Tamil Nadu (South India). The first ones were established in 1983. The

¹ JOHN PAUL II, Letter to the United Nations High Commissioner for Refugees (= UNHCR), 25 June 1982, in *Insegnamenti di Giovanni Paolo II*, (maggio-giugno 1982), vol. V, 2, Città del Vaticano, Libreria editrice Vaticana, 1982, p. 2399.

² JOHN PAUL II, Address to Refugees in Exile at Morong, Philippines, 21 February 1981, in *AAS*, 73 (1981), p. 390.

³ See UNHCR, *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action*, Geneva, Oxford University Press, 2000, pp. 306-309.

residents of these camps are mainly Tamils from 'Sri Lanka'.⁴ They became refugees in the full sense of the word after the 1983 riots in Sri Lanka. In fact the 1951 Geneva Convention in its first article defines a refugee as

any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear is unwilling to return to it.⁵

Tamils living in the refugee camps claim refugee status because they have fled from their country out of fear and insecurity to save their life. One may observe that Sri Lanka, being a small country, "is not normally the focus of international attention. If in recent years it has received such attention, this has to do with the ethnic tensions, erupting

⁴ Even though Ceylon was renamed in 1972, our study here will use 'Sri Lanka' to refer to the country in the pre-1972 period. At times Ceylon will be used interchangeably with Sri Lanka for historical emphasis. In addition, although the Sri Lankan government changed the spelling of the country's name to 'Shri Lanka' in November 1991, our study would use the former version, which is commonly used in the world today.

Sri Lanka was known by various names in ancient times: For the Sinhalese, *Lanka*, *Tambapanni* and *Sinhaladvipa*, see W. GEIGER (Translator), *Mahavamsa or The Great Chronicle of Ceylon*, Dehiwela, Buddhist Centre, (reprinted), 2003, pp. 54 & 58; ZEYLANICUS (Pseudonym), *Ceylon: Between Orient and Occident*, London, Eleck Books Limited, 1970, p. 32. For the Tamils, *Ilangapuri*, *Ilangai*, *Eelam* and *Tamaraparani*, see K. KUNARASA, *Eelathavar Varalaru*, Colombo, Bhubhalasingham Publishers, 1996, pp. 1-6; S. PONNAMBALAM, *Sri Lanka: The National Question and the Tamil Liberation Struggle*, London, Zed Books Ltd., 1983, pp. 1,15-16. For the Greeks, *Taprobane*, see R.A.L.H. GUNAWARDANA, "The People of the Lion: the Sinhala Identity and Ideology in History and Historiography," in J. SPENCER (ed.), *Sri Lanka: History and the Roots of Conflict*, London, New York, Routledge, 2006, p. 52. For the Portuguese, *Ceilao*, for the Dutch, *Zeilan* and for the British, *Ceylon*. Ceylon was renamed in 1972 as Sri Lanka. Sri Lanka is its Sanskrit name, meaning 'the resplendent island', see ZEYLANICUS, *Ceylon*, pp. 29-32. Now, Sri Lanka is constitutionally called the Democratic Socialist Republic of Sri Lanka: '*Sri Lanka Prajatantrika Samajavadi Janarajaya*' in the Sinhala language; '*Ilangai Jananayaka Socialisa Kudiarasu*' in the Tamil language, see S. ARA, "Sri Lanka," in J.E. SAFRA et al. (eds.), *The New Encyclopaedia Britannica* (= *Encyclopaedia Britannica*), vol. 28, Chicago, Encyclopaedia Britannica, Inc., 1998, p. 167.

⁵ UNHCR, *Basic International Legal Documents on Refugees*, New Delhi, UNHCR, 1999, p. 9.

regularly into clashes, between its main ethnic groups, the Sinhalese and Tamils.”⁶ As a result, thousands of Tamils fled to other countries for their safety and many crossed to Tamil Nadu, India, where they began their life as “refugees/uprooted people.”⁷ Now “seemingly incapable of resolution, the conflict has earned Sri Lanka the unenviable epithet ‘the Beirut of South Asia’.”⁸

One might ask: Who are the Tamils and the Sinhalese? What is the ethnic-relationship between them? What is the source of the ethnic conflict? What is the origin of the Sri Lankan Tamil refugee problem? When and how did the ethnic conflicts escalate and break down the two communities? What factors are responsible for the ethnic conflict in Sri Lanka?

The goal of this chapter is to find answers to these questions. We will study the origins of the Sri Lankan Tamil refugee problem by examining the historical, social, political, economic and religious background and the antecedents of the Tamil-Sinhalese ethnic conflict which compelled half a million Sri Lankans, most of them Tamils, to leave the country in the 1980s and become refugees in other countries.

⁶ K.M. DE SILVA, *Managing Ethnic Tensions in the Multi-Ethnic Societies: Sri Lanka 1880-1985*, New York, London, University Press of America, 1986, p. 1.

⁷ In the course of our writing, the word ‘refugee’ will be used interchangeably with ‘uprooted people’ as used by the World Council of Churches (= WCC). See WCC, *A Moment to Choose: Risking to be with Uprooted People. Statement on Uprooted People*, Geneva, WCC, 1995, p. i.

⁸ B. PFAFFENBERGER, “Introduction: The Sri Lankan Tamils,” in S. MANOGARAN and B. PFAFFENBERGER (eds.), *The Sri Lankan Tamils: Ethnicity and Identity*, Boulder, San Francisco, Oxford, Westview Press, 1994, p. 1.

1.1 – THE DEMOGRAPHIC COMPOSITION OF SRI LANKA

Sinhalese and Tamils are the two dominant ethnic groups in Sri Lanka. They have long-standing historical roots on the island. Their historical settlements and their kingdoms enabled them to develop their unique identities as Sinhalese and Tamils. In addition, their historical co-existence and conflicts, the impacts of European colonization and socio-politico-economic competition have further fostered and strengthened their collective consciousness and identity as Sinhalese and Tamils. They reached the zenith of their self ascription as different ethnic groups with distinct identities in the 20th century.⁹

1.1.1 – The Sinhalese

The legendary origins of the Sinhalese race and their colonization of the island are preserved in the ‘Buddhist Chronicles’.¹⁰ Early medieval Sri Lanka is known from the

⁹ On Sinhalese ethnic identity and culture, see G. OBEYESEKERE, “The Vicissitudes of the Sinhala-Buddhist Identity through Time and Change,” in M. ROBERTS (ed.), *Collective Identities: Nationalisms and Protest in Modern Sri Lanka*, Colombo, Marga Institute, 1979, pp. 279-313; GUNAWARDANA, “The People of the Lion,” pp. 45-86; S.J. TAMBIAH, *Buddhism Betrayed? Religion, Politics, and Violence in Sri Lanka*, Chicago, London, University of Chicago Press, 1992, pp. 129-181; and PONNAMBALAM, *Sri Lanka*, pp. 20-28.

On Tamil ethnic identity and culture, see S. ARASARATNAM, “Sri Lanka’s Tamils: Under Colonial Rule,” in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, pp. 28-53; D.H. RAJANAYAGAM, “Tamils and the Meaning of History,” in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, pp. 54-83; A.J. WILSON, “The Colombo Man, the Jaffna Man, and the Batticaloa Man...,” in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, pp. 126-142; M. GUNASINGAM, *Sri Lankan Tamil Nationalism: A Study of Its Origin*, Sydney, MV Publications, 1999, pp. 40-188; H.W. TAMBIAH, *The Laws and Customs of the Tamils of Ceylon*, Colombo, Tamil Cultural Society of Ceylon, 1954; and A.J. WILSON, *Sri Lankan Tamil Nationalism: Its Origins and Development in the 19th & 20th Centuries*, with a chapter by A.J.V. CHANDRAKANTHAN, London, Hurst & Company, 2000, pp. 27-40.

¹⁰ The Buddhist Chronicles are: the *Dipavamsa* is a work of 4th century AD and the *Mahavamsa* is a compilation of 6th century AD. Some scholars even believe that it was a work of 5th century AD. *Culavamsa* is believed to have been written in 12th century AD. See K.M. DE SILVA, *A History of Sri Lanka*, New Delhi, Penguin Books India Pvt., 2005, pp. 7, 78 & 709.

Mahavamsa, from archaeological and other evidence.¹¹ According to the *Mahavamsa*, in the 5th century BC, Vijaya, the legendary founder of the Sinhalese race and his 700 men had been banished for their evil and mischievous behaviour from the kingdom of Sihapura in Northern India by Sihabahu, Vijaya's father.

They set out by sea and landed in Sri Lanka on the north-west coast on the day of the Buddha's death. Vijaya's men were tempted into a cave and captured by the demoness, Kuveni. Vijaya rescued them and married Kuveni. They had a son and a daughter. Later Vijaya discarded Kuveni and banished her with the two children. He married a princess from Madura of the Pandyan Kingdom in South India. His 700 men also married women from the same region and from their unions sprang the Sinhalese race.¹² Is Vijaya a historical person? If not, what does he represent? K.K. Pillay reveals that

the story connected with Vijaya and his followers described in the *Mahavamsa* does not seem to be historical. On the other hand, the story may be taken to represent the immigration of a body of Aryans into Sri Lanka. Vijaya was no more than the eponymous leader of the first group of Aryan colonists.¹³

¹¹ G.C. Mendis, C.W. Nicholas and S. Paranavitana provide illustrated information on Sinhalese early history up to the medieval period. See G.C. MENDIS, *Early History and Its Relations with India and Other Foreign Countries*, New Delhi, Chennai, Asian Educational Services, (Fourth reprint), 2003, pp. 1-79; and C.W. NICHOLAS and S. PARANAVITANA, *A Concise History of Ceylon: From the Earliest Times to the Arrival of the Portuguese in 1505*, Colombo, Ceylon University Press, 1961, pp. 17-121, 159-276.

¹² See GEIGER, *Mahavamsa*, pp. 51-61.

¹³ As quoted by H.P. CHATTOPADHYAYA, *Ethnic Unrest in Modern Sri Lanka: An Account of Tamil-Sinhalese Race Relations*, New Delhi, M.D. Publications, 1994, p. 4. Prof. A.L. Bhasham analyses the Vijaya's legend with the names connected to various places in India to consider the truth of the legend. For Bhasham, Vijaya is not an individual but a type who was one of the elements responsible for Aryan culture. For detailed information, see A.L. BHASHAM, "Prince Vijaya and the Aryanization of Ceylon," in *Ceylon Historical Journal*, 1 (1952), no. 3, pp. 163-171.

The legend, however, provided some kind of historical basis that a band of Indo-Aryan colonists established settlements in the coastal areas of Sri Lanka. They probably came from Gujarat in North-West India, Bengal and Orissa in Eastern India.¹⁴ Besides the colonists, many traders came at different periods and colonized the island. When these early settlers set foot on the island, they confronted the original inhabitants of whom we know little. They either absorbed them, swept them away or pushed them into remote regions of the island.

Most of the Vaddas, the aboriginals of the island, were gradually absorbed into the Sinhalese race. The 'Dravidians',¹⁵ i.e., the South Indian groups, also became part of the Sinhalese race. Both these groups adopted the Sinhala language and they were merged into the Sinhalese population.¹⁶ G. Obeyesekere adds his view to that of G.C. Mendis about the Sinhalese origin.

Thus in Buddhist history there is expectably a continual Buddhization (i.e., 'sasanization'¹⁷) of South Indian groups, including their gods, magical practices, language, and texts which if translated into the European language is a form of life that is called naturalization. Viewed in long-term historical perspective, Sinhalese have been for the most part South Indian migrants who have been sasanized. It is interesting to note that sasanization embraced virtually all the castes in the Sinhala system. Sasanization has been facilitated by the relative

¹⁴ See DE SILVA, *History*, pp. 6-7; see also S. ARASARATNAM, *Ceylon*, Englewood Cliffs, Prentice-Hall, Inc., 1964, p. 42.

¹⁵ Dravidian is a particular stock of people who occupied South India and a greater part of North India at the arrival of the Aryans into India. Dravidian is also a convenient label to designate those who speak Dravidian languages, such as Tamil, Malayalam, Telugu, Kannada, Tulu and Oriya in India. For more discussion on Dravidian, see MENDIS, *Early History*, pp. 12-13; see also N. SUBRAHMANYAN, *The Tamils: Their History, Culture and Civilization*, Madras, Institute of Asian Studies, 1996, pp. 19-23.

¹⁶ See MENDIS, *Early History*, pp. 12, 15-17; see also DE SILVA, *History*, p. 8; CHATTOPADHYAYA, *Ethnic Unrest*, pp. 2-4, and ARASARATNAM, *Ceylon*, pp. 43-51.

¹⁷ Sasanization means making a person totally a Buddhist in one's social and religious aspects of life. Sasanization is coined from Sasana meaning the religion of Buddhism.

absence of contestation by immigrant groups in areas dominated by Sinhala speech communities.¹⁸

The first Sinhalese settlements were concentrated in the dry zone of the island. They depended on the north-east monsoon for cultivation. As the communities expanded by the first century BC, the need for a regular supply of water for cultivation motivated them to invent a highly sophisticated irrigation system suitable to the island's climate. They cut channels from rivers and constructed huge tanks or reservoirs. They thus displayed their knowledge of trigonometry and in their art of the design of tanks, a thorough grasp of hydraulic principles.¹⁹

Their capitals Anuradhapura and Polonnaruwa still bear the magnificent archaeological evidence of their civilization and Buddhism. The South Indian kings subdued the Sinhalese kingdoms in the 12th century. The Sinhalese then abandoned Anuradhapura and Polonnaruwa and moved south and south-west towards Kandy and Colombo. The jungle grew and gradually covered Anuradhapura and Polonnaruwa.²⁰ European colonizers later set foot on the island in 1505 and ruled it for 450 years.²¹ Western domination ended on 4 February 1948. Now, the Sinhalese are concentrated in

¹⁸ G. OBEYESEKERE, "Buddhism, Nationhood, and Cultural Identity: A Question of Fundamentals," in M.E. MARTY and R.S. APPLEBY (eds.), *Fundamentalisms Comprehended*, Sponsored by the American Academy of Arts and Sciences, Chicago, London, University of Chicago Press, 1995, p. 244. Many scholars also share the same opinion. See PONNAMBALAM, *Sri Lanka*, pp. 17-18; ARASARATNAM, *Ceylon*, p. 103; and K. INDRAPALA, "Early Tamil Settlements in Ceylon," in *Journal of Royal Asiatic Society* (= *JRAS*), Ceylon Branch, 13 (1969), New Series, pp. 61-62.

¹⁹ See DE SILVA, *Managing Ethnic Tensions*, pp. 7-9; see also DE SILVA, *History*, pp. 32-42; and ARASARATNAM, *Ceylon*, pp. 62-68.

²⁰ See DE SILVA, *History*, pp. 81-87; see also ARASARATNAM, *Ceylon*, pp. 89-97.

²¹ For detailed information on the 450 years of colonial rule in Sri Lanka, see ZEYLANICUS, *Ceylon*, pp. 62-222.

the Western, Southern, North-Central, Central, North-Western, Uva and Sabaragamuwa provinces.

1.1.2 – The Tamils

The Tamils constitute the second major component of the population of Sri Lanka.²² Like the Sinhalese, the Tamils migrated from India, but unlike the Sinhalese, they belong to the Dravidian stock. The exact date and circumstances of their emigration and settlements on the island remain controversial. Unlike the Sinhalese, Tamils do not have a written chronological history. There is a body of archaeological materials relating to an early Tamil settlement. The groups of megalithic burials at Pomparippu on the north-west coast and at Katiraveli on the eastern coast, which are datable to a time between 2nd century BC and the 2nd century AD, are the earliest and perhaps the most definite archaeological evidence that point to the existence of a Tamil settlement in Sri Lanka.²³ The writings of K. Indrapala and S. Arasaratnam shed much light on Tamils' history and settlements in the island.²⁴

According to K. Indrapala's article, some argue that the Ceylon Tamils settled in Sri Lanka before the arrival of Indo-Aryan colonists in the 5th century BC; others have assigned dates ranging from the 3rd century BC to the 10th century AD. The earliest

²² Three groups of people speak Tamil in Sri Lanka: the Sri Lankan Tamils (the Indigenous Tamils), the Tamils of Indian Origin (the Estate Tamils) and the Tamil Muslims of Indian Origin. The ethnic conflicts affect all three groups, in particular the first two. We acknowledge that it is the Sri Lankan Tamils who play a vital role in the conflict. This paper is specifically intended to concentrate on them only.

²³ See INDRAPALA, "Early Tamil Settlements," pp. 51-54; see also DE SILVA, *History*, p. 129. Tamils have a different view about history which is in contrast to the Sinhalese Buddhist's outlook of history. See D.H. RAJANAYAGAM, "Tamils and the Meaning of History," in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, p. 55.

²⁴ See INDRAPALA, "Early Tamil Settlements," pp. 43-63; see also ARASARATNAM, *Ceylon*, pp. 98-116; and DE SILVA, *History*, pp. 128-134.

inscriptions and Pali chronicles certify to the presence of Tamil traders, invaders and mercenaries on the island from around the 2nd century BC. There were two types of immigration from the Tamil country at that time: the peaceful settlers and the invaders. The settlers came to perform diverse functions in small groups of craftsmen. They settled in the predominant Sinhalese villages and were later assimilated. The invaders did not come as numerous as the permanent settlers. They lived in their own cantonments with little or no contact with the Sinhalese. They continued practising their own way of life, language and religion. They might have settled in and around Anuradhapura and other strategic places.

According to S. Arasaratnam, Mantota, Trincomalee and Batticaloa are the three oldest Tamil colonies because of the three Siva temples of great antiquity as mentioned in the Tamil Sangha literature. The coastal areas of the Jaffna peninsula were colonized by the 10th century AD. Research on the laws of the Ceylon Tamils seems to indicate that the early settlers came from the Malabar Coast. They seem to have handed down to succeeding colonists some of the elements of their early social structure. The people of Malabar in South India broke away from the mainstream of the Tamil language by evolving a separate language for themselves (Malayalam) from the twelfth century onwards. This left the Malabar settlers in Sri Lanka as a Tamil-speaking people with a social organization different from that of the other Tamil community in Tamil Nadu State, India.²⁵

For Indrapala, “some of the Tamil settlements of the 11th, 12th, and 13th centuries in the North-Central Province originated as mercenary settlements in and after the 7th

²⁵ See ARASARATNAM, *Ceylon*, pp. 101-102.

century.”²⁶ By the 10th century, some permanent Tamil settlements expanded on the island which formed the nucleus of the later settlements that overspread the major portion of northern Ceylon. The Chola dynasty (1017-1070 AD) also contributed to the Tamil settlements on the island. Hinduism and Tamil interests received much support from the Cholas and there was a mass migration of peaceful settlers in the wake of the Chola conquest. These Tamil settlers probably came from the present Tamil Nadu State where the Cholas had ruled. More than three dozen Tamil inscriptions and the ruins of a number of *Saiva* and *Vaisnava* establishments attest to these Tamil settlements which grew gradually but steadily until the present northern and eastern provinces were transformed into Tamil-speaking areas.²⁷

In this connection, Indrapala recognizes two stages in the growth of Tamil settlements: the first stage (10th century to 12th century AD) witnessed the growth of four main areas of settlements: (1) the North-Eastern littoral region, (2) the Western region or what is now known as North-Western Province, (3) the region of Anuradhapura and (4) the region of Polonnaruwa. The Chola conquest of the island, the mercenaries and traders, and the mass scale migration of peaceful settlers were responsible for the Tamil settlement at this first stage.²⁸

In the second stage (13th century AD), the arrival of fresh mercenary forces and the quick succession of invasions from the Indian mainland during the first half of the century led to the establishment of new Tamil settlements in the island. The invasion of

²⁶ INDRAPALA, “Early Tamil Settlements,” p. 48.

²⁷ See *ibid.*, pp. 54-55.

²⁸ See *ibid.*, p. 55.

“Magha, the ruler of Kalinga dynasty,”²⁹ and his rule over the island, resulted in the permanent dislodgement of Sinhalese power from northern Sri Lanka. As a consequence, the Sinhalese migrated to the south-western region, abandoning their capitals Anuradhapura and Polonnaruwa. Magha’s rule was beneficial for the Tamil settlements.

In 1325, an independent Tamil kingdom was established in the Jaffna Peninsula. The migration of peaceful settlers from the present day Tamil Nadu State, India, was largely responsible for the Tamil settlements of the Jaffna district in the second half of the 13th century.³⁰ Later, the Islamic power under general Malik Kafur, from North India came and established in 1334 a Muslim sultanate at Madurai, the Pandyan capital, and this lasted until 1371. This resulted in a mass movement of Tamil migration to Northern Ceylon. This in turn strengthened the Tamil kingdom in the North.³¹

Obeyesekere and Indrapala highlight that as Buddhization of the isolated Tamil settlements took place in the Sinhala dominated areas, a parallel process of ‘Tamilization’ took place in the Jaffna peninsula, where one comes across Sinhalese territorial names and which, after the 13th century at least, was controlled by Kerala and Tamil peoples

²⁹ According to Sri Lankan Historians, Nicholas and Paranavitana, Magha of Kalinga was not Tamil and not from South India but from Malayasia. His 24,000 soldiers were Malays. The Tamil soldiers who had remained behind from the Cholas invasion were with Magha. However, the views of these two historians are yet to be finally proved. See NICHOLAS and PARANAVITANA, *A Concise History*, pp. 236-246, 244, 282; for Arasaratnam, Magha was from Eastern India. See ARASARATNAM, *Ceylon*, p. 89; and de Silva does not present clear information about Magha’s original place. See DE SILVA, *History*, p. 85.

³⁰ See INDRAPALA, “Early Tamil Settlements,” pp. 61-62.

³¹ See NICHOLAS and PARANAVITANA, *A Concise History*, p. 293; see also ARASARATNAM, *Ceylon*, p. 105.

who in their own way assimilated previous Sinhala speakers.³² Even though many scholars agree with the opinion of Obeyesekere and Indrapala, the issue of whether the Sinhalese or the Tamils were the first to arrive in Sri Lanka still remains controversial among scholars and politicians of both communities.

According to K.M. de Silva, “the Indo-Aryan settlement and colonization preceded the arrival of Dravidian settlers by a few centuries.”³³ Others argue, on the contrary, that the Tamils had arrived in Sri Lanka before the arrival of Indo-Aryans in the wake of Vijaya’s expedition of the 5th century BC. Hence, H. Harper writes that “the Nagas who occupied Northern Ceylon long before the arrival of the Gangetic settlers were actual Indian immigrants and were an offshoot of the Nayars of Southern India.”³⁴ Tamilaham or the Tamil homeland corresponded to what are today the Indian States of Tamil Nadu and Kerala. If this is true, the Nagas were from the Tamilaham and belonged to the Dravidian stock and are Tamils. This leads to the conclusion that they were the early inhabitants of the island before the Sinhalese arrival.³⁵

Further “references to settlers of Dravidian stock, the ancestors of the Tamils, are also present from the earliest times and some modern scholars hold that Dravidians were in fact the earliest settlers.”³⁶

³² See OBEYESEKERE, “Buddhism,” p. 244; see also INDRAPALA, “Early Tamil Settlements,” p. 62.

³³ DE SILVA, *History*, p. 14.

³⁴ H. HARPER, *Ancient Ceylon*, New Delhi, Asian Educational Service, (Fourth AES reprinted), 1999, p. 16.

³⁵ See KUNARASA, *History*, pp. 9-11; see also PONNAMBALAM, *Sri Lanka*, pp. 17-19.

³⁶ B.H. FARMER, *Ceylon: A Divided Nation*, London, New York, Bombay, Oxford University Press, 1963, p. 8.

Again, the issue [...] may be argued with reference to the connection between the Veddas and the Tamils. [...] the name Vadda or its original form Vedda, which has affinity with the Tamil word 'Vedar', meaning hunters, seems to confirm the location of their original home in the Tamil land. [...] the early connection of the Veddas with South India and particularly with the Tamils is established by their religion. The favourite deity of the Vaddas, for instance, was Khande Yaka, known as Kandaswamy and identifiable with Murugan who has been the distinct deity worshipped by the Tamils through the ages. The Tamils revere him as the guardian of their race. In Sri Lanka, Kataragama has been famous through the ages as the sacred seat of Murugan. It is believed that King Dutugamunu (Dutthagamini) who vanquished Elara handed over the management of the temple to the Vaddas. This indicates that the Vaddas were the original owners of the sacred shrine of Kataragama. It is also significant to observe that the present 'Kapuralas' or priests of the temple, claim their descent from the Vaddas. Vadda women used to adopt the name of Valli which is the name of Murugan's consort. It may be concluded from [...] the statement above that if the Veddas were one of the earliest pre-Aryan settlers of Ceylon, if they had migrated from the Tamil territory in South India and if they had connection with the Tamils and had religious affinity with them, the Tamil settlement in Ceylon might have preceded the Aryan settlement there. Yet the fact remains that the issue cannot as yet be treated as finally and satisfactorily settled either in favour of the Tamils or of the Sinhalese on the basis of the hitherto known evidence.³⁷

Thus, the fact whether the Sri Lankan Tamils arrived first or the Sinhalese is in dispute among both Tamil and Sinhalese politicians and scholars.

Besides the two separate and distinct ethno-linguistic nations of the Sinhalese and the Sri Lankan Tamils, there are other communities – the Vaddas, the aborigines of the island, the Tamils of Indian origin, Sri Lankan Muslims, Indian Muslims, Malays, Burghers, Eurasians, Europeans, Afghans and Baluchis. Sri Lanka is heterogeneous in its social composition. Its heterogeneity is reflected in the different ethnic groups, religious faiths and languages.³⁸ "The island's geographical proximity to India, its strategic

³⁷ CHATTOPADHYAYA, *Ethnic Unrest*, pp. 9-10. For more information on the Tamil-Sinhalese settlement dispute, see PONNAMBALAM, *Sri Lanka*, pp. 18-19; and KUNARASA, *History*, pp. 6-22.

³⁸ See PONNAMBALAM, *Sri Lanka*, pp.17-18, 43-47; see also CHATTOPADHYAYA, *Ethnic Unrest*, pp. 10-11; MENDIS, *Early History*, pp. 12-13; KUNARASA, *History*, pp. 8-11, and N. DEVOTTA, *Blowback: Linguistic Nationalism, Institutional Decay and Ethnic Conflict in Sri Lanka*, Stanford, Stanford University Press, 2004, pp. 22-24.

location on the east-west sea-route and the mercantile and territorial encroachments of the European powers contributed to the ethno-linguistic and religious make-up of the country.”³⁹ The principal languages spoken are Sinhala, Tamil and English. The main religions professed are Buddhism, Hinduism, Islam, and Christianity. These elements indicate the multi-racial and pluralistic character of Sri Lankan society.

According to the 1981 census, there were 10,989,000 Sinhalese constituting 74% of the population. The Tamils were 2,688,000, or 18.1% of the population. The Tamils were divided into the Sri Lankan Tamils (12.6 %) and the Tamils of Indian origin (5.5 %). The Muslims were 1,054,000 in number and comprise 7.1%. The Malays, Burghers, Eurasians, Europeans, Afghans and Baluchis number 119,000 and constitute 0.8%. The aboriginal Vaddas were a small population whose number has greatly decreased in Sri Lanka.⁴⁰ Illustrations of these historical antecedents and various other factors provide clear insights into the origins of the Sri Lankan ethnic conflict.

1.2 – BACKGROUND AND ANTECEDENTS TO ETHNIC CONFLICTS⁴¹

The Sinhalese majority and the Tamil minority of present-day Sri Lanka uphold their respective identities on the basis of language, religion, ancestral territory, and cultural attributes, although “the Tamil identity does not have a specific religious or

³⁹ See PONNAMBALAM, *Sri Lanka*, p. 15.

⁴⁰ See MANOGARAN, *Ethnic Conflict*, p. 6. The 1981 census is the last all-island decadal census. The ethnic conflict precluded a census in 1991, and the July 2001 census was not conducted in areas controlled by the Liberation Tigers of Tamil Eelam (= LTTE); see DEVOTTA, *Blowback*, p. 22.

⁴¹ Because the context is delicate, we have given preference to Sinhalese and non-Sri Lankan authors, although we have referred to a few Tamil writers (S. Ponnambalam, C. Manogaran and S.J. Tambiah) so as to be able to perceive their thoughts on the matter. When discussing these issues, it is very difficult for a person to remain neutral and completely objective.

Hindu dimension.”⁴² The Sinhalese collective identity is always seen in terms of ethno-religious identity: Sinhalese Buddhist.⁴³ While the Sinhalese identity - “ideology in its contemporary form, with its association with language, race and religion, forms an essential part of contemporary Sri Lankan culture,”⁴⁴ “the Tamil ethnic identity remains a linguistic and cultural identity. To the Tamils, it is the language-culture index that is dominant and commands loyalty, not any particular religious adherence.”⁴⁵

Both communities became conscious of their own separate ethnic identities, and the Sinhalese began to assert themselves as the majority in the post independence era. The Sinhalese intelligentsia, politicians and Buddhist monks contributed to Sinhalese nationalism which erupted in a collision with the minority in the 1950s. The eruption of the ethnic conflict which reached its zenith in 1983, and which continues even now, is not just a finished product of the recent phenomenon but was inevitably linked to still remoter antecedent events. The historical background and antecedents would shed some light on the Tamil-Sinhalese ethnic conflict.

⁴² As quoted by MANOGARAN, *Ethnic Conflict*, p.19.

⁴³ For detailed information on Sinhalese-Buddhist identity, see OBEYESEKERE, “The Vicissitudes,” pp. 279-313.

⁴⁴ GUNAWARDANA, “The People of Lion,” p. 45.

⁴⁵ PONNAMBALAM, *Sri Lanka*, p. 31.

1.2.1 – The Impact of the ‘Buddhist Sangha’⁴⁶ and Dravidian Invasions

Buddhist traditions hold that Buddhism came to Sri Lanka from India and that the Buddha considered that the island was the ideal place for the spread of Buddhism.⁴⁷ Later, the Emperor Ashoka, the North Indian King, sent several monks to spread Buddhism on the island during the reign of Devanampiya Tissa (307-267 BC). The Sinhalese were drawn to the new faith because the Pali Chronicles insinuated that the Buddha himself asked the kings of gods to protect Vijaya, the founder of the Sinhalese race, in order to establish the Sinhalese-Buddhist nation of Sri Lanka.⁴⁸

The religious importance attributed to the Vijaya legend and the myths of the Buddha’s three visits to the island have been the principal factors in forming Sinhalese national consciousness.⁴⁹ Buddhism as the state religion became a powerful force in the face-lifting of the Sinhalese by the 6th century. The king and people were intimately connected through Buddhism and “this intimate connection between the land, the ‘race’ and the Buddhist faith foreshadowed the intermingling of religion and national identity which has always had the most profound influence on the Sinhalese.”⁵⁰

⁴⁶ Buddhist Sangha means the order of Buddhist monks in the broadest and most abstract sense; the Sangha is composed of all Buddhist sects and residential communities and is the traditional Buddhist elite. The Buddhist Sangha in Sri Lanka has three principal Nikayas (‘sects’): the Siam, the Amarapura, and the Ramanna. See W. NUBIN (ed.), *Sri Lanka: Current Issues and Historical Background*, New York, Nova Science Publishers, Inc., 2002, p. 218.

⁴⁷ See GEIGER, *Mahavamsa*, p. 3.

⁴⁸ See *ibid.*, p. 55.

⁴⁹ See *ibid.*, pp. 3-9; see also DE SILVA, *History*, p. 7.

⁵⁰ DE SILVA, *History*, pp. 7-8.

The Dravidian Hindu kings from South India often captured and ruled the Sinhalese kingdom. The Buddhist monks were concerned about protecting Buddhism and were afraid that the Dravidian Hindu kingdom might remain permanently in Sri Lanka. Political dominion by the Dravidian Hindu kings would have meant an end to the power the monks enjoyed over the Sinhalese rulers and people. The Sinhalese rulers maintained close relationship with Sangha. They supported Buddhism and the Sangha in order to receive support from the people. Sinhalese villagers depended on the monks to instruct their children, conduct religious ceremonies and guide them to live according to the teachings of Buddha. Thus the monks had profound influence on the people as well as on the rulers.

When the Sinhalese kings and Buddhist clergy became anxious about the threat from the Hindu rulers of South India, they received help from the people to defend the kingdom by appealing to their religious and racial sentiments. The monks used the religious sentiments successfully and stressed that Sinhalese were destined by divine will to defend Buddhism against the Tamils who were Hindus who obliterated Buddhism in South India. The Sinhalese considered that the Tamils were opposed to Buddhism.⁵¹ The Buddhist monks also incorporated legends and myths into historical accounts and, thus, the historical experience of conflicts with South Indian rulers led them to inculcate the notion that Sri Lanka, as a sovereign State, was under constant attack from South Indian Hindu rulers. To the Sinhalese, the myths were not fictions because their self-perceived historic role was real to them. These myths became, on occasion, rallying points for

⁵¹ See OBEYESEKERE, "The Vicissitudes," pp. 282-283; see also DE SILVA, *History*, pp. 265, 267.

Sinhalese nationalism. They expressed their historic role as defenders of the country and the Sasana = Buddhism.⁵²

The Pandys, the Cholas, and the Pallavas from South India who were Tamil kings and militant Hindus frequently attacked the island. In the 5th century AD, six Tamil rulers ruled Anuradhapura for some 26 years. They were overthrown by Dhatusena, the Sinhalese ruler. It was at this time that the *Mahavamsa* was written. It was at this time also that an anti-Tamil feeling entered Sinhalese nationalism. It was no doubt the result of the quarter of a century of Pandyan rule, probably restricted to the clergy.⁵³

In addition, the Hindu kings completely obliterated Buddhism in South India. As a result, one supremely important religio-cultural link between South India and the Sinhalese kingdom ceased and the monks could no longer go to South India. Further, the antipathy of these South Indian States to Sri Lanka was sharpened by their religious zeal for Hinduism and ethnic pride.⁵⁴ The *Mahavamsa* describes the conflict between Dutthagamini, the Sinhalese ruler and Elara, the Tamil king (circa 161-137 BC) and also

⁵² See OBEYESEKERE, "The Vicissitudes," pp. 283-284. Sasana means Buddhism (the religion).

⁵³ See ARASARATNAM, *Ceylon*, pp.99-100. For more information on the infusion of anti-Tamil feelings in the *Mahavamsa*, see GUNAWARDANA, "The People of the Lion," pp. 59-60; S. G. DE FONTGALLAND, *Buddha Singalavarum Sirupanmayinarum*, Chennai, Cerro, 1987, pp. 26-27, and DE SILVA, *Managing Ethnic Tensions*, pp. 11-12.

⁵⁴ Buddhism was a powerful religion, strongly entrenched in South India, especially in the Tamil country in the early years of the Christian era. Many monks from Sri Lanka used to go to South India. Nagarjunakonda (in Andhra Pradesh) and Kanchipuram (in Tamil Nadu) were the famous Buddhist centres. Close links were established among these centres and Sri Lanka. There was a Sri Lanka vihara at Nagarjunakonda. The introduction and establishment of new heterodox Buddhist sects in Sri Lanka was primarily the work of visiting monks from India or Sri Lankan students of famous Indian theologians. This connection came to an end with the obliteration of Buddhism by the Hindu revivalism in South India by Tamil kings. See DE SILVA, *History*, pp. 66-67.

unveils the antipathy against Tamils.⁵⁵ It has become a powerful tool for Sinhalese nationalism and justification of Buddhist history in Sri Lanka to be “either instigator or legitimator of violence, and insofar as this is associated with war, political power, ethnic identity [...]”.⁵⁶

The ethnic issue was not a major factor at the time of the Dutthagamini-Elara conflict, although “racial and religious motives are attributed to the Dutthagamini-Elara conflict, and some Sinhalese scholars even regard the defeat of Elara by Dutthagamini as the beginning of Sinhala nationalism.”⁵⁷ The *Mahavamsa* dramatized the conflict “as an epoch-making confrontation between the Sinhalese and Tamils and extolled it as a holy war fought in the interest of Buddhism. Dutthagamini’s triumph was nothing less than the consummation of the island’s manifest destiny, its historic role as the bulwark of Buddhism.”⁵⁸

Addressing specifically the importance of Dutthagamini in Sinhalese consciousness, G. Obeyesekere says that “the mythic significance of Dutthagamini as the saviour of the Sinhalese race and of Buddhism grew through the years and developed into one of the most important myths of the Sinhalese, ready to be used as a powerful instrument of Sinhalese nationalism in modern times.”⁵⁹ Having analysed the various depictions of Tamils by Sinhalese in relation to the *Mahavamsa*, the same author adds

⁵⁵ See GEIGER, *Mahavamsa*, pp. 174-175.

⁵⁶ OBEYESEKERE, “Buddhism,” p. 235.

⁵⁷ MANOGARAN, *Ethnic Conflict*, p. 24.

⁵⁸ DE SILVA, *History*, p. 16.

⁵⁹ OBEYESEKERE, “The Vicissitudes,” pp. 285-286.

that “even today in spite of the virulence of the ethnic conflict, there are a variety of views about Tamils, though the predominant view is that of the hostile Other.”⁶⁰ In conclusion he ends with this note:

“A unifying communal consciousness”: in Buddhism this is an old game! The *Mahavamsa* that defined the idea of Buddhist history and particularized its conception of Sasana was written in the 5th century. Every single Buddhist history since that time takes it as axiomatic that the country is Buddhist. The land is sacred soil blessed by the Buddha; the tree under which the Buddha achieved enlightenment is no longer in India but here in Sri Lanka, in the sapling planted by Mahinda, Asoka’s own son according to the texts. The saplings of that sapling as well as the relics of the Buddha are enshrined in sacred spots at different points throughout the length and breadth of the island; kings are Buddhist sovereigns and guardians of the religion. These ideas receive concrete manifestations in the obligatory pilgrimage. The problem is that nowadays people are trying to translate these ideas of being Buddhist into modern political conditions that do not permit them to succeed and instead provide violent confrontations.⁶¹

The South Indian Dravidian invasions of the 11th, 12th and the 13th centuries energized the Tamils on the island. The Tamils became conscious of their ethnicity, which they asserted in terms of culture and religion, Dravidian or Tamil and Hindu. They also became a source of support on the island for the South Indian Dravidian kings.⁶² On the part of the Sinhalese, these invasions had an important consequence and brought about contrasting pairs: 1) Sinhalese (Buddhist) versus Tamil (Saivite), and 2) historically two major opposed ethnic identities, Sinhalese and Tamil. The historical conflict between the Sinhalese and the South Indian rulers reinforced and stabilized the Sinhala-Buddhist identity.⁶³

⁶⁰ OBEYESEKERE, “Buddhism,” p. 244. For more information on the various depictions of Tamils by the Sinhalese, see in the same article, pp. 239-242 and 244.

⁶¹ Ibid.

⁶² See DE SILVA, *History*, pp. 23-24.

⁶³ See OBEYESEKERE, “The Vicissitudes,” pp. 282-283.

1.2.2 – The Fall of the Sinhalese Kingdom and the Rise of the Jaffna Kingdom

The South Indian Dravidian rulers, the Pandyan, Cholas and Pallavas waged wars constantly against the Sinhalese kings. The Cholas defeated the Sinhalese and captured Anuradhapura in 1017 AD. Thus, Sri Lanka became a province of the Chola Empire for more than 50 years. The Cholas moved the capital from Anuradhapura to Polonnaruwa. Vijayabahu I (1055-1110) defeated the Cholas in 1070 and later Parakramabahu I (1153-1186) completely expelled them from the island. However, the Tamil invasions continued to disrupt the Sinhalese kingdom in the 12th century.⁶⁴ The Sinhalese kingdom collapsed in the 13th century and the Sinhalese shifted from the Dry Zone to the Wet Zone. This shift took place due to the combination of many factors including invasions from South India, natural disasters, decline in the fertility of the soil, internal dissensions, silting of tanks and canals, lack of administrative control to organize labour to maintain irrigation facilities and a malaria epidemic in that area.⁶⁵

The Sinhalese Chronicle *Culavamsa* puts the blame for the ultimate destruction of the Polonnaruwa kingdom on Magha of Kalinga who captured the island in 1215. The *Culavamsa* highlighted the tragedy of the invasions.⁶⁶ The references made in the *Culavamsa* to the plundering of the Buddhist shrines, the destruction of the kings' country and the forced conversion of Buddhists to Hinduism by the invading army from South India left a deep impact on the Sinhalese national consciousness. Also, the collapse

⁶⁴ See DE SILVA, *History*, pp. 28-31, 81-84.

⁶⁵ See FARMER, *Ceylon*, pp. 14-15; see also DE SILVA, *History*, pp. 84-85; and ARASARATNAM, *Ceylon*, pp. 92-95.

⁶⁶ For details of this historical note, see DE SILVA, *History*, pp. 85-87; see also OBEYESEKERE, "The Vicissitudes," pp. 291-292, and G. GUNASEKERA (translator), *Rajavaliya*, Colombo, Govt. Press, 1960, pp. 61-62.

of the golden period of the Sinhalese civilization, the invasions of the Cholas and Pandians and various other attacks by Tamil armies were emphasized in the Pali and Sinhalese Chronicles to represent Tamils as aggressors who continuously attempted to destroy Buddhism and subdue the Sinhalese.⁶⁷

With the collapse of the Sinhalese kingdom in the 13th century, three new kingdoms were set up on the island. The Jaffna kingdom was established in the northern part covering the areas between Jaffna and Anuradhapura; the Jaffna peninsula came to be occupied by Tamil settlers and ruled by the king of Jaffna from 1325 AD. The coastal area of the South-West came under the kingdom of Kotte, while the central hill country became the Kandyan kingdom.⁶⁸

The Jaffna kingdom consolidated the Tamils as a strong group in the northern peninsula. Traditions indicated that Aryacakravartis, the king of Jaffna, came from Rameshwaram during the time of Islamic power in the Pandyan kingdom. Following him, a huge Tamil population migrated into the Jaffna peninsula in 1334. The presence of Tamils on the island became distinctive during the reign of the Tamil kings.

From that time, Sri Lanka was divided into two ethno-linguistic nation-states; Tamils in the north and east, and the Sinhalese in the south and west—the two effectively separated by impenetrable jungle. These two ethno-linguistic nations

⁶⁷ See OBEYESEKERE, "The Vicissitudes," pp. 282-283; see also MANOGARAN, *Ethnic Conflict*, p. 23.

⁶⁸ The Jaffna kingdom covered the Tamil territory in the Northern part of Sri Lanka and the present city of Jaffna was its capital; the Kotte kingdom covered the south-west coast of Sri Lanka and Kotte which is a part of the present city of Colombo was its capital. The Kandyan kingdom covered the central mountainous region of Sri Lanka and its capital was the present city of Kandy. For more information on the three kingdoms, see ARASARATNAM, *Ceylon*, pp. 98-116; DE SILVA, *History*, 127-141, and NICHOLAS and PARANAVITANA, *A Concise History*, pp. 291-317.

remained separate and isolated by reason of separate political loyalties and differences in language, religion, culture and customs.⁶⁹

It was during this period that the Tamils developed a sense of collective identity based on the Tamil language, Tamil culture, and Tamil territory which are the prerequisites of nationality. The stability of the Jaffna kingdom strengthened the presence of the Tamils in the region. They established a unified social organization, customs, traditions and speech of their own which were distinct from those of the Tamils of South India. The codification of these customs and laws took place during the Dutch regime in the 18th century and was called *Thesavalamai*.⁷⁰ The Kotte kingdom and the Tamil kingdom were eventually subdued by the Portuguese in the 16th century and finally the British subdued the Kandyan kingdom in the 18th century.

1.2.3 – The Impact of the British Raj on Sri Lanka

The abundance of spices available in Sri Lanka and its strategic position in the Indian Ocean attracted the Western powers to come to the island. The Portuguese (1505-1658), the Dutch (1638-1796) and finally the British (1796-1948) competed to colonize the island.⁷¹ Seeing “the general effects of the era of imperialism, [it] cannot be denied that the rule of the Portuguese and of their successors in Ceylon, the Dutch and the

⁶⁹ PONNAMBALAM, *Sri Lanka*, p. 29.

⁷⁰ See ARASARATNAM, *Ceylon*, pp. 107-108; see also S. ARASARATNAM, “Sri Lanka’s Tamils under Colonial Rule,” in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, pp. 28-33. More information on the *Thesavalamai*, see H. W. TAMBIAH, *The Laws and Customs of the Tamils of Ceylon*, Colombo, Tamil Cultural Society of Ceylon, 1954.

⁷¹ On the impact of the 450 years of the three colonial powers’ presence on Sri Lanka, see FARMER, *Ceylon*, pp. 16-58; TAMBIAH, *Sri Lanka*, pp. 65-70, and F. HOUTART, *Religion and Ideology in Sri Lanka*, Bangalore, T.P.I., 1974, pp. 101-224.

British, had such important results on the distribution of peoples and on the communal situation that the Ceylon scene was altered out of all recognition.”⁷²

In fact, “the British period is undoubtedly the most important and the most interesting period of Ceylon History... During it Ceylon went through greater changes than in all its previous history.”⁷³ The transport connections, English education, the import of Indian labourers from South India, and the constitutional reforms created a single polity and a plural society. The political, educational and economic developments of the British era also affected the Sinhalese-Tamil ethnic tensions in the twentieth century.

1.2.3.1 – The Social Impacts on the Island

The Portuguese and the Dutch could not subdue the Kandyan kingdom fully. They colonized the rest of the island including the Jaffna kingdom and ruled them as distinct territories. It was the British who colonized the entire island. In 1833 they established a centralized form of government which would have a great impact on the Sinhalese in the post independence period.⁷⁴

The English language became the only official language of the administration. It introduced many developments which had significant repercussions on ethnic relations in the island. The Christian missionaries contributed to the English education which

⁷² FARMER, *Ceylon*, p. 16.

⁷³ As quoted by FARMER, *Ceylon*, p. 33.

⁷⁴ The centralized form of government gave a stronghold to the Sinhalese politicians to control the entire island. They could not accept any other federal system which might give certain autonomous governing to other government bodies which the Tamils in the post-independent period wanted. The Sinhalese were afraid to concede it out of fear that the Tamils might eventually form an independent state. If the Sinhalese government had conceded it, it would have solved some crucial problems and avoided the ethnic conflicts.

benefited the Low-Country Sinhalese and the Sri Lankan Tamils. The mission schools created opportunities for English-educated Tamils to seek employment in the South, all of which brought the two communities into direct contact with each other in the 19th century.

The Tamils lived in an area which was not conducive for commercial and plantation development while the area of the Sinhalese in the South-West and the Central highlands was available for it. Thus, the Tamils were eager for education that could open the door for clerical employment. These favourable circumstances were the source of recurrent allegations by the Sinhalese that, during the British era, the local Tamils enjoyed an “unfair” educational advantage and a placement in administrative positions in excessive proportions. However, the Low-Country Sinhalese not only enjoyed the plantation industries but also had disproportionate educational advantages compared with other segments of the Sinhalese.⁷⁵ This fact was ignored by many Sinhalese.

The English education of the British had an important impact on the Sinhalese, especially the Buddhist monks. The English language, Christian missionary activities and a Westernized life style affected the Sinhalese, especially their language, culture and religion. As a result, the monks lost their prominence in Sinhalese society and this created strong repercussions on the island’s social life and polity.⁷⁶ The monks reacted to the Christian missionaries and began a Buddhist revivalism which reached its zenith with the Sinhala militancy in the 1950s. The Buddhist revivalism formed a ‘rural elite’ consisting

⁷⁵ See FARMER, *Ceylon*, pp. 50-52; see also TAMBIAH, *Sri Lanka*, pp. 65-66, and DE SILVA, *Managing Ethnic Tensions*, p. 363.

⁷⁶ For more details on the monks’ influence on the Sinhalese social and political life, see W.H. WRIGGINS, *Ceylon: Dilemmas of a New Nation*, Princeton, NJ, Princeton University Press, 1960, pp. 174-201.

of Sinhala school teachers, ayurvedic physicians (who practised indigenous medicine), village traders, and new rich merchants who became its message carriers and doers in action.

From the 1830s, Tamil labourers from South India were brought in and settled on the plantations in the Kandyan districts. Their numbers caused demographic changes on the island. The Sinhalese looked at them with hostility because they numbered more than 1.2 million in the 1940s. However, such hostility was probably unjustifiable because the large plantations did not belong to them but to the British owners. The plantations deprived the Kandyan Sinhalese of the land which they urgently needed to support their increasing population and, therefore, they were forced to live among the Indian Tamils who were foreign-born people. The Sinhalese social system could not absorb the Tamils because they poured in much too quickly for absorption. The Indian Tamils remain separate from the Kandyan Sinhalese, retaining their language and Hindu religion, marrying only their own kind. They are still characterized as an unassimilated and an inassimilable element in the Ceylonese nation.⁷⁷

1.2.3.2 – Constitutional Reform: Communal Versus Territorial Representation

From around 1880 to 1920, the British and the missionary educational institutions gave rise to an English educated and westernized elite group in Sinhalese and Tamil communities. They formed the Ceylon National Congress (= CNC) in 1919. From time to time this elite came together to gain greater representation in the legislative assembly and

⁷⁷ See MANOGARAN, *Ethnic Conflict*, p. 28. For more details on Indian Tamil Estate workers' issue, see FARMER, *Ceylon*, pp. 40-46.

in the colonial administrative services. The British introduced some constitutional reforms to increase the Ceylonese participation in the administration.

As the island moved into the 20th century, the unity of the Sinhalese and Tamil elite began to disintegrate. Under 'the Donoughmore Constitution'⁷⁸ in the 1930s and 1940s, representation in the Legislative Council was determined on the basis of territorial and demographic criteria, the dominant electoral principle, abolishing the communal representation.⁷⁹ Territorial representation and universal suffrage in 1931 thus gave a natural advantage to the majority Sinhalese community in relation to the minorities.

The minorities, especially the Sri Lankan Tamils, objected to the abolition of communal representation on the ground that territorial representation would create a Sinhalese-dominated State Council that would ultimately discriminate against them. The Donoughmore Commission rejected the provision of communal representation as pleaded for by the minority leaders. By abolishing the communal representation, the commission assumed optimistically that the different ethnic entities would cease to think on the communal lines and national integration would take effect, but in reality, it proved to be totally different. It was argued that

the greatest drawback of the Donoughmore scheme was that franchise and territorial representation were to operate at a time when there were no political parties. The Commission failed to anticipate that, in the absence of political parties, the dominant rallying point for candidates and constituents would be

⁷⁸ The Donoughmore Commission was appointed in 1927 by Sydney Webb, who was briefly the Secretary of State for the Colonies in Britain. This commission on constitutional reform for the colony of Sri Lanka – with the Earl of Donoughmore as chairman studied the constitution of 1924 and made recommendations to establish sound principles of representation. See http://en.wikipedia.org/wiki/Donoughmore_Constitution; WRIGGINS, *Ceylon*, pp. 85-90, and DE SILVA, *History*, pp. 516-530.

⁷⁹ For more information on the issue of communal and territorial representation, see MANOGARAN, *Ethnic Conflict*, pp. 31-35; see also PONNAMBALAM, *Sri Lanka*, pp. 49-51.

ethnic or communal loyalty. Hence, as it turned out, territorial representation, instead of rooting out the “canker” of communalism, actually encouraged it.⁸⁰

1.2.3.3 – The Pan-Sinhalese Ministry & Ponnambalam’s “50-50” Demand

The Donoughmore Constitution was implemented in 1931. By the general election of 1936, the Sinhalese leaders secured the majority. All the ministers were Sinhalese and the executive committees were dominated by the Sinhalese-elected members. A ‘pan-Sinhalese ministry’ was formed. Tamil leaders considered that this Sinhalese ministry was communally motivated because many Sinhalese constitutional reformists who were part of CNC and the State Council were influenced by the upsurge of Sinhalese nationalism, indigenism, and economic interest for the Sinhalese. Thus, they objected to the granting of basic rights to the Indian Tamils and deprived them of the benefits from the Land Development Ordinance of 1935 and the Village Development Ordinance of 1937.⁸¹ In addition, D.S. Senanayake proclaimed in 1940 that “unless we stem the tide of this growing domination of Indians in Ceylon in the economic and social life, our extinction as a Ceylonese nation is inevitable.”⁸² All these moves had an impact on the Sri Lanka Tamil leaders who became increasingly sceptical about their own community’s future. They accused the ministers of discriminating against them in the

⁸⁰ PONNAMBALAM, *Sri Lanka*, p. 54.

⁸¹ See M. ROBERTS, “Meanderings in the Pathways of Collective Identity and Nationalism,” in ROBERTS, *Collective Identities*, pp. 67-68; see also WRIGGINS, *Ceylon*, pp. 220-221. These two ordinances prohibited the government from granting land to the Indian Tamils for the purpose of cultivation and settlement. We should note that the Donoughmore Commission advocated territorial representation and universal franchise as essential measures for the achievement of democratic government. The Sinhalese accepted these principles as progressive because they would be the beneficiaries as the majority. The Sinhalese politicians, however, compromised their support of progressive government when they adamantly refused the enfranchisement of the Indian Tamils partly in 1943 and totally after the independence in 1948-1949, for that would have eroded their supremacy in the central highlands. See WRIGGINS, *Ceylon*, pp. 220-226.

⁸² As quoted by MANOGARAN, *Ethnic Conflict*, p. 36.

areas of agriculture, education, disbursement of public funds, and public service appointments.⁸³

As Sri Lanka moved towards independence, Sinhalese and Tamil leaders continued to disagree concerning the Tamil representation in parliament which came into existence in 1947. 'The Soulbury Commission'⁸⁴ was appointed to bring about further constitutional reforms. Tamil leaders expressed their concerns to the Soulbury Commission that the Board of Ministers of the State Council had deliberately discriminated against the Tamils in the past and that provisions should be made in the constitution to protect the legitimate rights of the Tamil community in a free Sri Lanka.

The fear of Sinhala domination was so intense that G.G. Ponnambalam advocated that one-half of the seats in the new legislature were to be reserved for minorities, so that the Sinhalese majority would not hold more than 50 percent of the seats in the legislature. This balance would be reflective in the executive and would check clauses against discriminating legislation. This "50-50" proposal was rejected by the Soulbury Commission as being contrary to democratic principles, especially since the Sinhalese accounted for nearly 70 percent of the population. The Commission gave assurance for

⁸³ See ROBERTS, "Meanderings in the Pathways," pp. 74-75.

⁸⁴ The official announcement on the appointment of a commission to visit Sri Lanka was made on 5 July 1944. Lord Soulbury was appointed chairman of the commission and its members were announced on 20 September 1944. Later, it came to be called the Soulbury commission; the constitution which this commission brought forth was referred to as the Soulbury Constitution. It went into effect in 1946 and provided a system of cabinet government. In 1948 it was revised to give Sri Lanka full political independence and remove from the government in London any powers in regard to Sri Lanka. See http://en.wikipedia.org/wiki/Soulbury_Commission; DE SILVA, *History*, pp. 561-563; WRIGGINS, *Ceylon*, p. 94.

minority safeguards.⁸⁵ It is often stated that G.G. Ponnambalam's "50-50" proposal greatly agitated Sinhalese Buddhist resentment and though this is not entirely true, it is cited by many Sinhalese as the beginning of contemporary communal problems in Sri Lanka.⁸⁶ In conclusion, "the formation of the pan-Sinhalese ministry and a pro-Sinhalese council, the Sinhala Maha Sabha, followed by the '50-50' demand of G.G. Ponnambalam, paved the way for the emergence of contemporary ethnic conflict."⁸⁷ This ethnic conflict was intensified further by the awakening of Sinhalese national resurgence.

1.3 – FACTORS LEADING TO ETHNIC CONFLICT AND TO NATIONAL DISINTEGRATION

Sri Lanka received independence on 4 February 1948. Through the arithmetic of the ballot-box and Sinhalese-Buddhist pressure, the freedom and independence of Sri Lanka became the prerogative of the Sinhalese majority. Beginning as equals with the Sinhalese in subordination to the British colonial rule, the Tamils for a time became 'junior partners', but by the 1960's they had been reduced to a subject people under the rule of Sinhalese masters.⁸⁸ Ambitious politicians joined the Buddhist monks to utilize the Sinhalese national resurgence with its ethnocentric motives, making the island a 'Sinhala-Buddhist state' at the expense of the minorities. The ethnocentric political and

⁸⁵ For more details on the various assurances given by the Soulbury Commission to the Tamil Congress, see MANOGARAN, *Ethnic Conflict*, p. 37.

⁸⁶ The deep-seated differences and prejudices between the Sinhalese and the Tamils that threatened the survival of Sri Lanka as one country are documented. See WRIGGINS, *Ceylon*, pp. 231-233. For comments on G.G. Ponnambalam's '50-50' proposal, see MANOGARAN, *Ethnic Conflict*, p. 38.

⁸⁷ MANOGARAN, *Ethnic Conflict*, p. 9.

⁸⁸ See PONNAMBALAM, *Sri Lanka*, p. 71.

economic policies not only led to widen the gap between the Tamils and the Sinhalese but also led to national disintegration.

1.3.1 – Sinhalese National Resurgence

During the colonial period, the Sinhalese national resurgence evolved as the earliest and strongest force among the Sinhalese in opposition to Western life style. It was a new militant and revivalist spirit among the Sinhalese Buddhists from 1880 onwards. The movement reached its climax in 1956.⁸⁹ The 'rural elite'- Sinhala school teachers, ayurvedic physicians (who practised indigenous medicines), village traders and new rich merchants, became the backbone of the movement. These members were educated in the Sinhala language and were looked down upon by those who were English educated because the rural elite wished to conserve their traditional culture and customs. As conservatives, they were hostile to the Western life style.⁹⁰ R.N. Kearney thus quotes:

Since English education and the Christian faith were the keys to lucrative government jobs, a hybrid class of half-educated, Europeanized Sinhalese was soon formed. Buddhism and the Sinhalese language, Sinhalese customs and manners, and even personal names, came to be looked down upon as the contemptible residues of oriental barbarism ... It was the lowest ebb the Sinhalese as a nation had ever reached.⁹¹

⁸⁹ The Revivalist Movement was a part of the Sinhalese national resurgence. For more details, see WRIGGINS, *Ceylon*, pp. 169-210; S.J. TAMBIAH, "Buddhism, Politics, and Violence in Sri Lanka," in M.E. MARTY and R.S. APPLEBY (eds.), *Fundamentalisms and the State: Remaking Politics, Economics, and Militance*, Chicago, London, University of Chicago Press, 1993, pp. 589-619; R.N. KEARNEY, *Communalism and Language in the Politics of Ceylon*, Durham, Duke University Press, 1967, pp. 41-51; ROBERTS, "Meanderings in the Pathways," pp. 65-68; R.N. KEARNEY, "Nationalism, Modernisation and Political Mobilisation in a Plural Society," in ROBERTS, *Collective Identities*, pp. 440-461; DEVOTTA, *Blowback*, pp. 33-41; PONNAMBALAM, *Sri Lanka*, pp. 46-48, and B. SEBASTIAN PILLAI, "Sinhala Nationalism. The Native Physician, Buddhist Chauvinism and the so-called Enemy," in N. SEEVARATNAM (ed.), *The Tamil National Question and the Indo-Sri Lanka Accord*, Delhi, Konark Publishers Pvt. Ltd., 1989, pp. 45-47.

⁹⁰ See S.J. TAMBIAH, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy*, Chicago, University of Chicago Press, 1986, p. 34.

⁹¹ As quoted by KEARNEY, *Communalism*, p. 49.

The American theosophist Colonel Henry Steele Olcott helped the Buddhist revival movement. Olcott provided the element of organization to the movement. He established the Buddhist Theosophical Society, an organization of the Buddhist laity. He emphasized explicitly the link between Buddhism and Sinhalese history. He extolled the glories of the ancient Sinhalese civilization and stressed the idealized Sinhalese past. He actually stimulated the Buddhist revival in the direction of Sinhalese national resurgence.

The local leaders Anagarika Dharmapala and Piyadasa Sirisena sustained the movement. Their great contributions in communal issues evolved gradually to become the focus of the Buddhist revival movement. Dharmapala crystallized the Sinhalese national self-consciousness out of the religious and social movements. While being hostile to British rule and to Christian missionary activities, he borrowed their organizational and evangelizing techniques to propagate the movement's ideology.⁹²

Dharmapala and Sirisena contributed to the growth of Sinhalese-religio-nationalism which, thereafter, continued to affect the Sri Lankan multi-ethnic society even to this day. Sirisena used his novels and newspaper *Sinhala Jatiya (Sinhalese Nation)* to spread the Sinhalese-religio-nationalism. Dharmapala and Sirisena regarded all non-Sinhalese as non-nationals, which included the Moors, Indian Tamils, and the Sri Lankan Tamils because the term 'non-national' was equated with 'non-Sinhalese'.⁹³

⁹² See *ibid.*, pp. 41-47; see also TAMBIAH, *Sri Lanka*, pp. 69-70. On Angarika Dharmapala and Piyadasa Sirisena, see ROBERTS, "Meanderings in the Pathways," pp. 65-68; DEVOTTA, *Blowback*, pp. 30-33, and PONNAMBALAM, *Sri Lanka*, pp. 47-48. On Angarika Dharmapala's contribution to the Sinhala Buddhist Identity, see OBEYESEKERE, "The Vicissitudes," pp. 302-309.

⁹³ See ROBERTS, "Meanderings in the Pathways," p. 67.

Dharmapala and Sirisena reformulated the Sinhalese ethnic identity which can be summarized in the following terms:

Sinhalese collective identity, in terms of self-ascription, is not an ethnic identity but an ethno-religious identity – Sinhalese-Buddhist. The dominant distinguishing mark is Buddhist religious culture, which is central in the self-perception of the Sinhalese Buddhists.⁹⁴

The most critical development of the Buddhist resurgence was the growth of solidarity among the Sinhalese, and the engagement in a propagandistic activism with political overtones on the part of some Buddhist monks. Since the monks had village roots, they remained natural allies of the ‘rural elite’. In propagating the restoration of Buddhism to its rightful historical place, they advocated their own return to prominence in society and in the State since during the colonial period they had lost their prominent status with the decline of Buddhism.⁹⁵

⁹⁴ PONNAMBALAM, *Sri Lanka*, p. 27.

⁹⁵ See WRIGGINS, *Ceylon*, pp. 180-189, 193-210. Tambiah documents how the monks emerged as ‘political monks’ in Sri Lanka. They also formed *Lankan Eksath Bhikkhu Mandalaya* (Ceylon Union of Bhikkhus) and declared its intention to protect the civil and political rights of the Sangha. See TAMBIAH, “Buddhism, Politics,” pp. 591-593.

Bhikkhus literally means ‘beggars’. This is the Pali form used by the *Theravada Buddhists*. The Sanskrit form is ‘*bhikṣu*’. Here the word is generally translated as ‘Buddhist monk’. When capitalized, it represents an honorific title. The *bhikkhus* are not priests or ministers in the Western sense of the terms. See A.T. EMBREE (ed.), *Sources of Indian Tradition: From the Beginning to 1800*, vol. 1, 2nd edition, New York, Columbia University Press, 1988, p. 149; R.R. ROSS and A.M. SAVADA, “Sri Lanka: A Country Study,” in W. NUBIN (ed.), *Sri Lanka: Current Issues and Historical Background*, New York, Nova Science Publishers, Inc., 2002, p. 216.

“About a hundred years after Buddha’s death, the Sangha (the Buddhist monks order) split into two—the *Sthaviras* (Elders) and the *Mahasanghikas* (members of the Great Order). According to tradition there were three Buddhist councils, the first of which was held at Rajagṛha after the Buddha’s parinibbana (death). It was at the second council, which took place at Vaishali a century later that the split occurred. At the third council in Pataliputra in 250 BC, during the reign of Asoka, in north India, the Sthaviras emerged as the orthodox or Theravada sect (the Sthaviravada School). The more sectarian Buddhists succeeded in excluding the dissidents and innovators—the heretical Mahasanghikas—the Sthavira or Theravada faction. This paved the way for the later schism of Buddhism into the Little Vehicle (Theravada, also known as Hinayana) or

The Sinhalese-religio-nationalism has demonstrated multifaceted elements of independence. It was powerful enough to break down local barriers (local identities of family, kinship, 'caste and region' and ideological values) and bring the majority of Sinhalese within its fold. It was also equally powerful in alienating and excluding minority groups speaking a language other than Sinhala and adopting religions other than Buddhism.

The Sinhalese identity label of the late 19th century: 'ethno-religious identity' = 'Sinhalese Buddhist' propagated by Dharmapala, shifted to the combination of three elements: 'ethno-religious-linguistic identity' = the Sinhalese 'people' as an 'Aryan race', the Buddhist religion and the Sinhala language. To be truly Sinhalese was to be born Sinhalese, to speak Sinhala, and practise Buddhism, just like the Sinhalese. Among the minorities, it was the Tamils who felt the worst exclusion on the grounds of both language and religion. In addition they rejected the 'Aryan' claims of the Sinhalese.⁹⁶

The revival of Buddhism combined by the Buddha Jayanthi further deepened the unique bonds between Buddhism and the Sinhalese. The memories of Sinhalese history were recalled, especially the ancient wars between Sinhalese and Tamils as found in the *Mahavamsa*⁹⁷ and in other folk-legends. They stressed the past struggles with Tamil invaders.

more orthodox branch, and the Greater Vehicle or Mahayana branch with its stress on the compassionate bodhisattva, intent on enlightenment for himself and the liberation of others" (DE SILVA, *History*, p. 11). *Theravada*, the Pali word, meaning the 'Teaching of the Elders' comes from the Sanskrit, *Staviravada*. Theravada is generally used, as Pali was the official language of the sect. See EMBREE, *Sources of Indian Tradition*, pp. 94 and 149.

⁹⁶ See TAMBIAH, *Sri Lanka*, pp. 69-70.

⁹⁷ The contents of the *Mahavamsa* on the national resurgence can be summarized as: 1) The Sinhalese are racially distinct from any other people in the world. 2) They are the only group

The Sinhalese national resurgence moved from the uniqueness of the Sinhalese to an insistence on obtaining the position of prerogatives of the majority in the political, economic and cultural milieu. This was precisely because of their feelings of insecurity and the minority complex with regard to the entire Tamil population in South-Asia. Their insecurity was further intensified by their historical memories, because Tamils had often invaded the island and obliterated Buddhism in South India. The widespread fear of insecurity influenced the Sinhalese national resurgence to insist on the majority policy. The Sinhala ethnocentrism became a dominant factor in the state politics and socio-economic life in Sri Lanka. Ultimately, the Sinhala ethnocentrism contributed to the power of the movement for Sinhala as the only official language and for other similar policies from 1956 onwards.⁹⁸ The economy was deeply affected. The politicians played power politics by using ethnic issues with rhetoric, political talks and instigation to divert people from the current economic deterioration.

1.3.2 – The Collapse of the Economy and Power Politics

After independence, the country failed to maintain a proper employment level by agricultural and industrial productions. It took the shape of a ‘dependent economy’ and, later, the United National Party (= UNP) regime sponsored an ‘open economy’. However the economy could not meet the needs of the population. There was a large population of educated, semi-educated and disgruntled young people looking for jobs. The easiest

truly indigenous to the island of Sri Lanka and have the greatest right to live on it. 3) They are under constant threat of conquest, (and subsequent racial annihilation), from all other groups surrounding them, and have no other place to take refuge. 4) Over the centuries, Buddhism has retained its purest form in Sri Lanka alone, thus making the island a shining example of religion (Light of Asia). 5) The Sinhala Buddhists have been given the historical task of protecting, nurturing, and propagating the Buddha Dharma. See S.G. DE FONTGALLAND, *Sri Lankans in Exile: Tamils Displaced*, Madras, Cerro Publications, 1986, p. 7.

⁹⁸ See KEARNEY, *Communalism*, pp. 50-51.

explanation offered for their inability to find employment or gain promotion in the public service was that the Tamils were deliberately and cunningly packing the services with their own kind.⁹⁹

In addition, people were struggling to survive either in cities that were not industrialized enough to absorb them or in villages that were overcrowded. They were also confronted with imports of diverse commodities and consumer goods which they were unable to buy and thereby experienced utter poverty and relative deprivation. This situation provided fertile ground for uprisings of the urban and semiurban poor, who were ready to be mobilized by militant nationalist movements as well as power-conscious politicians.

In Sri Lanka the ruling groups are tempted to focus every effort on transforming a discontent that could potentially be directed against them into a chauvinist, even 'racist' movement, directed at this time against the alleged 'overprivileged' Tamils. In this sense, the possibilities of class differences and struggles have been diverted, and the anti-Tamil campaign is a mystification and a false consciousness.¹⁰⁰

T. Vittachi adds further strength to this:

When a country's economy is on the down-grade that the inner stresses of society begin to make themselves felt. Group relationships begin to break up inexorably when the economy is unable to sustain the pressure of population and insecurity haunts the people. It is also an observable fact that politicians will try to exploit this situation, particularly when they have no foreign political interests of any magnitude with which to distract the people's attention from domestic problems.¹⁰¹

The collapse of the economy and the power-play among politicians have also contributed to the ethnic conflicts on the island.

⁹⁹ See T. VITTACHI, *Emergency '58: The Story of the Ceylon Race Riots*, London, Andre Deutsch Limited, 1958, pp. 14-15.

¹⁰⁰ TAMBIAH, *Sri Lanka*, p. 86.

¹⁰¹ VITTACHI, *Emergency '58*, pp. 14-15.

1.3.3 – Relation Between Politics and the Sangha in Modern Times

The United National Party emerged as the largest political party in independent Sri Lanka under such prominent nationalists as D.S. Senanayake and S.W.R.D. Bandaranaike. Due to internal differences, S.W.R.D. Bandaranaike broke away from UNP and formed the Sri Lankan Freedom Party (= SLFP). As a result, UNP no longer had popular support because it embraced secular politics uncontaminated by religious elements and kept English as the official language of administration against the Sinhalese-Buddhist majority.

On the other hand, S.W.R.D. Bandaranaike, knowing accurately the pulse of the Sinhalese electorate, adopted strategies appropriate to capitalize on the political situation. The ‘rural elite’ became his supporters. Bandaranaike campaigned with the cry of ‘Sinhala-only’. He was given massive support by the Buddhist monks. In reviving the *Mahavamsa* ideology, the monks also wanted the Sangha to be a weighty political force in the shaping of a Buddhist state. More than 12,000 Buddhist monks canvassed openly for Bandaranaike against UNP. Bandaranaike’s group won the 1956 election.¹⁰²

The Sangha managed by and large to elevate its social status and importance in Sinhalese politics. At the same time, “it has burgeoned and harboured militant, chauvinist monks who have added fuel to the radical political Buddhism.”¹⁰³ The 1956 general election showed the politicians that no party could come to power without the help of the ‘rural elite’ and the Buddhist monks. Since then, there were competitions among the Sinhalese major parties to appease the Sinhalese and the monks. This led to the principle

¹⁰² See TAMBIAH, *Sri Lanka*, pp. 82-83; see also VITTACHI, *Emergency* '58, pp. 18-19.

¹⁰³ TAMBIAH, *Sri Lanka*, p. 83.

of majority politics which entitled the government to insist on 'affirmative action' on behalf of the majority, the Sinhalese.

This affirmative action is defined as securing employment for the Sinhalese in proportion to their demographic strength. The same majority claim has stimulated populist politicians and monks to press for the granting of Sinhala 'nationalism', with its potent mix of race, religion, and language, its 'rightful place' in the island's political culture.¹⁰⁴

Most of the Sinhalese majority and the Sinhalese-dominated political parties — UNP, SLFP and the Janatha Vimukthi Peramuna party (= JVP) — took for granted that legislation in favour of the majority was justified and a justifiable action. The Sangha defied any attempt at state regulations of its affairs. Therefore, a preferential action on behalf of the Sinhalese was interpreted as an affirmative and positive corollary of the arithmetic of democratic politics.¹⁰⁵ As a result, various Sinhalese-dominated governments enacted a number of laws against the minority. The Tamils viewed them with much apprehension.

1.3.4 – Legislation Favouring the Sinhalese

The successive Sinhalese-dominated governments enacted many laws favouring the Sinhalese majority at the cost of depriving the freedoms and rights of the Tamils. K.M. de Silva observes that the flexibility of the Soulbury constitution and the lack of a bill on fundamental rights "enabled the political structure to accommodate itself to a series of far-reaching changes, most if not all of which adversely affected ethnic and religious minorities."¹⁰⁶ The discriminatory legislation aggravated the Tamil resistance

¹⁰⁴ Ibid., p. 76.

¹⁰⁵ See *ibid.*, p. 77.

¹⁰⁶ DE SILVA, *History*, p. 628.

against the Sinhalese-dominated government and paved the way for national disintegration.¹⁰⁷

1.3.4 1 – The Language Bill of 1956

The Official Language Bill of 1956 emerged as the most explosive and divisive in Sri Lankan politics.¹⁰⁸ It became the centre of a bitter controversy between the Sinhalese and the Tamils. “The culture of ethnic outbidding to which the language issue gave rise, the institutional decay that it concurrently generated, and the anti-minority sentiments and ethnocracy that it ultimately legitimated were the major reasons for Sri Lanka’s twenty-years civil war.”¹⁰⁹ The language policy was treated by Tamils as an instrument of ethnic discrimination.

During the colonial period, English was the official language and was used for commerce and higher education. English-educated people enjoyed privileged social status and clerical jobs in the government administration. There was a gradual demand for “*swabhasha*” or the people’s “own language” as the government language. The *swabhasha* movement primarily came from the Sinhalese, and it motivated the politically and economically marginalized Sinhalese to demand preferential treatment from the government. Prior to independence, a decision was made that English was gradually to be

¹⁰⁷ For detailed information on discriminatory legislation, see CHATTOPADHYAYA, *Ethnic Unrest*, pp. 15-30; N. ISLAM, *Tamil Separatism, Government Policies and Decentralization in Sri Lanka*, Ottawa, University of Ottawa, (University of Ottawa Working Paper 85-65), 1985, pp. 4-14; MANOGARAN, *Ethnic Conflict*, pp. 115-148, and SCHWARZ, *Tamils*, pp. 9-14.

¹⁰⁸ Kearney, Wriggins and DeVotta have devoted particular attention to the study of the Official Language Act of 1956 in their respective works. See KEARNEY, *Communalism*, pp. 52-89; WRIGGINS, *Ceylon*, pp. 241-270; DEVOTTA, *Blowback*, pp. 42-52; also see PONNAMBALAM, *Sri Lanka*, pp. 105-110; MANOGARAN, *Ethnic Conflict*, pp.44-49, and DE SILVA, *History*, pp. 626-630.

¹⁰⁹ DEVOTTA, *Blowback*, p. 41.

replaced as the official language by both Sinhala and Tamil.¹¹⁰ After independence, however, the Sinhalese national resurgence forced the politicians to enact Sinhala as the only official language of the country, and Tamil was rejected by the Sinhalese majority.

On 6 July 1956 the Sinhala-Only Bill of the Bandaranaike government became the Official Language Act, No. 33 of 1956.¹¹¹ It became obvious that if the Sinhalese parties joined forces, they could implement anything against the minorities, even while claiming that they were acting democratically and constitutionally.¹¹² The Bill favoured the Sinhala speaking people who would now have the most desired professional careers open to them. The Sinhalese had exaggerated the facts that Tamils had occupied all administrative and professional jobs because of the availability of English education in the colonial period.¹¹³

¹¹⁰ See *ibid.*, pp. 42-44. On the origin of *swabhasha* and the historical background of the "Sinhala-Only Act," see KEARNEY, *Communalism*, pp 52-67.

¹¹¹ Official Language Act, No. 33 of 1956. For the text of this act, see KEARNEY, *Communalism and Language*, p. 143.

¹¹² See DEVOTTA, *Blowback*, p. 90.

¹¹³ The long-standing grievances of the Sinhalese people concerning their language rights, the status of Buddhism, employment, education opportunities and political control of the state by the Sinhalese majority have been resolved. The report of the Committee for Rational Development exposes that the Tamils are no longer the privileged group and the Sinhalese have by now decisively corrected the imbalance and tipped the scales in their favour. Their analysis reveals that 35 years after independence perceptions of a Tamil dominated civil and professional service no longer correspond to reality. See COMMITTEE FOR RATIONAL DEVELOPMENT (= CRD), *Sri Lanka. The Ethnic Conflict: Myths, Realities & Perspectives*, New Delhi, Navrang, 1984, pp.1-33; see also TAMBIAH, *Sri Lanka*, pp. 147-166.

Sinhala became the only official language in 1956 and article 9 of the 1978 constitution stated: "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the state to protect and foster the Buddha Sasana." With this, Sri Lanka ceased to be a secular state, pure and simple, even though it did not become the theocratic state which Buddhist pressure groups would have liked it to be. See DE SILVA, *History*, p. 673.

The Tamils viewed the legislation as a threat to their culture, identity and means of livelihood. They would be in a disadvantageous position in obtaining future employment in the administration with the required proficiency in Sinhala. Now, with language being the determinant of national consciousness, their national integrity and ethnic identity stood alarmingly jeopardized. The Tamils also feared assimilation and they considered that 'the Sinhala-only legislation' was merely a prelude to other related Acts. The most important reason why Tamils opposed the 'Sinhala-only Act' was that it dealt with the cultural and intellectual connection to their language.¹¹⁴ G.G. Ponnambalam argued ardently that

language is the basis of one's culture, of one's nationality. It is the mirror of the genius of a people ... I look upon the denial of equality of status to one's language as almost a challenge to one's history, to one's past, to one's culture and to one's civilization. Language itself is a spiritual matrix in which one's culture lives and moves and has its being. Deprived of that matrix there can be no progress, either spiritual or otherwise.¹¹⁵

Tamil was not made an official language for the whole country. The Bill tore the country into two major divisions. The main linguistic grievance of the Tamils remained unameliorated.¹¹⁶ It affected severely ethnic relations between the Sinhalese and Tamils. One M.P. noted that

¹¹⁴ See DEVOTTA, *Blowback*, pp. 86-88; see also CHATTOPADHYAYA, *Ethnic Unrest*, pp. 16-17.

¹¹⁵ DEVOTTA, *Blowback*, p. 88.

¹¹⁶ For more information, see CHATTOPADHYAYA, *Ethnic Unrest*, p. 20. Alternately, the Sinhalese government reluctantly gave some language rights to Tamil minorities in 1966, after much violence and rioting. Article 19 of the 1978 constitution recognised Tamil as a national language. Article 18 reaffirmed Sinhala as the only official language of Sri Lanka. Sinhala would be the language of administration throughout Sri Lanka. The Tamil language shall be the language of administration in the Northern and Eastern Provinces.

Following the Indo-Sri Lanka Accord of 29 July 1987 the Sri Lanka Constitution was amended to establish provincial councils and the powers to be devolved. Clause 2.18 established

the political situation in this country is such that consciously or unconsciously everyone is beginning to look at things from a communal angle.... People who have never been communalists have become communalists and those who have been moderates have become extremists while extremists have become incorrigible fanatics.¹¹⁷

The Official Language Act proved that the majoritarian principle in politics was that the will of the majority was to be the will of all. No law was likely to pass with complete consensus, and this was especially so in a polyethnic society. The first communal ethnic violence broke out as the official language bill was being debated in the Parliament.¹¹⁸

1.3.4.2 – Field of Education

Education was important for Tamils. Tamil regions in the North have a high density of population but a lack of natural resources, unlike the Sinhalese Wet-Region in the south. Tamils sought higher education for white collar jobs, and English education became the prime source of mobility and livelihood for the Tamil community of Jaffna. Since independence, there had been a steady move on the part of the government to keep the Tamil students out of higher education by restricting their admission to universities.¹¹⁹

‘The Official Language of Sri Lanka shall be Sinhala, and Tamil. English shall be the link language. However, concrete changes in the state infrastructure did not follow, and the bilingualism that existed on paper was not effectively implemented. See N. WINKRAMASINGHE, *Sri Lanka in the Modern Age: A History of Contested Identities*, London, Hurst and Company, 2006, pp. 187-188.

¹¹⁷ As quoted by KEARNEY, *Communalism*, pp. 83-84.

¹¹⁸ A.M. Navaratna-Bandara describes in a nutshell the ethnic violence which occurred in Sri Lanka between 1956 and 1996. See A.M. NAVARATNA-BANDARA, “Ethnic Relations and State Crafting,” in NUBIN, *Sri Lanka*, pp. 68-69. For the sake of clarity, we have decided to present all references to ethnic violence under one title.

¹¹⁹ For more details, we may note the data presented in the table by Chattopadhyaya. See CHATTOPADHYAYA, *Ethnic Unrest*, pp. 20-21.

Education is the central artery of life, and “nothing arouses deeper despair among the Tamils than the feeling that they are systematically squeezed out of higher education.”¹²⁰ There have been keen competitions among the Tamils and Sinhalese for university admissions. Entrance exams were first held in English and later changed to Tamil and Sinhala. It was considered that the average scores for the Tamil medium were much higher than the average scores for the Sinhala medium.¹²¹ In place of ‘entrance exams’, different schemes of weightage and quotas were introduced. The successive changes brought further gains for the Sinhalese at the expense of the Tamil students. C.R. de Silva writes that

.... successive changes brought further gains for the Sinhalese... The application of the system resulted in considerable gains for the Sinhalese and won support among several sections of this group. The share of the Sinhalese in places for Engineering courses shot up to 73.1% and that for Medicine to 58.8%. The Tamil share in places for Engineering dropped precipitously to 24.4%.¹²²

The four schemes were: standardization in 1973; standardization and district quotas with modifications in 1974; standardization and 100% district quotas in 1975 and standardization and 70% on marks, and 30% on district quotas in 1976. Every change in admission procedure was based not on educational reasons but political pressure from various groups.¹²³

¹²⁰ SCHWARZ, *Tamils*, p. 12. C.R. de Silva’s contribution on ‘Education’ is remarkable. He explores various dimensions of education affecting the ethnic relations between Tamils and Sinhalese. C.R. DE SILVA, “The Impact of Nationalism on Education: The Schools Take-Over (1961) and the University Admission Crisis 1970-1975,” in ROBERTS, *Collective Identities*, pp. 474-499.

¹²¹ See C.R. DE SILVA, “The Impact of Nationalism,” p. 486; see also SCHWARZ, *Tamils*, p. 13.

¹²² Ibid., pp. 488-489.

¹²³ See *ibid.*, p. 488.

De Silva makes his assessment that these systems

affected the Sri Lankan Tamils most adversely. ... The restriction of Tamil admission was severe. Their share in admissions for Engineering fell to 16.3% and that for Medicine to 25.9% of the total. The total share of Tamil assistance to Science-oriented studies fell to 20.9% (from 25.9% in 1973 and 35.3% in 1970). In contrast the Sinhalese emerged as the main beneficiaries. Their share in admissions to Science-based courses rose to 75.4% in 1974 and to over 80% (estimate) in 1975. Since they have consistently had over 85% of the admissions to Arts-oriented studies for many years, their representation in all fields of study within the University rose to proportions well above their percentage of the population.¹²⁴

Due to these schemes in higher education, a number of Tamil students were deprived of university entrance while their Sinhalese counterparts were admitted even though they failed the entrance exams. Frustrated Tamil youths, having nothing to lose, fought for the reversal of their disadvantages by taking up arms as they were determined to create a separate state of Tamil Eelam. De Silva concludes:

On the other hand the damage already done by discriminatory-measures against the minorities is considerable. Unlike in the case of the struggle for the schools take-over the hostility and suspicion between the Sinhalese and Tamils is to die away ... Unlike the Roman Catholics whose religion was the only factor which distinguished them from the rest of the Sinhalese (or Tamils), the Tamils of Sri Lanka have developed feelings of nationalism on their own and the question of educational opportunity only aggravated the conflicts that had risen owing to questions of language and employment. Nevertheless the question of University admissions is clearly one which mobilized the youth in Jaffna and prodded the Tamil United Front leadership to declare in favour of a separate state.¹²⁵

¹²⁴ Ibid., pp. 490-491. These controversial policies for university admissions alienated the ranks of Tamil opinion and sharply radicalized the Tamil lower-middle class youth. These admission policies struck at the basis of economic mobility of the Tamils. Deep cynicism towards the expected fair treatment from the Sinhalese-dominated government was widespread. See A. SHASTRI, "The Material Basis for Separatism: The Tamil Eelam Movement in Sri Lanka," in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, p. 213.

¹²⁵ C.R. DE SILVA, "The Impact of Nationalism," p. 497. In addition, Schwarz says that "Ceylon is the only country in the world that has failed to provide for the teaching of the official language in all schools of the country." He concludes that: "It is indeed one of the alarming aspects of the language *impasse* that in protest against 'Sinhala-only', the authorities in the Northern Province refused to introduce Sinhala in elementary schools there and the government has taken no steps to compel them to do so. This puts Tamil students at a disadvantageous position in competing for government-controlled jobs, thus perpetuates and aggravates the central Tamil grievance" (SCHWARZ, *Tamils*, p. 13).

1.3.4.3 – Field of Employment

Since independence, the government policy favoured the Sinhalese under pressure from some Sinhalese organizations, and, as a consequence, Tamil grievance increased.¹²⁶ The United National Party admitted this in its manifesto of the 1977 election. That manifesto stated:

The United National Party accepts the position that there are numerous problems confronting the Tamil-speaking people. The lack of solution to their problems has made the Tamil-speaking people support even a movement for the creation of a separate state ... The Party, when it comes to power, will take all possible steps to remedy their grievances ...¹²⁷

The United National Party listed as one of the Tamil grievances: 'employment in the Public and semi-public Corporations'. The recruitment of Tamils for the administrative services, the teaching profession and public-sector corporations had also declined by the 1970s. The number of Tamils recruited to the police department, the army, and the navy also declined steadily. For instance, only 220 of every 10,000 persons who joined the armed forces between 1977 and 1980 were Tamils. This deepened Tamil suspicion that the government had systematically excluded Tamils from the armed forces in order to impose its will on the Tamil people.¹²⁸

Sinhala, the only official language, also caused a major blow to the Tamils in the public sector. Unemployment among Tamil youth was an inevitable consequence.

¹²⁶ Manogaran clearly exposes the discrimination in employment, demonstrating how the public and private sectors have been at the service of the Sinhalese population; many factories had been deliberately denied to the Tamil areas but allocated to the Sinhalese populated areas. Even if a factory was established in the Tamil district, it was located where a large portion of Sinhalese inhabited. See MANOGARAN, *Ethnic Conflict*, pp. 127-137.

¹²⁷ CRD, *Sri Lanka*, p. 4.

¹²⁸ See MANOGARAN, *Ethnic Conflict*, pp. 127-130; see also CHATTOPADHYAYA, *Ethnic Unrest*, pp. 24-25.

Unemployment among qualified Tamil males was 41% in 1983 while among their Sinhalese counterparts was only 29%. Laws and regulations against Tamils in respect of employment adversely affected their economic lives. Unemployment and frustration forced young Tamils to join militant movements and become supporters of a separate Tamil State.¹²⁹

1.3.4.4 – Land Reforms and Sponsored Colonization

The land reform policy and the government-sponsored colonization schemes aggravated ethnic tensions and conflicts. The Tamils believed that the government had deliberately decided to alter the demographic balance in the Eastern province for political purposes by sponsoring Sinhalese settlements only in the Tamil-dominated areas.

Trincomallee district was sparsely populated with a clear Tamil majority but now it has a large Sinhalese minority. Amparai district had a dense population of Tamils and Muslims, but now it has become a strong Sinhalese area. The government established Amparai as a separate district where the Tamil population was reduced to a minority status. They risked becoming a minority in their own homeland. Batticaloa also underwent changes between 1971 and 1981. The Tamils viewed these encroachments in the East as an attempt to create a strong Sinhala electoral base; therefore they resented the colonization programmes.¹³⁰

¹²⁹ See CHATTOPADHYAYA, *Ethnic Unrest*, pp. 25-26.

¹³⁰ See SHASTRI, "The Material Basis for Separatism," in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, pp. 219-224; see also ISLAM, *Tamil Separatism*, pp. 12-14, and MANOGARAN, *Ethnic Conflict*, pp. 140-148.

They also considered that the government purposely neglected economic projects in the Tamil areas.¹³¹ These were made dependent on other districts. Many Tamils thought that this dependency had been deliberately masterminded by successive governments to weaken the Tamils' political and economic stronghold over their traditional areas.¹³²

1.3.4.5 – Indian Tamils' Grievances

Most Indian Tamils, originally plantation workers, were the worst sufferers among the ethnic groups. They were denied citizenship under the laws passed in 1948-49. They were the most economically deprived class with much less pay on the island. Their economic condition deteriorated from a bare subsistence level to grinding poverty. In 1972, the government of Mrs. Bandaranaike nationalized estates and distributed land to the landless Sinhalese. By this Act, the Indian Tamils were forced out of their jobs. They were discriminated against continuously by various governments.¹³³ They suffered terribly during the riot-torn period. For instance, the majority of victims of the race riots in 1983 were Indian Tamils. They ultimately moved closer to the Sri Lankan Tamils in opposition to the government and supported the Tamil Eelam.¹³⁴

¹³¹ See MANOGARAN, *Ethnic Conflict*, pp. 137-140.

¹³² See *ibid.*, p. 113.

¹³³ For more details on the Indian Tamils' grievances, see CHATTOPADHYAYA, *Ethnic Unrest*, pp. 26-29; see also WRIGGINS, *Ceylon*, pp. 220-221, 224-228. The 1978 constitution enfranchised many Indian Tamils and those who were left out were granted citizenship in October 2003.

¹³⁴ See L. PIYADASA, *Sri Lanka: The Holocaust and After*, London, Marram Books, 1984, pp. 82-83.

1.3.5 – Growth of Tamil Separatist Nationalism

Tamil separatist nationalism evolved gradually among the Tamils and reached its maturity in the 1970s. The Federal Party and other Tamil parties joined together to protest in a nonviolent manner through *Satyagraha* against the expanding discriminatory policies of the government. A major political development occurred in Sri Lankan Tamil politics in 1972. All Tamil leaders formed one single party, the Tamil United Front (= TUF) on 14 May 1972 in order to resist Sinhalese domination. The Tamil United Front confined itself to establish a federal state within the Sri Lankan entity.¹³⁵

Tamil youths noted the government's failure to devolve substantial powers to government bodies in Tamil areas and its reluctance to halt the planned resettlement of numerous Sinhalese in Tamil districts. They understood that the strategy used by the Tamil leaders since 1950s was clearly ineffective in securing concessions from the various governments.¹³⁶

¹³⁵ See CHATTOPADHYAYA, *Ethnic Unrest*, pp. 31-33. TUF is the union of all Tamil parties: the Tamil Congress, the Federal Party, the Elathavmilar Ottumai Munnani of C. Suntharalingam, the All Ceylon Tamil Conference and the Ceylon Workers Congress (= CWC), representing the Tamils of Indian origin. When Tamil Eelam was proposed by the Tamil leaders in 1977, the Indian Tamil leader of the CWC, Thondaman, did not consent to it but supported a federal system of government.

The Federal Party, founded in 1949 by S.J.V. Chelvanayakam, remained TUF's constituent party to guide other parties. It became a prominent Tamil political party and championed Tamil causes. It stood for the following causes: (i) Establishment of one or more Tamil linguistic states as federating units enjoying wide autonomous and residuary powers within the federal political structure of Sri Lanka; (ii) Restoration of the Tamil language to its rightful place enjoying absolute parity of status with Sinhala as an official language of Sri Lanka; (iii) Conferment of full civil rights on all Tamil-speaking people who had migrated to the island in the wake of the 19th century introduction of the plantation-economy. The Federal Party realized that these goals would not be reached unless the Tamils had their own secular state. Therefore, they moved beyond their demand for federal state to that of a separate Tamil Eelam like Bangladesh. See CHATTOPADHYAYA, *Ethnic Unrest*, p. 35.

¹³⁶ See MANOGARAN, *Ethnic Conflict*, pp. 59-60.

Having been “caught up in a revolutionary situation created by the concrete conditions of intolerable national oppressions, the revolutionary youth sought desperately to create a revolutionary political organization to advance the task of national liberation.”¹³⁷ The frustrated youth formed their militant movements in the 1970s.¹³⁸ The beginning of the Tamil militant movements can be traced to March 1973 when more than one hundred Tamil youths were arrested for staging the black flag demonstration against a cabinet minister of Mrs. Bandaranaike. For the first time, militant youths were able to persuade the Tamils of Jaffna to boycott schools and colleges. The Government arrested more than two hundred Tamil youths suspected of being militants and held them in custody for months. This incident became powerful enough to compel the TUF to reconsider its long-cherished objective of establishing a federal system of government.

The Tamil United Front Action Committee resolved upon a separate state of Tamil Eelam as its goal. In May 14, 1976, TUF was renamed the Tamil United Liberation Front (= TULF) and reiterated its goal to establish the secular state of Tamil Eelam.¹³⁹

¹³⁷ As quoted by CHATTOPADHYAYA, *Ethnic Unrest*, p. 33.

¹³⁸ For basic reading on the Tamil Militant Movement, see WILSON, *Sri Lankan Tamil Nationalism*, pp. 124-135; see also CHATTOPADHYAYA, *Ethnic Unrest*, pp.37-50; MANOGARAN, *Ethnic Conflict*, pp. 73-77; DEVOTTA, *Blowback*, pp. 166-190 (DeVotta treats this Movement with special attention to the Liberation Tigers of Tamil Eelam); and D. FEITH, “The Tamil Struggle: A Brief Historical Survey,” in N. SEEVARATNAM, *The Tamil National Question and the Indo-Sri Lanka Accord*, Delhi, Konark Publishers Pvt. Ltd., pp. 84-86.

¹³⁹ Basic reading on Tamil Separatist Nationalism: WILSON, *Sri Lankan Tamil Nationalism*, pp. 66-183; GUNASINGAM, *Sri Lankan Tamil Nationalism*, pp. 189-220; SHASTRI, “The Material Basis for Separatism,” in MANOGARAN and PFAFFENBERGER, *The Sri Lankan Tamils*, pp. 208-235; CHATTOPADHYAYA, *Ethnic Unrest*, pp. 31-50; S. ARASARATNAM, “Nationalism in Sri Lanka and the Tamils,” in ROBERTS, *Collective Identities*, pp. 500-519; P. PFAFFENBERGER, “Ethnic Conflict and Youth Insurgency in Sri Lanka: The Social Origins of Tamil Separatism,” in J.V. MONTVILLE (ed.), *Conflict and Peacemaking in Multiethnic Societies*, New York, Lexington Books/Toronto, Maxwell Macmillan International/Oxford, Singapore, Sydney, Maxwell Macmillan International, 1991, pp. 241-257; J.K. KARAN, “The Tamil National Struggle,” in N. SEEVARATNAM (ed.), *The Tamil National Question and the Indo-Sri Lanka*

After adopting the principle of Tamil Eelam, TULF took part in the Parliamentary general election of 1977, advocating its justification for the demand of Tamil Eelam: “the successive Sinhalese governments had discriminated against Tamils in education, employment, land-alienation, State colonization scheme, and also against the issue of official language. Such instances of discrimination, TULF argued, justified the Tamil demand for Tamil Eelam.”¹⁴⁰

In addition, TULF reiterated that “the question to be resolved was whether the Tamils wanted their freedom or continued servitude to the Sinhala-dominated government.”¹⁴¹ In the 1977 general election, TULF won 17 out of 22 seats which it contested in the Northern and Eastern Provinces and this led it to claim that the Tamils had voted for a separate state in the Northern and Eastern Provinces. The Tamil programme for Tamil Eelam in both North and East remained a notable item on TULF’s political agenda and the Federal Party founded in 1949 by S.J.V. Chelvanayakam remained its constituent party to guide other parties.¹⁴²

Accord, Delhi, Konark Publishers Pvt. Ltd., 1989, pp. 58-72, and D. Feith, “The Tamil Struggle: A Brief Historical Survey,” in N. SEEVARATNAM (ed.), *The Tamil National Question and the Indo-Sri Lanka Accord*, Delhi, Konark Publishers Pvt. Ltd., 1989, pp. 73-86.

A.J. Wilson has studied in depth how and what political and socio-economic situations brought the Tamil political parties together to form TULF with the initiative of FP. The Tamil national sentiment found organizational expression in FP which spearheaded the Tamil national movement. See WILSON, *Sri Lankan Tamil Nationalism*, pp. 82-112; see also CHATTOPADHYAYA, *Ethnic Unrest*, p. 33, and MANOGARAN, *Ethnic Conflict*, p. 60

¹⁴⁰ CHATTOPADHYAYA, *Ethnic Unrest*, p. 34.

¹⁴¹ Ibid.

¹⁴² For more information on FP’s political contribution and S.J.V. Chelvanayakam, see WILSON, *Sri Lankan Tamil Nationalism*, pp. 82-112.

By 1977, the Tamil nationalist movement in Sri Lanka steadily became Tamil Eelam-oriented. 'Nothing but Tamil Eelam' became the slogan to be welcomed and accepted as the only solution to the Tamils' problem.¹⁴³ The Tamil United Liberation Front is considered the most moderate among the Tamil groups that fought for Tamil Eelam. Its leader Appapillai Amirthalingam declared that if the Sinhalese Government failed to fulfil the aspirations of the Tamils, "We may be forced to resort to an armed struggle."¹⁴⁴

The Tamil United Liberation Front gained more strength to fight for Eelam struggle as the Indian Tamils joined with the Sri Lankan Tamils to fight for their rights and freedoms. The Indian Tamils, who mostly lived in the plantation areas and were separated by their Indian past, moved closer to Sri Lankan Tamils during the ethnic struggle. They fled to the Northern and Eastern Provinces where the Sri Lankan Tamils provided them with shelter. Their presence and cohabitation in the Northern and Eastern Provinces gave combined strength to TULF to fight for Eelam. The ethnic riots suffered by both Sri Lankan Tamils and Indian Tamils raised to a greater scale the fight for Tamil Eelam and it also forced a huge Tamil population to flee for life and security.

1.4 – ETHNIC VIOLENCE AND THE DISPLACEMENT OF TAMILS AS REFUGEES

Tamil-Sinhalese social relations based on good will were destroyed when politicians and some Buddhist monks stirred up the anti-racial sentiments for political gain. Piyadasa observes, "Some of the masses, including workers and students, had

¹⁴³ See CHATTOPADHYAYA, *Ethnic Unrest*, p. 35.

¹⁴⁴ *Ibid.*, p. 37.

previously been stirred up by the unashamedly and virulently anti-Tamil propaganda put out by members of the Sangha and by leading politicians.”¹⁴⁵ The first anti-Tamil violence began in 1956 and gradually it reached its climax in 1983 and 1986.¹⁴⁶ Piyadasa concludes that

it is the result of history made by reactionaries who have worked patiently for years. They have gradually taken possession of the curriculum of schools, and of most of the press. They have monopolised what is published and read, and established their hegemony over the government and even the courts. All this is the result of political work – for evil. In every case where fascism triumphs, it is the culmination of a strategy.¹⁴⁷

The tragedy of refugee flow was one of the painful outcomes of ethnic riots and violence. Following are some of the ethnic riots which caused the refugee flow into India and elsewhere.

1.4.1 – Ethnic Violence and Conflicts, 1956

The Official Language Bill of 1956 divided the country into two nations: Sinhalese and Tamils. While the debate on the bill was going on in Parliament, the

¹⁴⁵ PIYADASA, *Sri Lanka*, p. 84.

¹⁴⁶ Basic reading on ethnic violence in Sri Lanka: NAVARATNA-BANDARA, “Ethnic Relations,” pp. 68-69; CHATTOPADHYAYA, *Ethnic Unrest*, pp. 51-82; TAMBIAH, *Sri Lanka*, pp. 13-64, 114-121; C.H.S. JAYEWARDENE and H. JAYEWARDENE, *Tea for Two: Ethnic Violence in Sri Lanka*, Ottawa, Crimcare Publication, 1984; PIYADASA, *Sri Lanka*, pp. 54-92; A. SIVANANDAN, “Sri Lanka: Racism and the Politics of Underdevelopment,” in *Race & Class*, vol. 26, no. 1 (Summer 1984), pp. 1-37; (Unknown Author), “Sri Lanka’s Week of Shame: An Eyewitness Account,” in *Race & Class*, vol. 26, no. 1 (Summer 1984), pp. 39-50; N. SANMUGATHASAN, “Sri Lanka: The Story of the Holocaust,” in *Race & Class*, vol. 26, no. 1 (Summer 1984), pp. 63-82; N. MURRAY, “The State against the Tamils,” in *Race & Class*, vol. 26, no. 1 (Summer 1984), pp. 97-109; “Notes and Documents of ‘Memorandum on Human Rights Violations and Ethnic Violence in Sri Lanka’,” [produced by the Gemeenschappelijk Overleg Medefinancierings Organisaties (The Netherlands, December 1983), with additional notes added by Jenny Bourne], in *Race & Class*, vol. 26, no. 1 (Summer 1984), pp. 111-157; H.A.I. GOONETILLEKE, “July 1983 and the National Question in Sri Lanka: A Bibliographical Guide,” in *Race & Class*, vol. 26, no. 1 (Summer 1984), pp. 159-193; VITTACHI, *Emergency '58*, pp. 11-117, and M.R. SINGER., “Prospects for Conflict Management in the Sri Lankan Ethnic Crisis,” in MONTVILLE, *Conflict and Peacemaking*, pp. 259-285.

¹⁴⁷ PIYADASA, *Sri Lanka*, pp. 128-129.

members of the Federal Party staged a silent and peaceful *Satyagraha* demonstration to express their disapproval of the Bill. They were beaten and assaulted by Sinhalese mobs. There were more violent incidents in Colombo and the Gal Oya Valley in the Amparai district where 159 Tamils were killed. Tamil shops were looted in Colombo and severe disturbances occurred at Batticaloa, Trincomallee and Gal Oya Valley in eastern Sri Lanka between 8 and 11 June 1956.¹⁴⁸

Due to the Official Language Bill, non-Sinhala-speaking people migrated from the island to Australia, Canada, U.S.A. and Britain while some went to Nigeria, Ghana, Zambia and other African countries as professionals and immigrants. They were all professionally qualified and English-speaking. However, they were neither considered economic refugees nor refugees of any sort.¹⁴⁹

1.4.2 – The Riots of 1958

The Federal Party organized a campaign in March 1958 to blot out the Sinhala letter SRI on vehicle license plates. In turn, this led to retaliation by Sinhalese crowds tarring every Tamil sign in Colombo. The Federal Party called for a convention in May 1958 to stage *Satyagraha* because the Bandaranaike government did not implement the Bandaranaike-Chelvanayakam Pact.¹⁵⁰ Some Sinhalese extremists opposed their

¹⁴⁸ See CRD, *Sri Lanka*, p.171; see also CHATTOPADHYAYA, *Ethnic Unrest*, p. 52; MANOGARAN, *Ethnic Conflict*, p. 48, and VITTACHI, *Emergency '58*, p. 20.

¹⁴⁹ See DE FONTGALLAND, *Sri Lankan Tamils*, p. 9; see also VITTACHI, *Emergency '58*, p. 16.

¹⁵⁰ MANOGARAN, *Ethnic Conflict*, pp. 49-56. An agreement negotiated between the Bandaranaike government and the Federal Party representing the Tamils was called the Bandaranaike-Chelvanayakam Pact of 1957. The pact recognized Tamil as the language of a national minority and the language of administration in the Northern and Eastern Provinces, without altering the position of Sinhala as the only official language of Sri Lanka. It would have minimized the threat of Sinhalese colonization of Tamil areas

gathering. Buses and trains to Trincomallee via Polonnaruwa carrying Tamil delegates for the convention were stoned. Tamil shops were looted and burnt. It ended with the massacre of Tamils in Polonnaruwa, Badulla, Kurunegala, Panadura, Galle, Colombo, Batticaloa and Matara.

The government's agent reported: "Passing vehicles were stopped and their occupants mercilessly assaulted. Moving trains were halted at several places and such brutal scenes occurred as men being burnt alive. Looting was rampant. The Police were helpless against these marauding rioters."¹⁵¹ Vittachi writes: "On 24 and 25 May, murder stalked the streets in broad daylight. Fleeing Tamils, and the Sinhalese, who were suspected of having given them sanctuary, had their brains strewn about."¹⁵²

On the night of May 25, 1958, thugs raided government farms at Polonnaruwa and Hingurakgoda almost simultaneously and without remorse. The Tamil labourers in Polonnaruwa sugarcane plantation fled when they saw the enemy approaching and hid themselves in the sugarcane bushes. The "goondas set the sugarcane alight and flushed

and permitted Tamils to develop their traditional homeland as they deemed necessary. Moreover, it would have provided for the devolution of administrative powers to regional councils in the Tamil areas and avoided the contemporary violence and bloodshed. For the Bandaranaike-Chelvanayakam Pact, see KEARNEY, *Communalism and Language*, pp.144-146; see also PONNAMBALAM, *Sri Lanka*, pp.256-257 and MANOGARAN, *Ethnic Conflict*, pp. 187-189. See Appendix 2.

¹⁵¹ KEARNEY, *Communalism and Language*, p. 87.

¹⁵² VITTACHI, *Emergency '58*, p. 39. Vittachi writes that the 1958 riot had been a story of violence, anger, jealousy, fear, and vengeance. He asks, "Have the Sinhalese and Tamils come to the parting of the ways?" See VITTACHI, *Emergency '58*, pp. 11-117.

out the Tamils. As they came out screaming, men, women and children were cut down with home-made swords, and grass-cutting knives.”¹⁵³

During this riot, it was estimated that some 12,000 Tamil refugees were kept at Royal College camp in Colombo. They were demoralized by the ethnic hatred displayed by politicians, including Prime Minister Bandaranaike, who refused to visit them while he was one of the first ones to visit the Sinhalese evacuees from Jaffna.¹⁵⁴

1.4.3 – Ethnic Violence in the 1970s

Ethnic violence erupted again in the 1970s in the form of police brutality. As the United National Party won the election in 1977 and formed the government under the leadership of J. Jayewardene, violence against Tamils became quite common throughout the island. Ethnic violence took place four times – in August 1977, 1978, 1979, 1981.¹⁵⁵ The August 1977 riots were the worst since 1958. The riots actually started with a clash between police and a Tamil crowd at a school carnival at Jaffna. A false story was spread in the South that the Tamils had burnt a Buddhist temple and killed Sinhalese residents in the North. The Sinhalese believed the rumours and retaliated by attacking and looting Tamil shops and homes at Anuradhapura.

The Indian Tamils in plantations were the worst victims of the 1977 riots. Their rooms were burnt, their few possessions were looted and women were gang-raped. Hundreds were killed and over 40,000 became internally displaced people (= IDP). The

¹⁵³ VITTACHI, *Emergency* '58, p. 40.

¹⁵⁴ For more information, see *ibid.*, pp. 87-89.

¹⁵⁵ See CHATTOPADHYAYA, *Ethnic Unrest*, pp. 59-63, see pp. 60-63 for the 1978-1979 riots.

government had to airlift them from the affected areas to the North in view of the hazards of transit by rail or road. Most of them settled in the Vavuniya district.¹⁵⁶

1.4.4 – Ethnic Violence and the Burning of the Public Library in Jaffna 1981

In 1981, the city of Jaffna experienced the first ever communally and politically motivated violence by organized gangs and policemen in civilian clothes. This ended with the burning of the market, the TULF headquarters and the Jaffna Public Library with 95,000 volumes. “The Public Library in fact contained irreplaceable literary and historical documents, and this book burning by Sinhalese police has come to signify for many a living Tamil the apogean barbarity of Sinhalese vindictiveness that seeks physical as well as cultural obliteration.”¹⁵⁷

The Sinhalese peasants attacked the Tamil colonists and burnt a Hindu Temple at Amparai. The Indian Tamils in the hill country area were the most affected. Ratnapura, Pelmadulla, and Kahawatte, Rakwana, Balangoda and Kandy and Negombo were badly affected by violence. A large number of Indian Tamils fled to the jungle regions in the Northern and Eastern Provinces. Prof. Virginia Lear of the State University of New York,

¹⁵⁶ See *ibid.*, pp. 59-60.

¹⁵⁷ TAMBIAH, *Sri Lanka*, pp. 19-20. The anti-Tamil pogroms seemed to have been unleashed with the connivance of the government, its police and military. These ethnic riots had affected the Tamils so much that they would never be erased from the collective Tamil-consciousness, for example, the burning of the Public Library in Jaffna at midnight on 31 May 1981. This single event contained deep portents. For many Tamils it was the beginning of a systematic cultural genocide. Prof. Rev. A.J.V. Chandrakanthan writes as an eye-witness of the burning of the Jaffna public library: “On 1 June 1981, at about 8.00 am, I was standing close to the main gate of the library premises, as were a few hundred Tamils of all the ages and professions in shock and disbelief, looking helplessly at the smoke and smouldering fire whose tongues took more than a night to swallow those treasures of inestimable value. The Sinhala reserve police who doused and torched the library could be seen relaxing a few hundreds yards away at the pavilion of the Jaffna stadium overlooking the burnt library” (A.J.V. CHANDRAKANTHAN, “Eelam Tamil Nationalism: An Inside View,” in WILSON, *Sri Lankan Tamil Nationalism*, p. 160).

Buffalo, reported that unlike the previous ethnic violence, the 1981 violence against Tamils had been organized.¹⁵⁸

1.4.5 – The 1983 Riots and the Displacement of Tamils as Refugees

1983 witnessed terrible human suffering in the form of ethnic conflict in Sri Lanka. It was obvious that, compared to the previous ones, the 1983 riots were the most well organized mob violence at work. Piyadasa writes that the army stationed in Jaffna had been given power of life and death over people as well as unlimited freedom of action. On 23rd July, the army was going on patrol and 13 soldiers were killed by Tamil militants as an act of retaliation. The army retaliated killing 41 Tamils and injuring many in and around Jaffna. The news of the killing of 13 soldiers and of their burial reached Colombo. Thus the worst ethnic riots against the Tamils began.¹⁵⁹ The operations were methodically organized. Gangs armed with weapons, carrying voter lists and the addresses of Tamil owners and occupants of houses, shops and other properties, drove them out; they looted and burnt their properties. They had transport facilities to move from one place to another. All this began in Colombo and then spread to other towns like Kalutara, Kandy, Matale and Trincomallee.¹⁶⁰

The Indian Tamils in Badulla, Bandarawela, Nuwarelia and Gampola suffered tremendously from the riots. Their houses, shops, schools, vehicles were burnt. More than 25,000 Tamils became refugees and most of them fled to the jungles for safety.¹⁶¹

¹⁵⁸ For more information, see TAMBIAH, *Sri Lanka*, p. 20.

¹⁵⁹ See PIYADASA, *Sri Lanka*, p. 78.

¹⁶⁰ See TAMBIAH, *Sri Lanka*, pp. 21-23; see also PIYADASA, *Sri Lanka*, pp. 78-92; and JAYEWARDENE and JAYEWARDENE, *Tea for Two*, pp. 1-13.

¹⁶¹ See DE FONTGALLAND, *Sri Lankan Tamils*, pp. 49-50.

The 1983 riots saw “the complete breakdown of law and order, a breakdown that was caused as much by the active participation or passive encouragement of the ultimate guardians of law and order – the police and the army – as by inflamed criminal excesses of the civilian marauders.”¹⁶² On 25th July, 35 suspected Tamil militants at Welikade Prison were killed by convicted Sinhalese prisoners while guards were on duty.¹⁶³

The ethnic riots took the lives of nearly a thousand ordinary Tamils and created more than 100,000 internally displaced people,¹⁶⁴ with about 70,000 Tamils moving to the North.¹⁶⁵ Tamils who could afford to do so fled to India by air immediately. Tamils from Thalaimannar crossed to India by ferry before October 1983 as refugees. Others from Pesalai crossed to India by small private boats and were often targeted by the Sri Lankan Navy.¹⁶⁶ From India, many Tamils proceeded to seek refugee status in other countries. “By mid-1986, about 250,000 claimed as refugees, of which 125,000 were in India and about 75,000 in Europe, North America, and Australia. The majority of these had left after the 1983 riots.”¹⁶⁷

¹⁶² See TAMBIAH, *Sri Lanka*, p. 24, also see pp. 25-33. In addition, the *New York Times* quoted President Jayawardene saying, “I regret that some members of my party have spoken in Parliament and outside words that encourage violence and the murders, rapes and arson that have been committed” (TAMBIAH, *Sri Lanka*, p. 20).

¹⁶³ See JAYEWARDENE and JAYEWARDENE, *Tea for Two*, pp. 6-7.

¹⁶⁴ See NAVARATNA-BANDARA, “Ethnic Relations,” p. 69.

¹⁶⁵ A.R. ZOLBERG, A. SUHRKE and S. AGUAYO, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (= ZOLBERG et al., *Escape from Violence*), New York, Oxford, Oxford University Press, 1989, p. 147.

¹⁶⁶ See DE FONTGALLAND, *Sri Lankan Tamils*, pp. 74-76; see also ZOLBERG et al., *Escape from Violence*, p. 148.

¹⁶⁷ ZOLBERG et al., *Escape from Violence*, p. 148.

CONCLUSION

The issue we set out to address in this chapter is the origins of the Sri Lankan Tamil refugee problem, articulated as follows:

Sri Lanka lies off the southern coast of India, separated from the Indian subcontinent by sea which, at its narrowest point, is only 40 km wide. “The proximity of India, particularly southern India, to Sri Lanka has had a major impact on the political, social, economic, religious and cultural development of Sri Lanka.”¹⁶⁸ The island was inhabited by many ethnic groups. The Sinhalese and the Tamils evolved as the two dominant peoples, shaping the destiny of the island. Both groups had passed through various historical stages in developing their own ethnic identities. Since the 13th century, the Tamils lived in the North East and the Sinhalese resided in the rest of the island.

Tamils, the descendants of ‘Dravidians’, originated from South India. They are predominantly Saivite Hindus, and speakers of the Tamil language of the Dravidian family, widely spoken in the South Indian state of Tamil Nadu. Tamils inhabiting in the dry Northern and Eastern Provinces of the island, stand in almost perfect geographic, racial, linguistic, and religious contrast to the Sinhalese. The Sinhalese, on the other hand, inhabit the wet-zone of the Southwest, and consider their descent from ‘Aryan’-North Indian origin. They speak the Sinhala language and are predominantly Theravada Buddhists.

The colonial era had a considerable impact on the Sinhalese. The decline of Buddhism and Sinhala culture, the Christian proselytizing and socio-politico-economic factors contributed to the growth of many Sinhalese movements. The Sinhala-Buddhist

¹⁶⁸ GUNASINGAM, *Sri Lankan Tamil Nationalism*, p. 40. See also Appendix I, p. 292.

resurgence with the Buddhist revival element became the most important of all. The Sinhala-Buddhist resurgence promoted a multifaceted nationalism unleashing the ideology of millenarian political Buddhism and erupted eventually into ethnic violence. Also the advantageous white-collar jobs that the Tamils had possessed during the British period had an impact on the economic and social life of the Sinhalese, especially the Sinhalese 'rural elite' group which was fully involved with the Buddhist resurgence.

The Sinhalese tradition portrays the Tamils as cruel invaders. It is true that Sinhalese Buddhist Chronicles, most notably the *Mahavamsa* and the *Culavamsa*, display a legacy of ancient hatred and struggle between the Sinhalese and Tamils (South Indian Tamils). But it has been in the last century only that the Sinhalese started to draw a connection between the detested 'Tamils of the Chronicles'¹⁶⁹ and the Tamils living peacefully in the Northern and Eastern Provinces. Unfortunately, some politicians and Buddhist monks deliberately attempted to make connections between the Tamils of the Chronicles and the Tamils of the North and East, and aggravated ethnic tensions between the two groups.

Notably, the Sinhalese face the powerful influence of the Sinhalese sense of their historical destiny of preserving Theravada Buddhism when it was fully obliterated in South India. Along with it, there is the perception of the Tamils as the traditional national enemy against whom the Sinhalese kings fought at various times in the past. Obviously,

¹⁶⁹ 'The Tamils of the Chronicles' represents those Tamils mentioned in the Buddhist Chronicles, viz., the *Dipavamsa*, the *Mahavamsa*, the *Culavamsa* and the *Rajavaliya*. Tamils from South India (circa 3rd century BC to 13th century AD) involved themselves in the politics of the island. The Pandians, the Cholas and the Pallavas often times invaded the Sinhalese kingdom. Some Tamil rulers, however, did protect the Sinhalese culture and patronized Buddhism and the Sangha. At the same time, their presence did leave a painful memory on the Sinhalese because of their destruction of the local culture and heritage.

they have a perception of South India, especially the Tamil country, as the source from which scores of invasions of ancient Sri Lanka were launched. Subsequently, while the Sinhalese-Buddhists are the majority, just over two thirds of the total population, “yet they (the Sinhalese-Buddhists) are all too conscious of their minority status *vis-à-vis* the Tamils of Southern Asia, a consciousness which is accentuated by Sri Lanka’s location off the coast of South India, and specifically a close geographical proximity to Tamil Nadu.”¹⁷⁰

The Sinhalese historical memories reinforce their present sense of Sinhalese insecurity in dealing with the Tamils in their social, political, economic, religious and cultural milieu, and reinforce their belief that they are a minority. The Sinhalese overcame their status as minority by affirming their collective identity as Sinhalese-Buddhists, by capturing political powers in their own hands after independence and thereby making Sri Lanka a Sinhala-Buddhist nation at the expense of minorities, specially the Tamils.

The Tamils reacted to the policies of the Sinhalese, beginning with the policy of the Official Language Act, education, employment, land settlement and the development of the Tamil areas. Tamil politicians first protested against the Sinhalese-dominated governments in a peaceful way. They were targeted by the Sinhalese mobs. In the 1970s, there arose Tamil militant groups which consisted of Tamil youth, frustrated by the discriminatory policies of the government and the acute unemployment problem.

Initially, Tamil leaders asked the Sinhalese-dominated government for more autonomy for their region and later for a federal state for the North and East. Not finding

¹⁷⁰ DE SILVA, *Managing Ethnic Tensions*, p. 2.

any progress, they felt compelled to promote the establishment of the secular state of Tamil Eelam to protect their political, economic and cultural freedoms and their rights. The economy of the country was deteriorating, and there was a huge unemployment problem. This contributed to the ethnic conflicts because the politicians wanted to divert people's attention from the economic crisis. They found their tool in the "Fifth Horseman of the Apocalypse"¹⁷¹ – the racial hatred which the Sinhalese politicians along with the Buddhist monks utilized to their advantage.

Sinhalese-Tamil ethnic tensions and communal riots became quite frequent after independence, especially from 1956 onwards. Tamil militant groups became a threat to the government. On the other hand, Tamils became victims of the ethnic conflicts and race riots. The peak of this ethnic conflict came with the anti-Tamil pogrom of July 1983. Since then, fear and insecurity forced Tamils to flee for their lives to other countries. Most of them reached Tamil Nadu, India, where they now live as refugees in 103 camps spread throughout the region.

After having demonstrated the origins of the Sri Lankan Tamil refugee problem, this study now leads us to consider the social teachings of the Catholic Church on the refugee question and the Church's concern for refugees.

¹⁷¹ VITTACHI, *Emergency* '58, p. 21.

CHAPTER TWO

THE TEACHING OF THE CATHOLIC CHURCH ON THE PASTORAL CARE OF REFUGEES

INTRODUCTION

We have outlined in the first chapter the historical, social and political background of the current Sri Lankan Tamil refugee problem. Even though this issue has been studied in a particular context for the sake of our subject matter, it takes on global proportions and needs to be addressed by the entire human family. One of the realities with which we are dealing in the case of refugees is that of suffering. They have been cut off from their own people, their history and their culture. This constitutes a profound deprivation, and we believe that this must be a concern for the Church and the world.

The Catholic Church's mission in this world is defined by the mandate she received from Christ, that is, to preach the Gospel to every person. The refugee problem without doubt is very complex, it involves moral and ethical principles related to the very dignity and fundamental rights of the human person which the Church cannot ignore. These principles are rooted in the Gospel message which the Church must teach and uphold, especially in caring for refugees. Refugees certainly pose a challenge to the Church, a challenge to use all resources available in aiding refugees wherever they are found.

This chapter will present a synopsis of Catholic teaching concerning refugees and migrants found in various magisterial, papal, and curial pronouncements. For practical reasons we will restrict our analysis to the time period from Leo XIII to Benedict XVI. Special attention will be given to four documents: (1) the Apostolic Constitution, *Exsul*

familia,¹ (2) the Instruction, *De pastorali migratorum cura*,² (3) the Document, *Refugees: A Challenge to Solidarity*,³ and (4) the latest Instruction, *Erga migrantes caritas Christi*.⁴

2.1 – PRE-SECOND VATICAN COUNCIL TEACHING ON REFUGEES

Through the centuries, the Church committed herself to addressing the issue of human mobility and developed her teaching in regard to refugees in concrete social and political contexts.⁵ During the last hundred years or so, several Popes have been keenly interested in social problems and have expressed their opinion as to how these problems could be solved for the good of the human family. Their approaches to these problems have been based on Gospel principles. For instance, when the Industrial Revolution

¹ PIUS XII, Apostolic Constitution, *Exsul familia* (= *Exsul familia*), 1 August 1952, in *AAS*, 44 (1952), pp. 649-704; English trans. G. TESSAROLO (ed.), *Exsul familia: The Church's Magna Charta for Migrants* (= TESSAROLO, *Exsul familia*), Staten Island, NY, St. Charles Seminary, 1962, pp. 23-100.

² SACRED CONGREGATION FOR BISHOPS (= SCB), Instruction, *De pastorali migratorum cura* (= *De pastorali migratorum cura*), 22 August 1969, in *AAS*, 61 (1969), pp. 614-643; English trans. SCB, Instruction, *On the Pastoral Care of People Who Migrate* (= SCB, *On the Pastoral Care of People*), Washington, DC, United States Catholic Conference, 1969, pp. 5-39. Also in *CLD*, 7 (1968-1972), pp. 190-220.

³ PONTIFICAL COUNCIL "COR UNUM" (= PCCU) – PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE (= PCPCMIP), Documento, *I rifugiati: una sfida alla solidarietà*, 2 October 1992, in *Enchiridion Vaticanum: Documenti ufficiali della Santa Sede*, 13 [1991-1993], (= *Enchiridion Vaticanum* 13), Bologna, Edizioni Dehoniane Bologna, 1995, pp. 1019-1037; English trans. PCCU – PCPCMIP, Document, *Refugees: A Challenge to Solidarity*, Vatican City, Libreria editrice Vaticana, 1992.

⁴ PCPCMIP, Instruction, *Erga migrantes caritas Christi* (= *Erga migrantes*), 3 May 2004, in *AAS*, 96 (2004), pp. 762-822; English trans. in *People on the Move*, 95 (2004), pp. 105-172.

⁵ For more information on how the Church has approached the problem of human mobility from the Patristic period, see *L'Epoca patristica e la pastorale della Mobilità umana: Saggio*, (Quaderni universitari/Pontificium Consilium de spirituali migrantium atque itinerantium cura), Padova, Edizioni Messaggero Padova, 1989. See also P.C. PHAN, "Migration in the Early Church: Historical and Theological Reflections," in *Forum Mission*, Yearbook, 4 (2008), pp. 14-43.

spread rapidly throughout Western Europe, Pope Leo XIII was keen to observe the problems of labour and moral consequences for workers. From Leo XIII up to John XXIII, the Popes have addressed the various social and moral issues related to 'human mobility'. For the Church, this has certainly been an ongoing concern.

2.1.1 – Leo XIII (1878-1903)

Pope Leo XIII had to face many social issues in his time, especially the exploitation of workers and human migration. In 1891, he wrote the famous social Encyclical Letter, *Rerum novarum*.⁶ The principal concern of *Rerum novarum* was the relationship between capital and labour in an increasingly unjust world and not with refugees or migrants *per se*. Therefore, nowhere does it explicitly mention refugees, migrants or internally displaced people. The concept of human dignity was the central theme in *Rerum novarum*. Leo XIII defended the dignity of all peoples, whatever their social status, as being prior to their membership in a state. In so doing, he argued that respect for human dignity entailed, above all, respect for each person's moral and religious values.⁷ This is the basic principle which the later popes developed in their teaching on the rights of refugees.

Leo XIII defended strenuously all emigrants who sought to earn their living abroad. He approved the Society of St. Raphael, established by the German Bishops to

⁶ LEO XIII, Encyclical Letter, *Rerum novarum*, 15 May 1891, in *ASS*, 23 (1890-91), pp. 641-670; English trans. in D.J. O'BRIEN and T.A. SHANNON (eds.), *Catholic Social Thought. The Documentary Heritage* (= O'BRIEN, *Catholic Social Thought*), Maryknoll, NY, Orbis Books, 1992, pp. 14-39.

⁷ See *Rerum novarum*, pp. 649, 652-653, 659-660; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 20-21, 23-24, 29, nn. 16, 20-21, 32.

aid emigrants.⁸ In his time, many priests and members of religious institutes dedicated themselves to the service of all immigrants. He also approved the institute of priests founded by John Baptist Scalabrini to serve as missionaries in America among the numerous immigrant Italian Catholics.⁹ Many societies and institutions were established to aid the masses of refugees from Ireland, Germany, Austria, Hungary, France, Switzerland, Spain and Portugal.¹⁰ He established missions in places where no priests were available but priests could make yearly visits, and quasi parishes in places where priests were available.¹¹ Furthermore, he resolved the doubt concerning one's membership in quasi-parishes in view of the language spoken by the faithful.¹² However, Leo XIII was principally concerned about the respect for the human dignity of all migrants whose spiritual lives should primarily be safeguarded from the dangers of

⁸ See *Exsul familia*, p. 659; English trans. in TESSAROLO, *Exsul familia*, p. 30.

⁹ See LEO XIII, Letter to the Bishop of Piacenza Mons. Giovanni Battista Scalabrini, *Libenter agnovimus*, 25 November 1887, in *ASS*, 20 (1887), p. 305.

¹⁰ See *Exsul familia*, pp. 658-661; English trans. in TESSAROLO, *Exsul familia*, pp. 29-31. In the period from Leo XIII to Pius XI, Catholic Church documents relating to migrants and refugees addressed very specific pastoral questions, usually conflicts that required adjudication from Rome. For the good of the faithful, the 'national parish' was established. A national parish is made up of people of one nationality usually with a priest of the same nationality. The creation of national parishes was an appropriate response since it enabled pastoral care in the language of the people concerned.

¹¹ See SACRA CONGREGATIO INQUISITIONIS, *Dubium quoad promulgationem decreti "Tametsi,"* 14 November 1883, in *ASS*, 17 (1884), pp. 351-352, and PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO (= PCCMT), *Chiesa e mobilità umana: documenti della Santa Sede dal 1883 al 1983* (= *Documenti della Santa Sede*), a cura di G. Tassello e L. Favero, Introduzione di G. Rosoli e V. de Paolis, Roma, Centro Studi Emigrazione, 1985, pp. 3-4, nn. 1-2.

¹² See SACRA CONGREGATIO DE PROPAGANDA FIDE, *Litterae Delegati Apostolici Statuum Foederatorum quoad dubia parochialitatis apud quasi paroecias erectas pro populo diversae linguae*, 26 April 1897, in *ASS*, 30 (1897-1898), p. 256, and PCCMT, *Documenti della Santa Sede*, pp. 27-28, n. 34.

moving from their homelands to strange and new countries. He wrote to the Archbishops and Bishops of America:

It is indeed a cause of sorrow that so many Italians are forced by poverty to abandon their homeland and then, often encounter even greater miseries than that from which they had hoped to escape. The very voyage itself is full of dangers and suffering because many fall into the hands of exploiters and they become slaves. They are packed together in ships, treated like animals and gradually robbed of their human dignity. When they reach their destination, without knowing the language or the country, they are exposed to the snares and machinations of exploiters [...]¹³

Thus the fundamental principle for the pastoral care of these people is respect for the human dignity of all those on the move.

2.1.2 – Pius X (1903-1914)

Pope Saint Pius X was sincerely concerned for the spiritual welfare of migrants. As parish priest, he helped parishioners who were emigrating; as Pope, he looked after the uprooted and dispersed people with special concern and organised a network of agencies for their pastoral care. With his approval, the Missionary Society of St. Anthony was established in 1905 to provide spiritual care for migrants. Young secular priests were given special courses and trained for the sacred ministry among migrants. In his letters, he praised the bishops and priests of the United States, the Superior General of the Missionaries of St. Charles, the President of the Catholic Society for Immigrants in Canada and the Director of the Antonian Society for their care of the spiritual welfare of migrants.¹⁴ The Roman College was founded for the benefit of Italians who emigrated to other lands. Young secular priests were given special courses and trained for the sacred

¹³ LEO XIII, Apostolic Letter to the Archbishops and the Bishops of America concerning the Italian Migrants, *Quam aerumnosa*, 10 December 1888, in *ASS*, 21 (1888), p. 258.

¹⁴ See *Exsul familia*, pp. 661-666; English trans. in TESSAROLO, *Exsul familia*, pp. 32-36.

ministry among migrants.¹⁵ Another development that Pius X approved, which would have lasting effects on future pastoral directives, was the approval of the Slavic language for use in the sacred liturgy among the migrants in North America.¹⁶

In this regard, the most important act of Pius X was the establishment of the Special Office for the Spiritual Care of Migrants in the Consistorial Congregation. Its purpose, in the words of Pius X, was

to seek out and provide everything to improve the condition of the migrants of the Roman Rite in all that pertains to the welfare of souls. With regard to migrants of Eastern Rites, however, the rights of the Congregation for the Propagation of the Faith are to be preserved. This Congregation may, within its competence, make appropriate provision for them. The Special Office, however, has exclusive charge of migrants who are priests.¹⁷

2.1.3 – Benedict XV (1914-1922)

If Popes Leo XIII and Pius X seemed to have stressed the problematic situations afflicting Italian emigrants, Pope Benedict XV manifested a more universal vision of the situation. He had witnessed the devastating effects of the First World War, affecting all those involved. As the war continued, he appointed a special Ordinary to care for the spiritual needs of the refugees who had entered Italy. He directed bishops of dioceses in which prisoners were held to appoint without delay one or, if necessary, several priests, sufficiently familiar with the language of the prisoners, to provide for their care. He asked that “the priests chosen for this work should do everything possible for the welfare of the

¹⁵ See ST. PIUS X, *Motu proprio*, On Emigrants from Italy to Other Countries, *Iam pridem*, 19 March 1914, in *AAS*, 6 (1914), pp. 173-176.

¹⁶ SACRA CONGREGATIO RITUUM, Decree, *De usu linguae Slavonicae in sacra Liturgia*, 18 December 1906, in *ASS*, 40 (1907), pp. 54-58.

¹⁷ PIUS X, *Motu proprio*, *Cum omnes catholicos*, 15 August 1912, in *AAS*, 4 (1912), pp. 525-527; English trans. in TESSAROLO, *Exsul Familia*, p. 35.

prisoners, whether it be for their souls, or for their physical health. They should console them, help and assist them in their manifold needs, which at times prove so pressing.”¹⁸

The Pope requested the American Bishops to welcome the bishops, priests, religious and lay persons who were forced out during the Mexican Civil War;¹⁹ he founded a seminary for Italo-Greeks;²⁰ he made provisions for the spiritual care of the Catholics of the Greek-Ruthenian Rite who emigrated to South America;²¹ he expanded the activities of the Society of St. Raphael to work with German-speaking immigrants in Italy, and designated ‘Our Lady of Loreto, the heavenly patroness of those who travel by air’.²²

During the pontificate of Pope Benedict XV, the Code of Canon Law was promulgated in 1917. Among the important provisions of the Code that indirectly concerned human mobility is canon 216 §4. This canon provides for the erection of

¹⁸ SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS, On the Care of Prisoners to be Furnished by Priests, 21 December 1914, in *AAS*, 6 (1914), p. 711; English trans. in TESSAROLO, *Exsul familia*, p. 38. See also the Letter of Cardinal P. Gasparri, Secretary of State, 22 December 1914, in *AAS*, 6 (1914), pp. 711-712, where he affirms the Pope’s wish that bishops and priests should care for the prisoners irrespective of religion, language and nationality.

¹⁹ See BENEDICT XV, Letter to the Bishops in America, *Certiores quotidie*, 17 March 1915, in *AAS*, 7 (1915), pp. 168-169. In a particular way, Pope Benedict XV appreciated Bishop John G. Shaw, the Bishop of San Antonio, for the great charity shown to the Mexican Bishops and priests expelled from their country. BENEDICT XV, Letter to Bishop John G. Shaw, *In summa animi*, 25 November 1914, in *AAS*, 6 (1914), pp. 667-668.

²⁰ See SACRED CONGREGATION FOR THE ORIENTAL CHURCH, Decree, *De Seminario pro pueris-Graecis in Monasterio Cryptoferratensi instituendo*, 10 July 1917, in *AAS*, 10 (1917), p. 419, and PCCMT, *Documenti della Santa Sede*, pp. 144-145, nn. 494-495.

²¹ See SACRED CONGREGATION OF THE PROPAGATION OF THE FAITH FOR THE AFFAIRS OF THE ORIENTAL RITE, *Cum sat numerosiores*, 27 March 1916, in *AAS*, 8 (1916), pp. 105-107, and PCCMT, *Documenti della Santa Sede*, pp. 132-135, nn. 441-462.

²² See SACRED CONGREGATION OF THE RITES, Decree, *B. Maria Laurtana Aeronautarum Patrona declaratur*, 24 March 1920, in *AAS*, 12 (1920), p. 175.

personal parishes when the apostolic indult is granted. According to this canon 216 §4, distinct parishes for people of various languages or nationalities dwelling in the same city or territory could be erected with an indult from the Holy See.

Furthermore, he created two special ecclesiastical offices which could be considered as the prototype of certain offices in the present day structures for the pastoral care of refugees and migrants as provided in the 1983 Code. These two offices were a special Ordinary to care for the spiritual needs of refugees and exiles in Italy,²³ and a Prelate for Italian migrants within Italy.²⁴

In all these matters relating to the pastoral care of refugees and migrants from Leo XIII to Benedict XV, the Holy See's concern had been on how to provide effective spiritual care and moral guidance for Catholics who had left their homelands and were struggling to make a new home in a foreign land. In line with this concern, the Pontiffs tended to look at refugees under the heading of migration. The primary challenge, as they saw it, was to provide pastoral care for migrants whether they moved by choice or compulsion. Moreover, the massive forced movements resulting from the First World War now led the Catholic Church to pay closer attention to the material as well as the

²³ See SACRED CONSISTORIAL CONGREGATION, Decree for one common Ordinary on behalf of all refugees in Italy, *Considerando che i Sacerdoti*, 3 September 1918, in *AAS*, 10 (1918), pp. 415-416, and PCCMT, *Documenti della Santa Sede*, pp. 146-147, nn. 497-500.

²⁴ See SACRED CONSISTORIAL CONGREGATION, Notification on the Institution of a Prelate for Italian Emigration, *Esistono in Italia*, 23 October 1920, in *AAS*, 12 (1920), pp. 534-535, and PCCMT, *Documenti della Santa Sede*, pp. 157-159, nn. 542-551.

spiritual welfare of refugees and, in so doing, Pius XI put into practice another central element of Catholic social teaching, the principle of subsidiarity.²⁵

2.1.4 – Pius XI (1922-1939)

The concern of Pope Pius XI for refugees can be seen in his encyclical letters. We will consider two of them, in particular, *Ubi arcano*²⁶ and *Quadragesimo anno*.²⁷ *Ubi arcano* (On the Peace of Christ) is not listed in the collections of great encyclicals. Nevertheless, it was written in an increasingly chaotic and dangerous time for world refugees. It speaks of upholding the cause of charity and justice at the meetings of the victorious states after the First World War. The Church was very much concerned with the war refugees of the Near East who were dying of hunger, pestilence, and devastation. Pope Pius XI saw as his duty to send help as well as to appeal to the world for aid on their behalf. The human dignity of the people was to be met by justice and charity, and many of his writings were an attempt to respond to this challenge.²⁸

Pius XI issued the Encyclical Letter, *Quadragesimo anno* (After Forty Years), on 15 May 1931. In this encyclical, he developed the central themes of *Rerum novarum*. Of particular significance was his support for intermediate associations between the

²⁵ See F.M. ELVEY, *Justice for Refugees: Circumscribing State Sovereignty from a Catholic Perspective*, a dissertation for the degree of Doctor of Philosophy at Boston College, Boston, Department of Theology, 1998, pp. 290-292.

²⁶ PIUS XI, Encyclical Letter, *Ubi arcano*, 23 December 1922, in *AAS*, 14 (1922), pp. 673-700; English trans. in *The Encyclicals of Pius XI*, Introduction and Translation by J.H. Ryan, London, B. Herder Book Co., 1927, pp. 3-46.

²⁷ PIUS XI, Encyclical Letter, *Quadragesimo anno*, 15 May 1931, in *AAS*, 23 (1931), pp. 177-228; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 40-79.

²⁸ See E. MICHAEL ANTHONY, *An Analysis of U.N. Refugee Policy in the Light of Roman Catholic Social Teaching and the Phenomena Creating Refugees*, a dissertation presented to the Department of the Graduate Theological Union for the degree of Doctor of Philosophy, Berkeley, California, Department of Theology, 1991, pp. 93-94.

individual and the state and the corresponding promotion of the principle of subsidiarity — whereby authorities and institutions at a higher level of social organization ought not to take over legitimate functions of authorities and institutions at a lower level:

Nevertheless, it is a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry. So too, it is an injustice and at the same time a grave evil and a disturbance of right order to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies. Inasmuch as every social activity should, by its very nature, prove a help to members of the body social, it should never destroy or absorb them.²⁹

The principle of subsidiarity, promoted by Leo XIII and elaborated by Pius XI in *Quadragesimo anno*, draws attention not only to the rights of groups and individuals within the State, but also to their duties. In refugee matters, it highlights the responsibilities that organizations and sodalities other than States have to protect refugees and to address situations that affect them. In line with the principle of subsidiarity, Pope Pius XI looked not only to States but also to Churches to assist refugees. He was aware of the millions of refugees displaced by the First World War and its aftermath, especially Armenians and Russians, and, in response to countries that were restricting entry of refugees in the 1920s and 1930s, he called on both Churches and States to exercise hospitality. He set a personal example when he opened the doors of the papal palace of Castelgandolfo to bring in hundreds of orphaned refugee children and carefully maintained them at his own expense.³⁰ In his reply to Christmas greetings to the College of Cardinals, Pius XI addressed the refugee condition in moving words.³¹

²⁹ *Quadragesimo anno*, p. 203; English trans. in O'BRIEN, *Catholic Social Thought*, p. 60, n. 79.

³⁰ See *Exsul familia*, pp. 670-671; English trans. in TESSAROLO, *Exsul familia*, p. 40.

³¹ See *ibid.*, pp. 670-671, note. 68; English trans. in TESSAROLO, *Exsul familia*, p. 91.

He was the first among the Pontiffs who recognized the need for the formation of priests who originated from the same race and nation as the migrants. He stated:

Since by institution the Church of God is Catholic, does it not follow to be opportune that every race or nation have their priests who have the same origin and character, the same feelings and customs? Besides, are not these because they have a more easy approach to their own, able more efficaciously to attract them to the Faith, to make them more stable in it than those priests of different origin gathered elsewhere?³²

He further decreed the establishment of Ordinariates for the spiritual care of Greek Ruthenians living in the United States³³ and Canada.³⁴ He also showed concern for Spanish and Mexican refugees,³⁵ and on 17 April 1922 promoted the work of the Apostleship of the Sea with official papal approval.³⁶

By this time, the Catholic Church had recognized that it had responsibilities towards refugees beyond pastoral care, including a responsibility to offer protection. At a time when international arrangements for the protection of refugees were still in their infancy, the Holy See began to recognize the special needs of refugees as people who had been forced from their homelands and who did not have a place to reside. The Church continued to concentrate on aid to European Catholics forced from their homes.

³² PIUS XI, Letter to the Rev. William Gier, Superior General of the Society of the Divine Word, concerning the seminary for "Negroes" shortly to be inaugurated, *Admodum gaudemus*, 5 April 1923, in *AAS*, 15 (1923), p. 217; English trans. in TESSAROLO, *Exsul familia*, pp. 91-92, note. 82.

³³ See SACRED CONGREGATION FOR THE ORIENTAL CHURCH, Decree, *Cum data fuerit*, 1 March 1929, in *AAS*, 21 (1929), pp. 152-159, and PCCMT, *Documenti della Santa Sede*, pp. 170-179, nn. 594-640.

³⁴ See SACRED CONGREGATION FOR THE ORIENTAL CHURCH, Decree, *Graeci-Rutheni Ritus*, 24 May 1930, in *AAS*, 22 (1930), pp. 346-354, and PCCMT, *Documenti della Santa Sede*, pp. 194-203, nn. 711-763.

³⁵ See PIUS XI, Sermon at Castel Gandolfo to Bishops, Priests, Religious and Faithful, Refugees from Spain, *La vostra presenza*, 14 September 1936, in *AAS*, 28 (1936), pp. 373-381.

³⁶ See *Exsul familia*, p. 674; English trans. in TESSAROLO, *Exsul familia*, p. 44.

However, a broader response to the refugee crisis arose when the Second World War brought more forced migration. The misery of millions of people uprooted during and after the Second World War stirred the Holy See to develop a more morally and internationally mature response to refugees. Pope Pius XII, with his rich experience, would prove to be a strong advocate for refugees and migrants, and he would put the Church teaching into a systematic order and argue on their behalf.³⁷

2.1.5 – Pius XII (1939-1958)

Pope Pius XII contributed significantly to the cause of refugees. From the beginning of his Pontificate, he was faced with the sad distress following the outbreak of the Second World War: the insane determination of certain nations to occupy the territories of others, the restrictions placed on the emigration of some peoples and the forced removal of others — all these resulted in serious disorders and unspeakable suffering.³⁸

The Pope assisted and approved many works of charity for the relief of prisoners of war, refugees, exiles and others who, for whatever reason, had to wander far from their homelands.³⁹ He established a special Office under the Secretary of State to bring assistance to the poor and also established the Pontifical Commission for the victims of war, for civilian refugees and for those detained in custody.⁴⁰ This was later replaced by

³⁷ See ELVEY, *Justice for Refugees*, pp. 293-294.

³⁸ See CARDINAL J. FERRETTO, “His Holiness Pius XII: Provident Father of Exiles” (= “Provident Father of Exiles”), in TESSAROLO, *Exsul familia*, pp. 138-139.

³⁹ See *Exsul familia*, pp. 674-676; English trans. in TESSAROLO, *Exsul familia*, pp. 44-46.

⁴⁰ The Pontifical Commission of Assistance to Refugees was set up on 18 April 1944. See *L'Attività della Santa Sede (1941-1944)*, dal 15 dicembre 1943 al 15 dicembre 1944,

the Pontifical Commission for Relief which was to provide for the welfare of refugees and displaced persons.⁴¹ He also established the International Catholic Migration Commission (= ICMC)⁴² and the Pontifical Mission for Palestine, and he also helped to found the Catholic Near East Welfare Association.⁴³ He insistently called upon countries to accept migrants and refugees and more than once appealed on their behalf to the generosity of all people and especially of Catholics. Thus, he wrote to the Bishops in Germany:

In the present circumstances, what seems most likely to stimulate and heighten your own charity and that of the German clergy is the necessity of assisting refugees by every resources and means of your ministry. We refer both to refugees from your land who live abroad in scattered regions and to alien refugees in Germany who, often deprived of their friends, their goods and their homes, are forced to lead a squalid and forlorn existence, usually in barracks outside the towns. May all good Germans, and especially the priests and

Publicazione non ufficiale, [Città del Vaticano], Tipografia poliglotta Vaticana, 1945, pp. 118-123. See also *Exsul familia*, p. 676, note. 94.

⁴¹ The Pontifical Commission for Relief was set up on 23 January 1945. See *Exsul familia*, p. 676, note. 95; English trans. in TESSAROLO, *Exsul familia*, pp. 45-46.

⁴² The International Catholic Migration Commission was founded in April 1951 at Geneva, just when the UNHCR was beginning its work. The function of ICMC was, and still is, to unite and organize existing Catholic associations and committees, and to promote, reinforce and coordinate their projects and activities on behalf of migrants and refugees. See Letter of the Secretariate of State to Mr. James J. Norris, provisional President of the International Catholic Migration Commission, Geneva, (Switzerland), *Le sono ben noti gli imperiosi motivi*, 12 April 1951, n. 226960/MSA. See also *Exsul familia*, p. 676, note. 98. Regarding the present role of ICMC, see S. ZAMAGNI, "The Migratory Question Today and the Role of ICMC," in *People on the Move*, 86 (2001), pp. 87-96.

⁴³ The Pontifical Mission for Palestine was established in response to the creation of the State of Israel and the war that broke out there in 1948. The war brought forth innumerable refugees who were forced to seek refuge in Libya, Syria, Jordan, Egypt and the district of Gaza. The Pontifical Mission for Palestine still relieves the want of Arab refugees through money collected from Catholics everywhere, but particularly through the aid of the special agency known as the Catholic Near East Welfare Association. See *Exsul familia*, p. 678; English trans. in TESSAROLO, *Exsul familia*, p. 47.

members of Catholic Action, turn their eyes and hearts toward these suffering neighbours and provide them with everything required by religion and charity.⁴⁴ Similarly, he wrote in his Encyclical Letter, *Redemptoris nostri*, on the condition

of the Palestinian refugees:

Very many fugitives of all ages and every state of life, driven abroad by the disastrous war, cry pitifully to us. They live in exile, under guard, and exposed to disease and all manner of dangers. We are not unaware of the great contributions of public bodies and private citizens to the relief of this stricken multitude; and We, in a continuation of those efforts of charity with which we began our Pontificate, have truly done all in our power to relieve the greatest needs of these millions.

But the condition of these exiles is indeed so critical, so unstable that it cannot last much longer. Therefore, since it is our duty to urge all generous and well-minded souls to relieve as much as possible the wretchedness and want of these exiles, we most earnestly implore those in authority to do justice to all who have been driven far away from homes by the tempest of war and who long above all to live in quiet once more.⁴⁵

While addressing the causes of the refugee flow, Pope Pius XII understood rightly, and stated emphatically, that the harmonizing of the requirements of both justice and charity was needed. Relief alone can remedy to a certain extent many unjust social conditions, but this is not sufficient. In the first place, there must be justice, which should prevail and be put into practice.⁴⁶ Further, he reiterated the Church's strong position on behalf of refugees in his statement to the United Nations High Commissioner for Refugees:

Among the many painful and distressing problems created by the war there is one which, despite the organized efforts made in recent years to solve it, remains a source of grave preoccupation. It is that of the refugees, those of our fellowmen who under pressure of political events, have been forced to abandon their

⁴⁴ PIUS XII, Letter to their Eminences Michael Cardinal von Faulhaber, Archbishop of Munich and Freising, Joseph Cardinal Frings, Archbishop of Cologne, Conrad Cardinal von Preysing, Bishop of Berlin and to the other Archbishops, Bishops and Ordinaries of places in Germany, *Disertae admodum litterae*, 20 December 1948, in *AAS*, 41 (1949), p. 217; English trans. in TESSAROLO, *Exsul familia*, p. 48.

⁴⁵ PIUS XII, Encyclical Letter, *Redemptoris nostri*, 15 April 1949, in *AAS*, 41 (1949), p. 162; English trans. in TESSAROLO, *Exsul familia*, p. 48.

⁴⁶ See PIUS XII, Encyclical Letter, *Evangelii praecones*, on Promoting Catholic Missions, 2 June 1951, in *AAS*, 43 (1951), p. 518; English trans. in TESSAROLO, *Exsul familia*, p. 49.

homesteads and country and seek hospitality and a livelihood in foreign lands. If we plead their cause, it is to give a renewed expression to the abiding interest which We have ever taken in their lot and to pledge the continued support of the Holy See for the praiseworthy work being accomplished by international organizations for the alleviation of their pitiable condition. In this regard We warmly commend the recent initiative of the United Nations High Commissioner for Refugees which has as its objective the establishment of a fund for the purpose of providing for the essential human needs of the many refugees who, by reason of their extreme poverty, are unable to maintain themselves while awaiting resettlement. Our earliest solicitude for these sorely afflicted members of the human family urges us to exhort government authorities as also social service and charitable associations to co-operate whole-heartedly in fostering this very laudable initiative and to contribute generously to this most timely appeal. In doing so, We feel confident that We are voicing the sentiments of all those who, because they dearly cherish the Christian values and freedom for which, in such great part, these refugees are suffering, can not remain unmoved by their present adversity nor be indifferent to their future destiny.⁴⁷

Pius XII gave discourses and also spoke often in radio addresses about the refugees' vulnerable conditions.⁴⁸ Further, he opened the doors of buildings at the Vatican, as well as at the Lateran and Castelgandolfo, to refugees. He canonised St. Frances Xavier Cabrini and proclaimed her as the heavenly patroness of all migrants.⁴⁹ The words seem almost a concise description of the work carried out by Pius XII on behalf of "those misery-stricken multitudes of refugees of every age and condition, forced by the horrors of war to flee their lands."⁵⁰ He showed his personal interest for refugees by having

⁴⁷ *Exsul familia*, pp. 681-682, note. 114.

⁴⁸ See PIUS XII, Radio Address, *In questa solennità*, 29 June 1941, in *AAS*, 33 (1941), pp. 319-325; Radio Address, *Con sempre nuova freschezza*, 24 December 1942, in *AAS*, 35 (1943), pp. 9-24; Radio Address, *Ancora una quinta volta*, 24 December 1943, in *AAS*, 36 (1944), pp. 11-24; Radio Address, *Oggi, al compiersi del quinto anno*, 1 September 1944, in *AAS*, 36 (1944), pp. 249-258; Radio Address, *Stretto il cuore da intima angoscia*, 4 April 1946, in *AAS*, 38 (1946), pp. 165-169; Radio Address, *Our Loving Greetings to You*, 19 February 1947, in *AAS*, 39 (1947), pp. 127-129; Radio Address, *Una vez más voz*, 23 November 1947, in *AAS*, 40 (1948), pp. 85-87; Radio Address, *Dear Children*, 2 March 1949, in *AAS*, 41 (1949), pp. 179-181.

⁴⁹ See *Exsul familia*, pp. 687-691; English trans. in TESSAROLO, *Exsul familia*, pp. 54-58.

⁵⁰ PIUS XII, Encyclical Letter, *Redemptoris nostri*, 15 April 1949, in *AAS*, 41 (1949), p. 162; English trans. in FERRETTO, "Provident Father of Exiles," p. 141.

priests, religious and other members of the curia visit them. We cannot but recall his singular benevolence towards the refugees of Eastern Europe and the creation of the College of St. Casmir for the refugee clergy and priests from Lithuania, completed on 1 May 1948.⁵¹ This concern for refugees at that time was limited to the European refugees from the Second World War. He appealed to the nations to resettle the refugees from that war: “The Pontiff constantly beseeched God that the refugees, the prisoners and the deported who have been carried far from their native borders, may return to their own beloved countries as soon as possible.”⁵²

Pius XII’s contribution to the phenomenon of human migration, therefore, cannot be ignored. His ardent and unceasing efforts to solve the urgent problems of migration during his pontificate embodied his role as the supreme defender of the inviolable natural human right of individuals and of the families to migration, understood in its broadest sense, comprising both “forced migration, and natural migration.”⁵³ He defended all those who were affected by natural migration as well as forced migration. He remains an

⁵¹ See FERRETTO, “Provident Father of Exiles,” p. 141.

⁵² PIUS XII, Proclamation of the Holy Year 1950, *Iubilaeum maximum*, 26 May 1949, in *AAS*, 41 (1949), p. 260; English trans. in TESSAROLO, *Exsul familia*, p. 56.

⁵³ Forced migration includes the migration of all those who are expelled, deported, exiled or constrained in any way to flee their native countries. Various causes for such forced migration may include: the ambition of nations, the disgraceful tyranny of racism, political conflicts, religious persecution, and above all, the destructive power of war. Powerless before these forces, the exiled and the refugees are forced to abandon their native countries, homes, belongings, wealth, and perhaps even their families and dearest kin. Such forced migration is still taking place in this 21st century, as we see in Darfur and the former Yugoslavia.

In today’s context natural migration is not actually free migration, and therefore we cannot term it so. More often than not, although the migrant family freely chooses and arranges the move in advance, the family migrates only as a last resource, in the face of destitution. See J. FERRETTO, “His Holiness Pius XII: Defender of the Natural Right of Man to Migrate” (= “Defender of the Natural Right”), in TESSAROLO, *Exsul familia*, pp. 153-154.

impressive figure in this field. His teachings are based on an open recognition of the Church's duty to intervene in the matter of migration: "The Catholic Church feels she has a very serious obligation to take an interest in migratory affairs. That is, it is a question of relieving immense wants.... The Church feels these afflictions the more as they concern in great part her own children."⁵⁴

In 1951, in a radio message to mark the sixtieth anniversary of *Rerum novarum*, Pius XII spoke on the right to migrate; he rejected totalitarianism, State imperialism and irrational nationalism, which on the one hand hinder migration and, on the other, force people to leave their motherland.⁵⁵ He also insisted that families have the right to migrate when they are not able to fulfil their purpose in their motherland.⁵⁶ In his letter to the American Bishops, he wrote:

You know indeed how preoccupied we have been and with what anxiety we have followed those who have been forced by revolutions in their own countries, or by unemployment or hunger, to leave their homes and live in foreign lands. The natural law itself, no less than devotion to humanity, urges that ways of migration be opened to these people. For the Creator of the universe made all good things primarily for the good of all.⁵⁷

Concerning man's natural right to migration, Pius XII undertook the defence of that right without regard to race or religion.⁵⁸ He also declared that the State cannot: 1) deny the

⁵⁴ *Exsul familia*, p. 686, note. 129; English trans. in TESSAROLO, *Exsul familia*, p. 98.

⁵⁵ See *ibid.*, pp. 683-684; English trans. in TESSAROLO, *Exsul familia*, pp. 49-52.

⁵⁶ See FERRETTO, "Defender of the Natural Right," pp. 160-161.

⁵⁷ PIUS XII, Letter to His Excellency John T. McNicholas, Archbishop of Cincinnati and Chairman of the Administrative Board of the National Catholic Welfare Conference: On the aid providentially given to immigrants and other unfortunates by the Board, *In fratres caritas*, 24 December 1948, in *AAS*, 41 (1949), pp. 69-70; English trans. in TESSAROLO, *Exsul familia*, p. 51.

⁵⁸ Though Pius XII's contribution to refugees and migrants has been admired, some commentators still consider that Pius XII could have done much more for the Jewish refugees at the critical time when they were facing shut doors around the world. See E.O. HANSON, *The*

right of asylum to those who for grave reasons wish to fix their residence elsewhere; 2) impose forced repatriation;⁵⁹ 3) arbitrarily restrict the natural human right to migration and peaceful colonization; 4) constrain entire populations to leave their lands.⁶⁰ In his capacity as head of the Church, he invited all to embrace people affected by the phenomenon of migration. He also noted one of the Church's reasons for attempting in every way to integrate Christian life with the customs of the country, expressing the Church's particular solicitude for those whom migration or military service keeps far from their homeland.⁶¹

Now experience teaches that man, uprooted from his own land and transplanted into foreign soil, loses not a little of his sense of security, of — one might almost say — his human dignity. On the affective side this disorientation strikes at and enervates his most inward spiritual emotions, and his religious life itself. He needs time and persevering effort in order to settle himself in new and very different circumstances, and, as it were, put down roots for his Catholic Faith, restoring it to its normal vitality.⁶²

The Pope emphatically stated that the long experiences of the Church as the educator of peoples confirms and insists that the person created in the *imago Dei* — image of God, — his human dignity and freedom, his fervent and just desire of his country, his desire for the stability of a dwelling place and attachment to his ancestral traditions all constitute the inviolable integrity of his human person. All these form in a profound way

Catholic Church in World Politics, Princeton, NJ, Princeton University Press, 1987, pp. 44-45. See also ELVEY, *Justice for Refugees*, p. 298.

⁵⁹ See PIUS XII, Allocution to the newly appointed Cardinals, *La elevatezza e la nobiltà dei sentimenti*, 20 February 1946, in *AAS*, 38 (1946), p. 147.

⁶⁰ See *Exsul familia*, p. 684; English trans. in TESSAROLO, *Exsul familia*, p. 52.

⁶¹ See PIUS XII, *La elevatezza e la nobiltà dei sentimenti*, p. 147.

⁶² PIUS XII, Allocution to the Missionaries for Italian Migrants in Europe, *Vi diamo di gran cuore il benvenuto*, 6 August 1952, in *AAS*, 44 (1952), p. 774; English trans. in FERRETTO, "Defender of the Natural Right," p. 157.

his dignity as a human person. They are all indispensable elements for the healthy integrity of the individual and are fundamental elements of human society.⁶³ This was the mind of Pius XII, and he also insisted that consideration should be given to permitting exiles and refugees to return to their homes:

At present millions of respectable, hard-working people wait with anxious impatience the moment when they can return to their homelands and their families, from which they have been separated for, perhaps, many years. Others sadly seek a new homeland, to live a new life in new occupation. What a work of charity and of peace one does by going to their assistance!⁶⁴

Very importantly, Pius XII emphasized that all refugees, migrants, and internally displaced persons have human rights and human dignity because of their being *imago Dei*, which calls for respect even for the weakest and most abandoned person.⁶⁵

2.1.5.1 – Apostolic Constitution, *Exsul familia*

Probably, the most important contribution of Pope Pius XII to the refugee question is the Apostolic Constitution, *Exsul familia*, which has been considered as the ‘Magna Charta’ of spiritual assistance to migrants and refugees.⁶⁶ *Exsul familia* covers the entire Church teaching on “people on the move”⁶⁷ from St. Ambrose to Pope Pius

⁶³ See PIUS XII, *La elevatezza e la nobiltà dei sentimenti*, pp. 147-148.

⁶⁴ PIUS XII, Allocation to the Diplomatic Representatives after the Consistory, *L’élévation des pensées*, 25 February 1946, in *AAS*, 38 (1946), pp. 154-155; English trans. in TESSAROLO, *Exsul familia*, note. 121, p. 97.

⁶⁵ See *Exsul familia*, pp. 685-686, note. 125.

⁶⁶ See TESSAROLO, *Exsul familia*, p. 13. Also in V. DE PAOLIS, “Migrazione e Chiesa: principali documenti,” in *On the Move*, 33 (1981), p. 27.

⁶⁷ The term “people on the move” is used by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People. According to the Council, this term includes many categories of people, namely, migrants, refugees, nomads, exiles, pilgrims, tourists, seafarers, students, travellers by air and flight personnel. For detailed information, see V. DE PAOLIS, “The Pastoral Care of Migrants in the Teaching and in the Directives of the Church” (= “The Pastoral Care of Migrants”), in PONTIFICAL COMMISSION FOR THE PASTORAL OF MIGRANTS AND ITINERANT

XII. It presents a vast historical doctrine in a condensed manner, which acts as a foundation for the development of pastoral care as well as for the teaching concerning refugees and other categories of 'people on the move'.

After the Second World War, there was a massive flow of refugees in Europe and in other parts of the world. At this juncture, Pius XII felt it necessary in 1952 to promulgate a document reflecting the Church's doctrine on human mobility in general and on all groups of people on the move. The introduction of *Exsul familia* gives the basic reason why the Church concerns herself with the migration and refugee question:

The émigré Holy Family of Nazareth, fleeing into Egypt, is the archetype of every refugee family. Jesus, Mary and Joseph, living in exile in Egypt to escape the fury of an evil king, are, for all times and all places, the models and protectors of every migrant, alien and refugee of whatever kind who, whether compelled by fear of persecution or by want, is forced to leave his native land, his beloved parents and relatives, his close friends, and to seek a foreign soil.⁶⁸

In the beginning of the document we read:

Holy Mother Church, impelled by her ardent love of souls, has striven to fulfil the duties inherent in her mandate of salvation for all mankind, a mandate entrusted to her by Christ. She has been especially careful to provide all possible spiritual care for pilgrims, aliens, exiles and migrants of every kind. This has been carried out chiefly by priests who, in administering the Sacraments and preaching the Word of God, have laboured zealously to strengthen the Faith of Christians in the bond of charity.⁶⁹

Exsul familia is the first systematic document to tackle the question of pastoral ministry to people on the move, and it tries to treat their pastoral problem in a unifying

PEOPLES (= PCPMIP), *Migrations: Interdisciplinary Studies*, vol. 1, Vatican City, PCPMIP, 1985, pp. 112-113.

The same Council publishes a magazine entitled "*People on the Move*" which was previously called "*On the Move*." The phrase used in this paper does not refer to the magazine unless it is specifically noted, but to the many categories of people just mentioned.

⁶⁸ *Exsul familia*, p. 649; English trans. in TESSAROLO, *Exsul familia*, p. 23.

⁶⁹ *Ibid.*, p. 651; English trans. in TESSAROLO, *Exsul familia*, p. 25.

manner and with some degree of completeness.⁷⁰ This was very urgent at the beginning of the fifties, when a new exceptional explosion of migration took place after the Second World War. Having learned from past experience, the Church found itself better prepared and better equipped. Experience and reflection permitted the Church to face the various types of migration in a manner which was unified and structured.

Thus, *Exsul familia* was issued on 1 August 1952. Even if it is no longer in force as a norm, it will remain as a reference point above all for its spirit and for the history of which it is the custodian.⁷¹ In this sense we would understand the words of the 1978 Letter of the Pontifical Commission for the Pastoral Care of Migrants and Tourism (= PCPCMT): "That document (*Exsul familia*), which embraces all the aspects of being on the move, retains its value even today. It is from the tree's old trunk that the new shoots spring."⁷² *Exsul familia* profoundly influenced the life of the Church so that, at the time of the Second Vatican Council, the pastoral ministry to people on the move was discussed, without however formulating a major decree on the theme.

The Constitution is made up of two parts preceded by a brief introduction. The first part is historical and describes in a lengthy survey what the Church has done in the field of human mobility from the very beginning down to Pope Pius XII himself. The

⁷⁰ See V. DE PAOLIS, "The Pastoral Care of Migrants in the Teaching and in the Directives of the Church," in PONTIFICAL COMMISSION FOR THE PASTORAL OF MIGRANTS AND ITINERANT PEOPLES (= PCPMIP), *Migrations, Interdisciplinary Studies*, vol.1, Vatican City, PCPMIP, 1985, pp. 116-117 (= PCPMIP, DE PAOLIS, "The Pastoral Care of Migrants").

⁷¹ See *ibid.*, pp. 122-123.

⁷² PCPCMT, Circular Letter to the Episcopal Conferences, "*Chiesa e mobilità umana*" (= PCPCMT, *Chiesa e mobilità umana*), 26 May 1978, in *AAS*, 70 (1978), pp. 371-372, n. 28; English trans. in *CLD*, 9 (1978-1981), p. 141.

second part is shorter and normative. The Pope justifies this detailed historical description:

It seemed that these things badly needed to be published, especially in our times, when the provident enterprises of Mother Church are so unjustly assailed by her enemies and scorned and overlooked, even in the very field of charity where she was first to break ground and often the only one to continue its cultivation.⁷³

2.1.5.1.1 – Historical Part of *Exsul familia*

The historical part leads one through the centuries and shows vividly from the beginning the activities of the Church for refugees, prisoners and migrants of all kinds. The early times are described briefly but later developments are exposed in more detail.⁷⁴ Thus, for instance, during the early period of the Church, St. Ambrose (397 AD), in particular, was committed to the cause of prisoners even to the point of selling sacred vessels to raise money for their care and protection. Bishops and priests facilitated the assimilation of the invaders whom they introduced to the Christian religion and to a new culture. Many pilgrims' Halls, namely Saxon, Frankish, and Frisian, were established around the Vatican by the 8th century. These Halls provided their own churches and were staffed by their own priests who provided material and spiritual help. There were priests of their own nationalities or who at least spoke their language.⁷⁵

Accordingly, the Fourth Lateran Council solemnly affirmed the use of the rites and languages in the liturgical functions for the good of the faithful, declaring in 1215:

We find in most countries, cities and dioceses in which people of diverse languages who, though bound by one Faith, have varied rites and customs. Therefore we strictly enjoin that the Bishops of these cities or dioceses provide

⁷³ *Exsul familia*, p. 691; English trans. in TESSAROLO, *Exsul familia*, p. 58.

⁷⁴ Here we will not refer to the contribution of the Popes, especially Pope Leo XIII to Pope Pius XII, since this has been discussed and documented earlier in this work. We consider here only the early period of the Church.

⁷⁵ See *Exsul familia*, pp. 651-653; English trans. in TESSAROLO, *Exsul familia*, pp. 25-28.

the proper men, who will celebrate the Liturgical Functions according to their rites and languages. They will administer the Sacraments of the Church and instruct their people both by word and by deed.⁷⁶

The Council further urged the bishops to appoint priests to celebrate the liturgical functions according to the rites and languages of the faithful. Many parishes were established for various languages and nationality groups. Later, religious orders were founded specifically to free prisoners. When people founded new colonies in far distant lands, priests went with them as missionaries to teach the colonisers as well as the natives. Priests worked for the enslaved Negroes in American and European ports.⁷⁷

Exsul familia notes that there has never been a period in which the Church has not been active on behalf of refugees, exiles and migrants. Many were driven from France during the French Revolution. Popes Pius VI and Pius VII showed their concern for them. Many of the French refugees were received in the Papal States, and particularly in Rome, while others took refuge in other countries.⁷⁸ Personal parishes requested by the emigrants themselves were founded. The development of national parishes is considered as one of the factors which contributed most to the pastoral care of migrants.

⁷⁶ IV LATERAN COUNCIL, IX. “*De diversis ritibus in eadem Fide*,” in MANSI, *Sacrorum Conciliorum nova et amplissima collectio*, 22 (1166-1225), Venice, 1778, p. 998 (reproduced by H. Welter, Paris, Leipzig, 1903); English trans. in TESSAROLO, *Exsul familia*, pp. 27-28.

⁷⁷ See *Exsul familia*, p. 652; English trans. in TESSAROLO, *Exsul familia*, p. 26.

⁷⁸ The details of the Church’s efforts on behalf of French refugees by the Popes are contained in fifty volumes preserved in ‘*Holy See’s Care on behalf of the French*’, also commonly called the ‘*Fund for Émigrés*’. They were assembled from the records of the institution known as ‘*Opera pia dell’ospitalità*’ set up in Rome by Pius VI. Opened towards the end of 1792, it was maintained until the end of 1805. Truly these volumes reveal the fatherly care of Popes Pius VI and Pius VII for the French bishops, clerics, nuns, and many lay people who quickly fled from France and journeyed in groups to Rome and to the Papal States as a result of the destructive fury of the revolutionaries and their persecution of the Catholic Church. For more detailed information, see *Exsul familia*, pp. 654-659; English trans. in TESSAROLO, *Exsul familia*, pp. 28-29.

2.1.5.1.2 – Normative Part of *Exsul familia*

Detailed norms and instructions are given in the second part for the organization of the pastoral care of migrants, aliens, and travellers. The main points are as follows.

2.1.5.1.2.1 – The Consistorial Congregation and Its Organs

The exclusive competency of the Consistorial Congregation was maintained in regard to migrants, and the rights of the Congregation for the Propagation of the Faith, and the Congregation for the Oriental Church were to be respected in the territories and over those persons under their jurisdiction. A Supreme Council for Emigration as well as the General International Secretariat for the Apostolate of the Sea were instituted within the Consistorial Congregation.⁷⁹ The Office of Delegate for Migration Affairs was established in the Consistorial Congregation with specific functions and competency.⁸⁰ The Office of Director of missionaries to migrants and ship chaplains was also created for specific purposes. Their competency was clearly stated.⁸¹

2.1.5.1.2.2 – The Local Ordinary and Missionaries for Migrants

Missionaries for migrants were either religious or diocesan priests who volunteered for the mission. They were to be approved by and perform their duties under, the Consistorial Congregation through the intermediary of the Delegate for Migration Affairs (nn. 24, 32-40). The document also determined that “every local Ordinary is to make an earnest effort to entrust the spiritual care of aliens or immigrants to priests,

⁷⁹ See *Exsul familia*, pp. 692-696, nn. 1-8; English trans. in TESSAROLO, *Exsul familia*, pp. 61-66.

⁸⁰ See *ibid.*, pp. 696-697, nn. 9-16; English trans. in TESSAROLO, *Exsul familia*, pp. 66-68.

⁸¹ See *ibid.*, pp. 697-698, nn. 20-23; English trans. in TESSAROLO, *Exsul familia*, pp. 68-69.

whether diocesan or religious, of the same language or nationality, i.e., to missionaries of migrants who have [...] a special licence from the Consistorial Congregation.”⁸²

Further, “the local Ordinary should grant to the same missionaries the authority to undertake the spiritual care of immigrant Catholics [...] with no canonical quasi-domicile or without canonical domicile.”⁸³ Thus, “missionaries to migrants, supplied with such authority in exercising the care of souls, are to be considered equal to pastors.”⁸⁴ All foreigners were to be given pastoral care without being excluded; they could approach a missionary to migrants or the pastor of the place for receiving the Sacraments, including marriage.⁸⁵

2.1.5.1.3. – Evaluation of *Exsul familia*

Exsul familia is considered to be the first fundamental document which tried to treat in a unifying manner the problem of pastoral care of people on the move. Local Ordinaries were to provide for the spiritual care of migrants. Equally important was the principle that foreigners were to be given the same pastoral care which the faithful in general enjoyed, and therefore personal parishes or missions for the care of souls were to be set up to ensure the provision of parochial activities. Personal parishes and missions were the two new structures that *Exsul familia* envisioned for the pastoral care of migrants.⁸⁶

⁸² Ibid., p. 700, n. 33; English trans. in TESSAROLO, *Exsul familia*, p. 72.

⁸³ Ibid., p. 700, n. 34; English trans. in TESSAROLO, *Exsul familia*, pp. 72-73.

⁸⁴ Ibid., p. 700, n. 35 §1; English trans. in TESSAROLO, *Exsul familia*, p. 73.

⁸⁵ See ibid., p. 700, n. 39; English trans. in TESSAROLO, *Exsul familia*, p. 74.

⁸⁶ See ibid., pp. 699-700, nn. 32-33; English trans. in TESSAROLO, *Exsul familia*, p. 72.

However, *Exsul familia* had its own limits too. When evaluating the Constitution, V. De Paolis notes:

1) *Exsul familia* focused above all on the spiritual care of migrants, but it did not make any effort to analyse the phenomenon of people on the move, neither in its components nor in the complexity of the phenomenon.

2) Attention is directed mainly if not exclusively to the canonical norms concerning chaplains, but less to the necessity of their preparation.

3) It does not take into sufficient account the elements that differentiate between diocesan and religious priests.

4) Besides, even if it was affirmed in principle that the local Ordinary was primarily responsible for the pastoral care of migrants, in fact, the Consistorial Congregation insisted on its organization and dealt with it as a centralized organization within the Roman Curia.

5) The specific contribution of religious men and women and of the laity was not stressed in the normative part of *Exsul familia*.

6) The greatest limitation was that *Exsul familia* limited the pastoral care for migrants only up to the second generation.⁸⁷

Pius XII responded to the crisis of refugees and migration to the best of his ability. In order to support their protection, he formulated an important moral argument that every person is created in the *imago Dei*. However, up until this time, the Catholic Church had responded to the refugee question as a series of crises rather than as instances of a single phenomenon of forced movement. It took a fresh vision to start shifting the

⁸⁷ See DE PAOLIS, "The Pastoral Care of Migrants," pp. 121-122.

Church's attention towards the underlying causes of the refugee problem. Pope John XXIII would be the one to lead the Church to a new era and give it a new direction.

2.1.6 – John XXIII (1958-1963)

Pope John XXIII, through two major Encyclical Letters, *Mater et Magistra* and *Pacem in terris*,⁸⁸ recast the Church's concern for refugees. His pontificate coincided with the height of the post-war process of decolonization and self-determination, especially in Africa and Asia, as well as a dramatic period of East-West international relations which included the Cuban missile crisis and the building of the Berlin wall. It was in such a precarious political context that he articulated the Church's vision of social justice with a cry on behalf of refugees.

These two encyclical letters continued the path of his predecessors emphasizing human dignity. In addition, both addressed the question of the rights of refugees and displaced persons. *Mater et Magistra* reaffirms the right of migration,⁸⁹ and *Pacem in terris* repeats this claim and further addresses the situation of political refugees.⁹⁰ He followed the policy of Pope Pius XII in dealing with refugees, but he also provided important principles for the prevention of a refugee crisis. These principles expounded

⁸⁸ JOHN XXIII, Encyclical Letter, *Mater et Magistra*, 15 May 1961, in *AAS*, 53 (1961), pp. 401-464; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 82-128. JOHN XXIII, Encyclical Letter, *Pacem in terris*, 11 April 1963, in *AAS*, 55 (1963), pp. 257-304; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 129-162.

⁸⁹ See *Mater et Magistra*, pp. 411-412; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 90-91, n. 45.

⁹⁰ See *Pacem in terris*, pp. 263, 285-286; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 134, 147-148, nn. 25, 103-106.

his general social teaching: ‘Social interdependence’,⁹¹ ‘Basic human rights and duties’,⁹² and ‘The global common good’.⁹³ By these, he began to tackle the underlying domestic and international problems of which refugees were but a symptom. Moreover, these three themes helped shape John XXIII’s approach to refugee issues that influenced his arguments for their protection.⁹⁴

2.1.6.1 – *Mater et Magistra*

John XXIII published the Encyclical Letter, *Mater et Magistra*, on 15 May 1961. He took the increasing socialization of humankind as the starting point for his social teaching. In *Mater et Magistra*, he drew attention to interdependence as well as to its ethical implications. On the basis of increasingly complex economic, social and political bonds, he argued for greater international cooperation and better assistance to impoverished nations.

He followed Pius XII’s policy, the basis of which was that families had a right to migrate when they were not able to fulfil their purpose in their homeland.

Private ownership of material goods helps to safeguard and develop family life. Such goods are an apt means “to secure for the father of a family the healthy liberty he needs in order to fulfil the duties assigned him by the Creator,

⁹¹ See *Mater et Magistra*, pp. 412-413, 415-418, 426, 438-443; English trans. in O’ BRIEN, *Catholic Social Thought*, pp. 91, 93-94, 100, 109-112, nn. 48-49, 59-60, 97-98, 150-165, 200-204. See also *Pacem in terris*, pp. 291-292; English trans. in O’ BRIEN, *Catholic Social Thought*, pp. 151-152, nn. 130-131.

⁹² See *Pacem in terris*, pp. 259-267; English trans. in O’ BRIEN, *Catholic Social Thought*, pp. 132-137, nn. 11-38.

⁹³ See *Mater et Magistra*, pp. 417, 421; English trans. in O’ BRIEN, *Catholic Social Thought*, pp. 94, 97, nn. 65, 78-81. See also *Pacem in terris*, pp. 272-273; English trans. in O’ BRIEN, *Catholic Social Thought*, p. 140, nn. 55-59.

⁹⁴ See ELVEY, *Justice for Refugees*, p. 299.

regarding the physical, spiritual, and religious welfare of the family.” From this arises the right of the family to migrate.⁹⁵

As with all other rights and duties, the exercise of the right to human mobility is conditioned by the requirements of the common good. John XXIII pointed out carefully that the common good is not to be understood in a limited national sense, i.e., looking only to the interests/goodwill of receiving nations, or of the sending nations. Rather the common good must be understood globally. He drew attention to the global common good as well as to that of individual nations.⁹⁶

2.1.6.2 – *Pacem in terris*

Pacem in terris was issued on 11 April 1963. This was the last great encyclical letter by John XXIII, and it seemed to come at an appropriate time. The Second Vatican Council had already begun, and the process of the renewal of the Church was underway. Pope John’s personality also touched the people. He spoke a language of fraternity, shared concern, and mutual responsibility. Thus when, for the first time in an Encyclical, the Pope addressed “all men of good will,”⁹⁷ many seemed anxious to listen.

It contains a manifesto of human rights and duties by which one could see the Pope’s teaching on refugees further developed and systematically presented. He affirms the right to emigrate, treating such a right as continuous with the right to internal freedom of movement. John XXIII’s defence of the right to cross borders focused on membership of a global community. He defended a limited right to cross borders by arguing:

⁹⁵ *Mater et Magistra*, p. 411; English trans. in O’ BRIEN, *Catholic Social Thought*, pp. 90-91, n. 45.

⁹⁶ See *ibid.*, pp. 417, 421; English trans. in O’ BRIEN, *Catholic Social Thought*, pp. 94, 97, nn. 65, 78-81.

⁹⁷ *Pacem in terris*, p. 257; English trans. in O’ BRIEN, *Catholic Social Thought*, p. 131.

Every human being has the right to freedom of movement and of residence within the confines of his own country; and, when there are just reasons for it, the right to emigrate to other countries and take up residence there. The fact that one is a citizen of a particular state does not detract in any way from his membership in the human family as a whole, nor from his citizenship in the world community.⁹⁸

John XXIII recalls that refugees possess all the rights that derive from personhood because such rights are not dependent on political authorities. Each person belongs first of all to the human family before he belongs to a state as a citizen: “[...] such exiles are persons, and all their rights as persons must be recognised, since they do not lose those rights on losing the citizenship of the states of which they are former members.”⁹⁹

For John XXIII, the phenomenon of political refugees shows that some States fail in their duty to foster the common good by protecting the rights and freedom of their citizens. He considers those failures of States as the basic causes for uprooting people:

The phenomenon of political refugees [...] has assumed large proportions and which always hides numberless and acute sufferings.

Such expatriations show that there are some political regimes which do not guarantee for individual citizens a sufficient sphere of freedom within which their souls are allowed to breathe humanly; in fact, under those regimes even the lawful existence of such a sphere of freedom is either called into question or denied. This undoubtedly is a radical inversion of the order of human society, because the reason for the existence of public authority is to promote the common good, a fundamental element of which is the recognition of that sphere of freedom and the safeguarding of it.

Now among the rights of a human person there must be included that by which a man may enter a political community where he hopes he can more fittingly provide a future for himself and his dependents. Wherefore, as far as the common good rightly understood permits, it is the duty of that state to accept such immigrants and to help to integrate them into itself as new members.¹⁰⁰

⁹⁸ Ibid., p. 263; English trans. in O'BRIEN, *Catholic Social Thought*, p. 134.

⁹⁹ Ibid., p. 286; English trans. in O'BRIEN, *Catholic Social Thought*, p. 148.

¹⁰⁰ Ibid., pp. 285-286; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 147-148, nn. 103-104, 106.

John XXIII further supported and approved the many undertakings in favour of refugees and migrants: “We publicly approve, and commend every undertaking, founded on the principles of human solidarity and Christian charity, which aims at making migration of persons from one country to another less painful.”¹⁰¹ He also expressed praise for specialised international agencies working with refugees: “We will be permitted to signal for the attention and gratitude of all right-minded persons the manifold work which specialised international agencies are carrying out in this very delicate field.”¹⁰²

Efforts to increase social interdependence, respect for basic human rights, the fulfilment of basic duties, and concern for the universal common good are all necessary if we are to reduce the injustices that create refugees. They are also needed if we are to protect refugees adequately. In his early statements on refugees, John XXIII echoed Pius XII by calling for increased resettlement and reunification of refugee families. As did previous popes, he exhorted both local Churches and public authorities to respond generously to refugees. In appealing to the Churches, he showed that there are special reasons for Christians to protect them. In doing so he drew attention to the parable in Matthew 25:31-46 in which Jesus identifies himself with the needy ‘stranger’. In appealing to governments, he supported international institutions designed to protect refugees and urged countries in the world to become signatories to the 1951 Convention on the statute of Refugees.¹⁰³

¹⁰¹ Ibid., p. 286; English trans. in O’BIEN, *Catholic Social Thought*, p. 148, n. 107.

¹⁰² Ibid., p. 286; English trans. in O’BIEN, *Catholic Social Thought*, p. 148, n.108.

¹⁰³ See JOHN XXIII, Radio Message on behalf of the World Refugee Year: Plight of the Refugees, *Nous apprenons*, 28 June 1959, in *AAS*, 51 (1959), pp. 481-483; English trans. in *The*

John XXIII also realized that refugees were not a short-term, post-war phenomenon that would disappear when existing ones were settled but rather a disturbing feature of the current age. Therefore, he enhanced Catholic social teaching in ways and manners that strengthened Catholic arguments to protect refugees and to fight against the injustices that are the root causes of the refugee flow. In addition, by convoking the Second Vatican Council, he paved the way for reform through which the Catholic Church could become more responsive and more effective in its advocacy and aid towards refugees. Also, by his vision of a just global human society and his ecumenical spirit, John XXIII broadened greatly the care of the Church for refugees, including non-Catholic as well as non-Christian refugees.¹⁰⁴

2.2 – THE SECOND VATICAN COUNCIL ON REFUGEES AND THEIR PASTORAL CARE

The period between 1952 and the Second Vatican Council was characterised by a shift of emphasis towards migrants, refugees and displaced persons. Pope John XXIII's views on refugees and human dignity influenced the Council Fathers. The four sessions of the Second Vatican Council opened up a new era in the relationship between the Catholic Church and the wider world, an ecumenical engagement with other cultural and religious traditions.

Pope Speaks, 6 (1959-60), pp. 34-36. JOHN XXIII, Encyclical Letter, *Ad Petri Cathedram*, 29 June 1959, in *AAS*, 51 (1959), pp. 527-528; English trans. in *The Pope Speaks*, 5 (1958-59), pp. 380-381.

¹⁰⁴ See ELVEY, *Justice for Refugees*, p. 306.

Out of the Conciliar documents, *Gaudium et spes* (Pastoral Constitution on the Church in the Modern World),¹⁰⁵ *Dignitatis humanae* (Declaration on Religious Liberty),¹⁰⁶ and *Christus Dominus* (Decree on the Pastoral Office of Bishops in the Church)¹⁰⁷ most clearly indicate the entry into a new era in the life of the Catholic Church. They mark an historic decision on the part of the Catholic Church to participate in an ongoing dialogue with the world. This growth also brought the Catholic Church to become truly a world Church that could be attuned to the various cultural elements of her members in the diverse world. They also enabled the Church to become sensitive to the cry of the poor with their many faces, of which refugees call for our special attention.

The Catholic Church took a remarkable step forward in appreciation of the diverse cultures of the world, including those that are shaped by non-Christian religions. This enhanced appreciation of cultures and religions helped to shape what the Council had to say about migrants and refugees. Thus, such an outlook influenced further a more inclusive approach within the Church's pastoral care for non-Catholic as well as non-Christian refugees.¹⁰⁸

¹⁰⁵ SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World, *Gaudium et spes* (= GS), 7 December 1965, in *AAS*, 58 (1966), pp. 1025-1120; English trans. in A. FLANNERY (gen. ed.), *Vatican Council II. The Conciliar and Post Conciliar Documents* (= FLANNERY I), New Revised Edition, The Vatican Collection, vol. 1, Northport, NY, Costello Publishing Company/Dublin, Dominican Publications, 2004, pp. 903-1001.

¹⁰⁶ SECOND VATICAN COUNCIL, Declaration on Religious Liberty, *Dignitatis humanae*, 7 December 1965, in *AAS*, 58 (1966), pp. 929-946; English trans. in FLANNERY I, pp. 799-812.

¹⁰⁷ SECOND VATICAN COUNCIL, Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus* (= CD), 28 October 1965, in *AAS*, 58 (1966), pp. 673-701; English trans. in FLANNERY I, pp. 564-590.

¹⁰⁸ See ELVEY, *Justice for Refugees*, pp. 307-308.

Although the Council did not issue a separate document on the problems of refugees, a subcommittee was established to work on such a document to be submitted to the Council Fathers. But in the end it was evident that the hoped-for document could not be presented due to the lack of time. Nevertheless, much of the material which had been prepared was included in several conciliar documents.¹⁰⁹

2.2.1 – *Gaudium et spes*

Gaudium et spes is notable in its call for respect of human dignity and equality. It emphasises that human dignity cannot be respected effectively unless the necessary means for a dignified life are provided. It also calls on all people to assist others actively in achieving this goal and reminds every person of his/her duty to be the neighbour of the other, no matter who that person is:

The Council lays stress on respect for the human person: everyone should look upon his neighbour (without any exception) as another self, bearing in mind above all his life and the means necessary for living it in a dignified way lest he follow the example of the rich man who ignored Lazarus, the poor man. Today there is an inescapable duty to make ourselves the neighbour of every man, no matter who he is, and if we meet him, to come to his aid in a positive way, whether he is an aged person abandoned by all, a foreign worker despised without reason, a refugee, an illegitimate child [...] a starving human being (*GS* 27).

Gaudium et spes plainly speaks of the international dimension of the common good, and the required international actions necessary to achieve this common good are acknowledged. This is important for the refugee phenomenon because the issues are international by their nature and require international action:

[...] the universal common good has to be pursued in an appropriate way and more effectively achieved; it is now a necessity for the community of nations to organize itself in a manner suited to its present responsibilities, with special reference to its obligations towards the many areas of the world where intolerable want still prevails. To reach this goal, organizations of the international community, for their part, should set themselves to provide for the different

¹⁰⁹ See DE PAOLIS, “The Pastoral Care of Migrants,” p. 123.

needs of men; this will involve the sphere of social life to which belong questions of food, hygiene, education, employment, and certain particular situations arising here and there, as for example a general need to promote the welfare of developing countries, to alleviate the miseries of refugees dispersed throughout the world, and to assist migrants and their families (*GS 84a*).

There are other passages which throw some light on migration, human dignity and the equality of people on the move. The Constitution called on Christians in particular to be aware of the phenomenon of migration (*GS 65, 66*) and to realize the influence that emigration has on life. The right to migrate must be upheld, and the Fathers in the Council again affirmed this position of the Church (*GS 65*); the dignity and the equality of the migrant must be respected (*GS 66*) by eliminating inequality in economic and social development (*GS 63*).

2.2.2 – *Christus Dominus*

Christus Dominus was issued on 28 October 1965. The document stresses the personhood of refugees and their spiritual as well as physical needs. It insists on the bishops' responsibility to see that appropriate care is available to those in special need, including those whose mobility has deprived them of the ordinary parochial pastoral care:

Special concern should be shown for those members of the faithful who, on account of their way of life are not adequately catered for by the ordinary pastoral ministry of the parochial clergy or are entirely deprived of it. These include the many migrants, exiles and refugees, sailors and airmen, itinerants and others of this kind. Suitable pastoral methods should be developed to provide for the spiritual life of people on holidays.

Conferences of Bishops, and especially National Conferences, should give careful consideration to the more important questions relating to such groups. By common agreement and combined efforts they should issue appropriate directives and devise suitable ways of catering for their spiritual needs. In doing this they should give due consideration especially to the norms determined, or to be determined, by the Holy See, adapting them to their own times, places and people (*CD 18*).

This text speaks of diverse categories of persons involved in the phenomenon of people on the move and the need for appropriate pastoral care. The involvement of the Episcopal

Conferences in this endeavour is stressed because a diocesan bishop individually has no means at his disposal to meet the challenges raised by the refugee phenomenon.

Christus Dominus encourages us to pay earnest attention to the problem as well as to take appropriate or opportune means and directives for their pastoral care — all these have religious assistance as their end. The norms already given or to be determined by the Holy See are to be directive principles. However, such norms must be flexible in order to enhance their creative adaptation to various situations of times, places and persons. The references to *Exsul familia* and to the necessity of its revisions are implicit in the text.

2.3 - THE POST-CONCILIAR PAPAL TEACHING ON REFUGEES AND THEIR PASTORAL CARE

The Second Vatican Council brought forth a richer understanding of the nature of the Church both at the universal and particular levels, and of its mission and position in the modern world. Paul VI and John Paul II spared no effort in implementing the wishes and directives of the Council, especially those related to the social teaching of the Church on various issues affecting the global family. Their contribution to the uplifting of refugees, in particular, surpasses our praise.

2.3.1 – Paul VI (1963-1978)

Paul VI was very experienced in refugee matters by the time he was elected pope in 1963. His statements show that he understood the complex nature of the refugee problem. He was involved in organizing relief for refugees during the Second World War. In his statements, he stressed the need for refugees to regain their dignity and liberty. He appealed for increased international aid when refugee crises arose, as in the

case of the millions of Bengalis who fled to India in 1971 from East Pakistan, now known as independent 'Bangladesh'.¹¹⁰

2.3.1 1 – *Motu proprio, Pastoralis migratorum cura*

Pope Paul VI promulgated the *Motu proprio, Pastoralis migratorum cura*, on 15 August 1969. In this *Motu proprio*, he updated guidelines for the pastoral care of refugees and migrants.¹¹¹ He asked the Congregation for Bishops to revise the pastoral norms contained in *Exsul familia* through a special instruction. The Pope speaks in this *Motu proprio* of the faithful who, owing to the special situations in which they live, require particular care in keeping with their needs.¹¹² The *Motu proprio* made a fundamental pastoral statement concerning the importance of the spiritual patrimony and special culture of refugees and migrants. This statement reads:

It is not possible to fulfil effectively this pastoral care if the spiritual patrimony and the special culture of the migrants is not taken into due account. In this respect, their national language in which they express their thoughts, their mentality and their very religious life is of great importance.¹¹³

¹¹⁰ See PAUL VI, Speech to the Participants of the General Assembly of the Association for the Study of the World Refugee Problem, 3 October 1963, in *Insegnamenti di Paolo VI*, I (1963), Città del Vaticano, Tipografia poliglotta Vaticana, 1965, pp. 189-190; Radio Message for 'Migration Day', 24 November 1963, in *Insegnamenti di Paolo VI*, I (1963), pp. 346-348; Address to the Participants of the 12th Session of the Executive Committee of the Program of the United Nations High Commissioner for Refugees, 30 October 1964, in *Insegnamenti di Paolo VI*, II (1964), pp. 621-623, and Speech on the 20th Anniversary of International Catholic Migration Council, 29 September 1971, in *Insegnamenti di Paolo VI*, IX (1971), Città del Vaticano, Tipografia poliglotta Vaticana, 1972, pp. 826-827.

¹¹¹ PAUL VI, *Motu proprio, Pastoralis migratorum cura*, 15 August 1969, in *AAS*, 61 (1969), pp. 601-603; English trans. in *New Norms for the Care of Migrants* (= *New Norms*), Washington, DC, United States Catholic Conference, 1969, pp. 1-3; see also *CLD*, 7 (1968-1972), pp. 188-190.

¹¹² See *Pastoralis migratorum cura*, pp. 601-602; English trans. in *New Norms*, pp. 1-2.

¹¹³ *Ibid.*, p. 602; English trans. in *New Norms*, p. 2.

Pope Paul VI also recognized the vastness and complexity of the apostolate and acknowledged the need for the active and combined efforts of all, namely priests, religious and laity alike, in this demanding and challenging ministry.¹¹⁴

2.3.1.2 – *Motu proprio, Apostolicae caritatis*

Pope Paul VI published another *Motu proprio, Apostolicae caritatis*, on 19 March 1970, by which the structure of pastoral care for people on the move, assigned to various sectors within the Roman Curia was re-organized. The declared purpose of this reform was to provide better for spiritual welfare of those who are living far away from their homes. Therefore, it seemed advisable that, to be effective and fruitful, these activities be joined together and placed under one direct authority.¹¹⁵

Thus, Paul VI set up within the Vatican a new office, the Pontifical Commission for the Pastoral Care of Migrants and Tourism. The Pontifical Commission embraced the care of migrants, travellers, who are commonly known as “tourists,” the nomads, the apostolate of the sea, the air, and those whose pastoral care was entrusted to the competence of the Congregation for the Clergy in accord with the Apostolic Constitution, *Regimini Ecclesiae universae*.¹¹⁶

On 26 May 1978, this newly erected Pontifical Commission issued its circular letter to the Episcopal Conferences on migration, entitled “*Chiesa e mobilità umana*,”

¹¹⁴ See *ibid.*, pp. 602-603; English trans. in *New Norms*, pp. 2-3.

¹¹⁵ See PAUL VI, *Motu proprio, Apostolicae caritatis*, 19 March 1970, in *AAS*, 62 (1970), p. 195; English trans. in *CLD*, 7 (1968-1972), p. 222.

¹¹⁶ PAUL VI, Apostolic Constitution, *Regimini Ecclesiae universae*, 15 August 1967, in *AAS*, 59 (1967), p. 910, art. 69, 1°; English trans. in *CLD*, 6 (1963-1967), pp. 341-342. At times this Commission is officially also referred to as “Pontifical Commission for the Spiritual Care of Migrants and Travellers.”

which offered an up-to-date understanding of the phenomenon of migration and its pastoral implications. Its main theme was the proper acceptance of migrants on the part of the receiving local Church, with an emphasis on the need for inter-ecclesial collaboration with a pastoral programme. This Commission was later elevated to the status of a Pontifical Council for the Pastoral Care of Migrants and Itinerant People on 28 June 1988 by the Apostolic Constitution, *Pastor bonus*, with the tasks of overseeing the pastoral care of ‘people on the move’ and of encouraging ongoing research on migrants and refugee issues.¹¹⁷

¹¹⁷ By the Apostolic Constitution, *Pastor bonus*, promulgated on 28 June 1988, Pope John Paul II changed the name of the Pontifical Commission to that of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People. It enjoys equal juridical status with the other Dicasteries in the Roman Curia. See JOHN PAUL II, Apostolic Constitution, *Pastor bonus*, 28 June 1988, in *AAS*, 80 (1988), pp. 899-900, arts. 149-151; English trans. in E. CAPARROS, M. THÉRIAULT, J. THORN (eds.), *Code of Canon Law Annotated* (= *Code of Canon Law Annotated*), Prepared under the responsibility of the Instituto Martin de Azpilcueta, Second edition revised and updated of the 6th Spanish language edition, Montréal, Wilson & Lafleur, 2004, pp. 1506-1509.

V. De Paolis reviews the function, nature, duties and power of the PCPCMIP. See V. DE PAOLIS, “The Pontifical Council for the Pastoral Care of Migrants and Itinerant People According to the Constitution, *Pastor bonus*,” in PCPCMIP, *The Mission of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People Toward Today’s Growing Human Mobility: Acts of the XII Plenary Meeting, Vatican, 19-21 October 1993*, Vatican City, PCPCMIP, 1995, pp. 39-68. See also V. DE PAOLIS, “Il Pontificio Consiglio della Pastorale per i Migranti e gli Itineranti secondo la Costituzione *Pastor bonus*,” in DE PAOLIS, *Chiesa e migrazione*, pp. 131-148.

Pope Benedict XVI, for practical reasons, has brought some change. Though the PCPCMIP remains with the same status and functions, however, it does not have its own President, but the President of the Pontifical Council for Peace and Justice becomes the President for both the Councils. Thus, Pope Benedict XVI has appointed Cardinal Renato Raffaele Martino, the President of the Pontifical Council for Justice and Peace as the President of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People also (See *Annuario Pontificio* 2008, Città del Vaticano, Libreria editrice Vaticana, 2008, pp. 1256, 1262 and see also *People on the Move*, 101 (2006), p. 143).

2.3.1.3 – Apostolic Letter, *Octogesima adveniens*

Pope Paul VI published the Apostolic Letter, *Octogesima adveniens*, on 14 May 1971, on the eightieth anniversary of the Encyclical Letter, *Rerum novarum*.¹¹⁸ This Letter concentrates mainly on the issues of development and social justice. It favours one's right to emigrate for economic reasons. It also examines the link between the economic and other causes of flight, these being injustice, discrimination and hostility due to one's race, origin, colour, culture, sex, or religion. Paul VI spoke of solidarity as everyone's duty, but especially that of Christians. This duty is based on the universal brotherhood which is the foundation for authentic justice and enduring peace. Therefore, solidarity is not to be seen as an act of mere charity.¹¹⁹

2.3.1.4 – Synod of Bishops, 1971: Justice in the World

The 1971 Synod of Bishops discussed the theme of justice in the world. In their survey of the modern world, the Synod Fathers noted a range of 'voiceless injustices' needing urgent attention. The condition of refugees was included in this list. The Synod Fathers clearly recognized the condition of refugees and the cause which forced them to flee.

To be especially lamented is the condition of so many millions of refugees, and of every group of people suffering persecution — sometimes in institutionalized form — for racial or ethnic origin or on tribal grounds. This persecution on tribal grounds can at times take on the characteristics of genocide.¹²⁰

¹¹⁸ PAUL VI, Apostolic Letter, *Octogesima adveniens*, 14 May 1971, in *AAS*, 63 (1971), pp. 401-441, nn. 1-52; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 263-286.

¹¹⁹ See *Octogesima adveniens*, pp. 413-414, n. 17; English trans. in O'BRIEN, *Catholic Social Thought*, p. 271.

¹²⁰ SYNOD OF BISHOPS, 1971, "Justice in the World," 30 November 1971, in *AAS*, 63 (1971), p. 929; English trans. in O'BRIEN, *Catholic Social Thought*, p. 292.

2.3.2 – John Paul II (1978-2005)

Pope John Paul II's pontificate coincided with the rapid rise of refugee numbers in the 1980s and 1990s. There is no doubt that during his papacy the refugees and people on the move received considerable pastoral attention and care. His own Polish background moulded him to understand the sufferings and the tragedies of refugees in an authentic way. The words of the Holy Father help one to understand his staunch support and commitment for the poor and, refugees in particular.

Having lived in a country which had to struggle for its freedom, in a country vulnerable to the aggression and dictates of its neighbours, I have been led to sympathize with the plight of the countries of the Third World, which also are subject to another type of dependence, economic one ... I have understood what exploitation is, and I have sided unequivocally with the poor, with the disinherited, the oppressed, the marginalized and the defenceless.¹²¹

In his responses to various refugee crises, John Paul II expressed clearly the complexity of the issue. In his “messages”¹²² and writings, he drew attention to the fundamental economic inequalities, the political divisions and the nationalist forces causing refugee flows.¹²³ He appealed on behalf of refugees to the world community to provide help, with respect to their dignity, and challenged all with the responsibility to find a lasting solution to the problem.

¹²¹ P. HEBBLETHWAITE, *The Next Pope, an Enquiry*, London, Fount-An Imprint of Harper Collins Publishers, 1995, pp. 73-74.

¹²² Collection of the messages of Pope John Paul II for the World Day for Migrants: JOHN PAUL II, “Messaggi del Papa in occasione della Giornata Mondiale dei Migranti 1986-1999,” in FONDAZIONE MIGRANTES DELLA CONFERENZA EPISCOPALE ITALIANA (= FMCEI), *Quaderno di Servizio Migranti*, nr. 27, Roma, Fondazione Migrantes, 1999, pp. 89-154; JOHN PAUL II, “Messaggi del Papa nella Giornata Mondiale del Migrante e del Rifugito 1986-2005,” in FMCEI, *Quaderno di Servizio Migranti*, nr. 49, Roma, Fondazione Migrantes, 2005, pp. 5-139. His talks given to refugees at various places from 1979 to 1983, are also published in Italian, French and English; see JOHN PAUL II, “Rifugiati,” in *On the Move*, 40 (1984), pp. 157-183.

¹²³ See ELVEY, *Justice for Refugees*, p. 324.

Importantly, John Paul II was the first pontiff to speak openly of the refugee problem as a symptom of global infirmity; he went so far as to say that “refugees are a shameful wound (scourge) of our time,”¹²⁴ and “the festering of a wound.”¹²⁵ It was when the refugee crisis was greatly escalating and rapidly increasing that Pope John Paul II spoke to the Diplomatic Corps:

We are dealing with one of the terrible plagues from which our present world is suffering, as though men were no longer capable of providing their fellows with a place to live. It is a situation which must cause grave concern to all those who carry responsibility in international affairs. [...]. I repeat my appeal to the Authorities of all nations that they may feel honoured to allow all their fellow-citizens to live at home in just freedom without driving them into exile, whilst I encourage receiving countries and the international community to ensure that today's refugees may enjoy a truly human life.¹²⁶

2.3.2.1 – Respect and Dignity of Refugees

On behalf of refugees, he appealed for respect for their dignity and human rights: “Concern for refugees must lead us to reaffirm and highlight universally recognized human rights, and to ask that effective recognition of these rights be guaranteed to refugees.”¹²⁷ This affirmation of rights does not depend upon any authority. We are to “recognize the rights of refugees precisely because they are persons [...]. It is our

¹²⁴ JOHN PAUL II, Letter to the United Nations High Commissioner for Refugees, “The ‘Plague’ of Refugees a Disgrace of Our Age,” 25 June 1982, in *Insegnamenti di Giovanni Paolo II*, V, 2 (1982), Vaticano, Libreria editrice Vaticana, 1982, p. 2399, n. 2, and PCCU – PCPCMIP, Document, *Refugees: A Challenge to Solidarity*, p. 5.

¹²⁵ JOHN PAUL II, Encyclical Letter, *Sollicitudo rei socialis*, 30 December 1987, in *AAS*, 80 (1988), p. 542, n. 24d; English trans. in O'BRIEN, *Catholic Social Thought*, p. 409.

¹²⁶ JOHN PAUL II, Rencontre avec le Corps diplomatique à Lisbonne, 13 May 1982, in *Insegnamenti di Giovanni Paolo II*, V, 2 (1982), p. 1628, n. 5c; English trans. in *On the Move*, 40 (1984), p. 176.

¹²⁷ JOHN PAUL II, Messaggio per la Quaresima 1990, “Profugi e rifugiati: il nostro prossimo più prossimo,” 8 September 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 2 (1989), p. 478, n. 3b; English trans. in *The Pope Speaks*, 35 (1990), p. 162.

obligation always to guarantee these inalienable rights, which are inherent in every human being and do not depend on prevailing conditions or socio-political situations.”¹²⁸

He further stated that “every person is endowed with inalienable rights, which can neither be violated nor ignored.”¹²⁹ When speaking to Palestinian refugees he said: “Dear refugees, do not think that your present condition makes you any less important in God’s eyes! Never forget your dignity as children of God.”¹³⁰ “It is necessary to guard against the rise of new forms of racism or xenophobic behaviour, which attempt to make these brothers and sisters of ours scapegoats for what may be difficult local situations.”¹³¹ He also stated that “manifestations of racism, xenophobia and exaggerated nationalism are prophetically opposed,”¹³² and to work for this noble task of protecting refugees’ dignity John Paul II called on everyone to have love as a basis. Thus, “the credibility of the

¹²⁸ Ibid., p. 478, n. 3b; English trans. in *The Pope Speaks*, 35 (1990), p. 162.

¹²⁹ JOHN PAUL II, Message for the World Day of Migrants and Refugees 1996, “Nella Chiesa nessuno è straniero e la Chiesa non è straniera a nessun uomo e in nessun luogo,” 25 July 1995, in *Insegnamenti di Giovanni Paolo II*, XVIII, 2 (1995), p. 131, n. 2; English trans. in *The Pope Speaks*, 41 (1996), p. 8.

¹³⁰ JOHN PAUL II, Dheisheh: la visita al Campo profughi. “Maggiore solidarietà internazionale e volontà politica per affrontare la sfida posta dalle condizioni dei profughi,” 22 March 2000, in *Insegnamenti di Giovanni Paolo II*, XXIII, 1 (2000), p. 415, n. 3. Also M. RAPER and A. VALCARCEL, *Refugees and Forcibly Displaced People*, Dublin, TROCAIRE & VERITAS/London, CAFOD/Glasgow, SCIAF, 2000, p. 68.

¹³¹ JOHN PAUL II, Message for the World Day of Migrants and Refugees 1996, “Nella Chiesa nessuno è straniero e la Chiesa non è straniera a nessun uomo e in nessun luogo,” 25 July 1995, in *Insegnamenti di Giovanni Paolo II*, XVIII, 2 (1995), p. 132, n. 4c; English trans. in *The Pope Speaks*, 41 (1996), p. 9.

¹³² JOHN PAUL II, Message for the 89th World Day of Migrants and Refugees 2003, “Per un impegno a vincere ogni razzismo, xenophobia e nazionalismo esasperato,” 24 October 2002, in *Insegnamenti di Giovanni Paolo II*, XXV, 2 (2002), p. 609, n. 5; also in *The Pope Speaks*, 48 (2003), p. 136.

Church in her doctrine on the fundamental respect due to each person rests on the moral courage of pastors and faithful to ‘stake everything on love’.”¹³³

2.3.2.2 – Duty of the Local and Universal Church Towards Refugees

John Paul II stated that all persons are important and equal in status. Irrespective of their social status and nationality, all have the right to feel at home in the Church: “In the Church no one is a stranger, and the Church is not foreign to anyone, anywhere.”¹³⁴ When refugees approach pastors, it is their duty to assist them in their needs to the best of their ability: “It is the task of the various dioceses actively to ensure that these people who are obliged to live outside the safety net of civil society, may find a sense of brotherhood in the Christian community”¹³⁵ and “to welcome (them) and to show (them) solidarity is a duty of hospitality and fidelity to Christian identity itself.”¹³⁶

2.3.2.3 – Encyclical Letter, *Sollicitudo rei socialis*

John Paul II issued the Encyclical Letter, *Sollicitudo rei socialis*, on 30 December 1987, when the refugee situation was clearly not diminishing, nor amenable to simple solutions. In this Encyclical, John Paul II undertakes a deeper analysis of the problem and places the phenomenon within the matrix of the politics of blocs and the North-South

¹³³ Ibid., p. 608, n. 4d; also in *The Pope Speaks*, 48 (2003), p. 136.

¹³⁴ JOHN PAUL II, Message for the World Day of Migrants and Refugees 1996, “Nella Chiesa nessuno è straniero e la Chiesa non è straniera a nessun uomo e in nessun luogo,” 25 July 1995, in *Insegnamenti di Giovanni Paolo II*, XVIII, 2 (1995), p. 133, n. 5d; English trans. in *The Pope Speaks*, 41 (1996), p. 10.

¹³⁵ Ibid., p. 133, n. 5d; English trans. in *The Pope Speaks*, 41 (1996), p. 10.

¹³⁶ Ibid., p. 134, n. 6b; English trans. in *The Pope Speaks*, 41 (1996), pp. 10-11.

economic division of the world.¹³⁷ Refugees who are caught in this struggle find their human needs being considered as secondary to ideological and economic interests. The Pope reflects critically that while the arms trade is able to overcome the above mentioned barriers, aid and development cannot because they are used to playing out the East-West conflict within North-South relations. It is important to note that the description of refugees by John Paul II in the following paragraph goes beyond the definition of the same problem by the United Nations:

The consequences of this state of affairs are to be seen in the festering of a wound which typifies and reveals the imbalances and conflicts of the modern world: the millions of refugees whom war, natural calamities, persecution, and discrimination of every kind have deprived of home, employment, family, and homeland. The tragedy of these multitudes is reflected in the hopeless faces of men, women and children who can no longer find a home in a divided and inhospitable world.¹³⁸

John Paul II insisted that solidarity among all nations and peoples is a must to remedy the refugee crisis. He has been “a symbol of the Church’s solidarity with all refugees.”¹³⁹ Solidarity has been a pervading theme of all John Paul II’s major social writings. He explains solidarity as a response to the moral aspect of the fact of interdependence. He connects this call for solidarity with the themes central to Catholic social thought, such as basic human dignity, social interdependence, fundamental rights and duties, the global common good, respect for all cultures and integral development, etc.¹⁴⁰

¹³⁷ See *Sollicitudo rei socialis*, pp. 537-541, nn. 21-23; English trans. in O’BRIEN, *Catholic Social Thought*, pp. 407-409.

¹³⁸ *Ibid.*, p. 542, n. 24d; English trans. in O’BRIEN, *Catholic Social Thought*, p. 409.

¹³⁹ JOHN PAUL II, Address to Refugees in Exile at Morong, Philippines, 21 February 1981, in *AAS*, 73 (1981), pp. 388-391, here at p. 388.

¹⁴⁰ See *Sollicitudo rei socialis*, pp. 564-569, nn. 38-40; English trans. in O’BRIEN, *Catholic Social Thought*, pp. 421-424.

It is above all a question of *interdependence*, sensed as a *system determining* relationships in the contemporary world, in its economic, cultural, political, and religious elements, and accepted as a *moral category*. When interdependence becomes recognized in this way, the correlative response as a moral and social attitude, as a “virtue,” is *solidarity*. This then is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is *a firm and persevering determination* to commit oneself to the *common good*; that is to say to the good of all and of each individual, because we are *all* really responsible *for all*.¹⁴¹

Along with global solidarity, John Paul II appealed for fraternal support, a support that is not only focused on mere material help. Above all, it answers the deeper human needs of suffering refugees and various other people.

[...] certain kinds of demands often call for a response which is not simply material but which is capable of perceiving the deeper human need. One thinks of the condition of refugees, immigrants, the elderly, the sick, and all those in circumstances which call for assistance, such as drug abusers: all these people can be helped effectively only by those who offer them genuine fraternal support, in addition to the necessary care.¹⁴²

John Paul II realised that assistance to the poor and needy demands a mentality that considers these individuals not as burdens but as persons. He called for justice for the

¹⁴¹ Ibid., pp. 565-566, n. 38e. English trans. in O'BRIEN, *Catholic Social Thought*, p. 421.

Pope John Paul II further reiterated the significance of solidarity: “solidarity helps us to see the ‘other’ — whether a *person, people, or nation* — not just as some kind of instrument, with a work capacity and physical strength to be exploited at low cost and then discarded when no longer useful, but as our ‘neighbour’, a ‘helper’ (cf. Gen. 2: 18-20), to be made a sharer, on a par with ourselves, in the banquet of life to which all are equally invited by God.”

“*Solidarity* is undoubtedly a *Christian virtue*. [...] In the light of faith, solidarity seeks to go beyond itself, to take on the *specifically Christian* dimension of total gratuity, forgiveness and reconciliation. One’s neighbour is then not only a human being with his or her own rights and a fundamental equality with everyone else, but becomes the *living image* of God the Father, redeemed by the blood of Jesus Christ and placed under the permanent action the Holy Spirit. One’s neighbour must therefore be loved, even if an enemy, with the same love with which the Lord loves him or her, and for that person’s sake one must be ready for sacrifice, even the ultimate one; to lay down one’s life for the brethren [cf. 1 John 3: 16]” (*Sollicitudo rei socialis*, pp. 567, 568-569, nn. 39e, 40ab; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 422-423).

¹⁴² JOHN PAUL II, Encyclical Letter, *Centesimus annus*, 1 May 1991, in *AAS*, 83 (1991), p. 854, n. 48e; English trans. in O'BRIEN, *Catholic Social Thought*, p. 476.

poor and the needy.¹⁴³ In his Encyclical Letter, *Centesimus annus*, the Pope contributed an important reflection on the universal distribution of goods. He asserted that the right of access to the goods of the earth for the fulfilment of basic human needs is central to the claim for assistance of many people who are called ‘economic refugees’:

Even prior to the logic of a fair exchange of goods and the forms of justice appropriate to it there exists something which is due to man because he is man by reason of his lofty dignity. Inseparable from that required “something” is the possibility to survive and, at the same time, to make an active contribution to the common good of humanity.¹⁴⁴

In stressing the fraternal solidarity for suffering refugees and other peoples, John Paul II reiterated the preferential option for and the commitment of the Church to the poor:

Today more than ever, the Church is aware that her social message will gain credibility more immediately from the witness of actions than as a result of its internal logic and consistency. This awareness is also a source of her preferential option for the poor, which is never exclusive or discriminatory toward other groups. [...] The Church’s love for the poor, which is essential for her and a part of her constant tradition, impels her to give attention to a world in which poverty is threatening to assume massive proportions in spite of technological and economic progress. In the countries of the West, different forms of poverty are being experienced by groups which live on the margins of society, by the elderly and the sick, by the victims of consumerism, and even more immediately by so many refugees and migrants.¹⁴⁵

2.3.2.4 – Journeys of John Paul II

John Paul II was the first Pope to travel extensively to show his pastoral concern for the faithful. Whether in season or out of season, he never ceased to speak for the weak, especially for refugees. For our purpose we look here at two of his journeys. During his visit to a Palestinian refugee camp in March, 2000, John Paul II said:

¹⁴³ See *ibid.*, pp. 827-828, n. 28; English trans. in O’BRIEN, *Catholic Social Thought*, pp. 459-460.

¹⁴⁴ *Ibid.*, p. 836, n. 34a; English trans. in O’BRIEN, *Catholic Social Thought*, pp. 464-465.

¹⁴⁵ *Ibid.*, pp. 862-863, n. 57; English trans. in O’BRIEN, *Catholic Social Thought*, p. 481.

The degrading conditions in which refugees often have to live, the continuation over long periods of situations that are barely tolerable in emergencies or for a brief time of transit; the fact that displaced persons are obliged to remain for years in settlement camps; these are a measure of the urgent need for a just solution to the underlying causes of the problem. [...] I plead with all who are sincerely working for justice and peace not to lose heart. I appeal to political leaders to implement agreements already arrived at, and to go forward towards the peace for which all reasonable men and women yearn, to the justice to which they have inalienable right.¹⁴⁶

Later, in his talks to the Palestinians in the camp, the Pope pointed to the refugees' human dignity and worth before God, and he called for human solidarity. He said:

It is deeply significant that here, close to Bethlehem, I am meeting you, refugees and displaced persons, and representatives of the organizations and agencies involved in a true mission of mercy. [...]. Dear refugees, do not think that your present condition makes you any less important in God's eyes! Never forget your dignity as his children ... God's design was fulfilled in the midst of humility and poverty. Dear aid workers and volunteers, believe in the task that you are fulfilling. Genuine and practical solidarity with those in need is not a favour conceded, it is a demand of our shared humanity and recognition of the dignity of every human being. The Church through her social and charitable organizations, will continue to be at your side and to plead your cause before the world.¹⁴⁷

Thus, it is very obvious that John Paul II continued to act as an advocate for refugees, especially in his interactions with government officials and various organizations. He repeatedly challenged the conscience of the world on the refugee issue. For example, appealing for Indo-Chinese refugees he said: "I appeal to the conscience of humanity, that all should take their share of responsibility, both the people and those who govern

¹⁴⁶ JOHN PAUL II, Dheisheh: la visita al Campo profughi. "Maggiore solidarietà internazionale e volontà politica per affrontare la sfida posta dalle condizioni dei profughi," 22 March 2000, in *Insegnamenti di Giovanni Paolo II*, XXIII, 1 (2000), p. 415, n. 2; see also RAPER and VALCARCEL, *Refugees and Forcibly Displaced People*, p. 90, and M. PICCIRILLO, *The Journey of the Jubilee to the Origins of our Faith and of our Church: Joannes Paulus II*, Gorle, (BG), Italy, Publisher Custody of the Holy Land, 2002, pp. 68-69.

¹⁴⁷ *Ibid.*, pp. 414-416, nn. 1, 3; also RAPER and VALCARCEL, *Refugees and Forcibly Displaced People*, p. 68.

them, in the name of solidarity that goes beyond frontiers, races, and ideologies.”¹⁴⁸ He taught the Church and its various organizations to be much more responsive to refugee issues. That is why in 1981 he spoke to the refugees at Morong, Philippines:

The Church carries out extensive relief efforts on behalf of refugees. [...] Indeed this is *an integral part of the Church's mission* in the world. The Church is ever mindful that Jesus Christ himself was a refugee, that as a child he had to flee with his parents from his native land in order to escape persecution. In every age therefore the Church feels herself called to help refugees. And she will continue to do so, to the full extent that her limited means allow.¹⁴⁹

The important development in the pontificate of John Paul II on the refugee issue is that he considered it as one that affects the whole human family without partiality to one group. He, therefore, invited everyone to join him in the refugee cause:

I ask everyone to join me in a *heartfelt appeal to the nations*. I appeal, in the presence of the Lord of history and before the Supreme Judge of human hearts, on behalf of all the displaced persons throughout the world. I appeal for increased aid for them, so that present efforts may be sustained, strengthened and reinforced. I appeal for continued prayers for all the refugees throughout the world, and for the warmth of human concern and fraternal love towards every brother and sister who needs our solidarity and support.¹⁵⁰

Even though as the Pastor of the Catholic Church, the Pope had a special pastoral concern for Christian refugees, he never lost sight of the suffering of refugees regardless of religious affiliation. For example, he received the refugees from Afghanistan and spoke to them with paternal affection:

With deep affection I turn to the group from Afghanistan now residing in Ladispoli. Your presence here reminds us about the plight of many refugees from your country. [...] May God, our common Father, the almighty and merciful Lord of history, bless you and your beloved country of Afghanistan.¹⁵¹

¹⁴⁸ JOHN PAUL II, Appello per i rifugiati indocinesi, 20 June 1979, in *Insegnamenti di Giovanni Paolo II*, II (1979), p. 1595; English trans. in *On the Move*, 40 (1984), p. 159.

¹⁴⁹ JOHN PAUL II, Address to Refugees in Exile at Morong, Philippines, p. 389.

¹⁵⁰ Ibid., p. 391.

¹⁵¹ JOHN PAUL II, Address to Refugees from Afghanistan, 24 March 1982, in *Insegnamenti di Giovanni Paolo II*, V, 1 (1982), p. 984.

John Paul II used the strongest words to highlight the refugee problem and the concern of the Church, “but of all the human tragedies of our day, perhaps the greatest is that of refugees. To them especially the Church reaches out, desiring to place herself at their service.”¹⁵² This is clearly seen in the Document, *Refugees: A Challenge to Solidarity*, issued in 1992.

2.3.3 – Benedict XVI (2005 -)

Pope Benedict XVI continues to tread the path of his predecessors in his approach to refugees and internally displaced people. He draws a parallel between the refugees and the Family of Nazareth in exile. In their flight from their homeland, we catch a glimpse of the painful conditions under which refugees live.¹⁵³

Like earlier Popes, Benedict XVI reiterates the commitment of the Church not only to individual refugees but also to their families, which is the bearer of the culture of life and of integration of values. In his 2006 message on migrants, Benedict XVI feels it his duty to call global attention to the families of refugees, whose conditions seem to have worsened in comparison with the past, and specifically regarding the reunification of family nuclei. He underlines the painful situation of the camps assigned to them where, in addition to logistic difficulties, and the trauma and emotional stress caused by the tragic experiences refugees went through, sometimes there is the risk of women and children being involved in sexual exploitation as a survival mechanism. In these cases, the Pope underlines that an attentive pastoral presence is of utmost importance. He

¹⁵² JOHN PAUL II, Address to Refugees in Exile at Morong, Philippines, p. 390.

¹⁵³ Various talks of Benedict XVI on refugees and migrants are collected and published in *People on the Move*, 97 (2005), pp. 5-6 and *People on the Move*, 102 (2006), pp. 7-37.

emphasizes that everything must be done to guarantee the rights and dignity of refugee families.¹⁵⁴

The Pope called upon the international community to ensure that every person has a safe place to live. In many countries such safety is not available for them except in camps. Their life has become a 'camp-oriented one' where they remain very much limited in the exercise of their rights. Benedict XVI urges the world community to help alleviate this painful situation.¹⁵⁵

He promotes the characteristics of tolerance and hospitality towards refugees. Respect due to them is rooted in the common origin of all men and women, created in the image and likeness of God (cf. Gn 1:26-27). Thus from this stems the inviolable and sacred dignity of all life, the respect owed to every individual and the requirement that men and women adhere to the natural and moral structure with which they have been endowed by God.¹⁵⁶

As John Paul II, Benedict XVI repeated that "no one is a stranger"¹⁵⁷ in the Church. When, due to recent Middle East conflicts, hundreds of thousands of Iraqi refugees fled to Syria, he appealed for generosity on their behalf and stated:

My thoughts today go to the hundreds of thousands of Iraqi refugees in Syria, forced to leave their country because of the dramatic situation being lived there. Caritas Syria is already helping them. I am appealing, however, to the generosity

¹⁵⁴ See BENEDICT XVI, Pontifical Message for the 93rd World Day of Migrants and Refugees: The Migrant Family, 18 October 2006, in *People on the Move*, 102 (2006), pp. 45-47.

¹⁵⁵ See BENEDICT XVI, La Comunità Internazionale si impegni per i Diritti dei Rifugiati, *Angelus Domini* of Sunday, 20 June 2004, in *People on the Move*, 97 (2005), p. 5.

¹⁵⁶ See BENEDICT XVI, Message to the New Ambassador of Canada, (n.d.), in *People on the Move*, 97 (2005), pp. 5-6.

¹⁵⁷ BENEDICT XVI, *Angelus Domini* of Sunday, 24 December 2006, in *People on the Move*, 102 (2006), p. 32.

of private individuals, international organizations and governments to make a further effort to meet their most urgent needs. I raise my prayer to the Lord to comfort these brothers and sisters and to move the hearts of all to generosity.¹⁵⁸

Benedict XVI continues to draw global attention to countries that create refugee situations in the world today. In his Christmas message of 2006, he spoke of the situations prevailing in the Middle East, Lebanon, Iraq, Sri Lanka, and Darfur, and challenged the conscience of the world to work for global peace and solve the refugee crisis in these affected countries.¹⁵⁹

2.4 – DOCUMENTS OF THE ROMAN DICASTERIES ON REFUGEES AND THEIR PASTORAL CARE

Under Paul VI and John Paul II, the Dicasteries of the Roman Curia have published Statements on the refugee issues and Guidelines and Instructions for the promotion of the pastoral care of people on the move. Here we would like to mention those documents which deal specifically with refugees.

2.4.1 – Instruction, *De pastoralis migratorum cura*

On 22 August 1969, the Instruction, *De pastoralis migratorum cura*, was published by the Congregation for Bishops seven days after it was commissioned by Pope Paul VI in his *Motu proprio, Pastoralis migratorum cura*.¹⁶⁰ This Instruction attempts to present

¹⁵⁸ BENEDICT XVI, *Angelus Domini* of 3rd Sunday of Advent, 17 December 2006, in *People on the Move*, 102 (2006), p. 31.

¹⁵⁹ See BENEDICT XVI, *Urbi et Orbi* Message, Christmas 2006, in *People on the Move*, 102 (2006), pp. 36-37.

¹⁶⁰ For more reflection on *Motu proprio, Pastoralis migratorum cura*, and on the Instruction, *De pastoralis migratorum cura*, see V. DE PAOLIS, “La cura dei migranti secondo il *motu proprio* ‘*Pastoralis migratorum cura*’ e l’Istruzione ‘*De pastoralis migratorum cura*’,” in *Per una Pastorale dei Migranti. Contributi in occasione del 75° della morte di mons. G.B. Scalabrini*, Roma, Direzione Generale dei Missionari Scalabriniani, 1980, pp. 149-219.

the fact of migration in its totality and complexity. Pastoral care of migrants and refugees is no longer seen as the problem of priests only but of all the 'People of God'. Each one with his proper role and capacity has a duty to be involved in this ministry.

2.4.1.1 – Content of *De pastorali migratorum cura*

On the level of the Universal Church, the Instruction addresses the responsibilities of Episcopal Conferences, and those of the Local Ordinaries, of both Churches from which the migrants and refugees depart and those to which they go. The role of a missionary to the migrants and that of an eventual delegate is mentioned. It speaks of men and women religious and discusses the participation of the laity in this ministry.¹⁶¹

The Instruction lists many rights of the 'people on the move'. It recalls the right to have a homeland irrespective of race or religion or any other reason.¹⁶² It reaffirms what the earlier popes and the Council have already stated. Here the right to migrate with the family is stressed, and the condition of poverty for migration goes beyond the definition of a refugee given by the UN Convention.¹⁶³ It also affirms one's right to retain one's native tongue and spiritual heritage and one's right to appropriate ministry or pastoral care from priests with a sufficient knowledge of migrants and refugees.¹⁶⁴

The Instruction also envisions the possibility that the missionary may not be of the same language as the migrant. It assumes he knows the language so well that he can

¹⁶¹ See DE PAOLIS, "The Pastoral Care of Migrants," pp. 127-128.

¹⁶² See SCB, Instruction, *De pastorali migratorum cura*, p. 617, n. 6; English trans. in SCB, *On the Pastoral Care of People*, p. 8.

¹⁶³ See *ibid.*, p. 617, n. 7; English trans. in SCB, *On the Pastoral Care of People*, p. 8.

¹⁶⁴ See *ibid.*, p. 619, n. 11; English trans. in SCB, *On the Pastoral Care of People*, pp. 9-10.

meet the pastoral needs of the people on the move. As for the forms of assistance to be given, the Instruction highlights:

The manner, juridical forms, and useful duration of the care of immigrant people should be carefully considered in each and every case and adapted to the circumstances. Among such circumstances we may list a few, namely: the duration of immigration; the process of becoming integrated (first or following generations); differences of civil cultures (speech and rite); the manner of migration, that is, whether it is periodic, stable or temporary, whether it occurs in small groups or large, and whether it is geographically confined or spread out. It can escape no one that the principal character of the service of souls to be offered by the Church should be this: that it be always suited to the needs of the immigrant people and that it remains adapted to them.¹⁶⁵

The same Instruction offers various ways in which the pastoral care of migrants and refugees can be administered: a personal parish for immigrants of the same language; a Mission with the care of souls, similar and equal to a parish in all things, is foreseen; a Mission with the care of souls within the boundaries of a territorial parish, especially where the same priests are responsible for the spiritual care of the parish and that of the migrants and refugees; and the appointment of a chaplain of the same language as the migrants and refugees with a determined territory in which to exercise his ministry.¹⁶⁶

2.4.1.2 – Evaluation of *De pastorali migratorum cura*

The Instruction is not without certain limitations. 1) It considers only baptized Catholics who go to another Christian country. Moreover, it concerns only the faithful of the Latin Church *sui iuris* (formerly called Latin Rite). This approach does not fit into the new framework wherein we find also the faithful of Eastern Catholic Churches. 2) In several cases, an insufficient determination of roles and responsibilities is evident both on the part of the Episcopal Conferences and on the part of the Ordinaries of the places of

¹⁶⁵ Ibid., p. 619, n. 12; English trans. in SCB, *On the Pastoral Care of People*, p. 10.

¹⁶⁶ See *ibid.*, pp. 630-631, n. 33; English trans. in SCB, *On the Pastoral Care of People*, pp. 22-23.

the migrants' arrival in relation to the Ordinaries of the places of their origin. 3) The role of Institutes of Consecrated Life is not sufficiently considered. 4) While we deal here with those who are outside of their native land or their ethnic community, internal migration is not included. The Instruction's directives do not apply to this category of migrants who make up today an alarming proportion in many countries. Finally, one notices excessive organization which can easily degenerate into bureaucracy.¹⁶⁷

2.4.2 – Circular Letter, *Chiesa e mobilità umana*

The Circular Letter, *Chiesa e mobilità umana*, is the principal document published by the Pontifical Commission for Pastoral Care of Migrants and Tourism on the spiritual care of people on the move. Pope Paul VI had approved this Circular Letter. It did not derogate from any of the already existing norms but wanted to apply them in light of past experiences.

The document updated and interpreted anew the phenomenon of people on the move. It expanded on three ecclesial themes of Vatican II, namely, the image of the Church as a pilgrim people, the Church's mission to evangelize cultures, the importance of Christian unity and respect for other religions.¹⁶⁸ Again it restated and defended the rights of the human person.¹⁶⁹ It raised the awareness of the local churches in relation to the mobility of the people. It reiterated the importance of receiving migrants and refugees by the local Church and emphasized the need for inter-ecclesial collaboration, and spiritual care without limitations of boundaries. It recognized and praised the active roles

¹⁶⁷ See DE PAOLIS, "The Pastoral Care of Migrants," pp. 128-129.

¹⁶⁸ See PCPCMT, *Chiesa e mobilità umana*, pp. 361-364, nn. 7-8, 10-14; English trans. in *CLD*, 9 (1978-1981), pp. 127-131.

¹⁶⁹ See *ibid.*, pp. 366-367, nn. 17-18; English trans. in *CLD*, 9 (1978-81), pp. 133-135.

played by laity and religious in this field.¹⁷⁰ Together with the Circular Letter, the same Pontifical Commission issued instructions on the various types of migration, underlining the peculiarities of each one of them. They are: ‘the migrants in general, the Apostolate of the Sea, the Apostolate of Civil Aviation, the Pastoral Care of Nomads, and finally that of Tourism’.¹⁷¹

2.4.3 – Special Faculties to Chaplains and Privileges to the Faithful of the Various Sectors of People on the Move

Having consulted the relevant Offices of the Roman Curia and the appropriate Commissions of the Episcopal Conferences, the Pontifical Commission for the Spiritual Care of Migrants and Itinerant Peoples (= PCSCMIT) composed a single list of faculties and privileges which it extends respectively to the chaplains and faithful of all categories of people on the move,¹⁷² namely: migrants, exiles and refugees, seafarers – including fishermen, pilgrims and tourists, airport workers and those who travel by air whether aircrew or passengers, nomads, circus folk and travelling show people.

This document has two parts. The first one identifies the faculties of the chaplain: to celebrate mass twice on weekdays for a just cause, and three times on Sundays and Days of obligation if pastoral necessity urges; to celebrate the Eucharist for a second time

¹⁷⁰ See *ibid.*, pp. 367, 371-376, nn. 19, 26-37; English trans. in *CLD*, 9 (1978-81), pp. 135, 139-146.

¹⁷¹ See FONDAZIONE MIGRANTES DELLA CONFERENZA EPISCOPALE ITALIANA (= FMCEI), *Enchiridion della Chiesa per le migrazioni: Documenti magisteriali ed ecumenici sulla pastorale della mobilità umana 1887-2000* (= FMCEI, *Enchiridion della Chiesa*), a cura di Giovanni Graziano Tassello con la collaborazione di Luisa Deponti e Mariella Guidotti, Bologna, EDB, 2001, pp. 788-833; English trans. in *On the Move*, 20 (1978), pp. 71-195.

¹⁷² PCSCMIT, Regarding the granting of special faculties to chaplains and privileges to the faithful of the various sectors of people on the move, *Pro materna*, 19 March 1982, in *AAS*, 74 (1982), pp. 742-745; English trans. in *On the Move*, 34 (1982), pp. 77-81.

during the evening of Holy Thursday for a pastoral necessity in churches and oratories; to use electric light in place of candles; to hear confessions of the faithful under their care wherever they may be, etc.¹⁷³ The second part contains the privileges granted to the faithful: they are dispensed from the law of fasting and abstinence and they can obtain indulgences on various occasions by fulfilling what is prescribed in law for them, etc.¹⁷⁴

2.4.4 – Circular Letter, Towards a Pastoral Care of Refugees

In the 1980's, the Church was faced with an overflow of refugees from everywhere, especially from Asia, and tried her best to attend to their pastoral needs. For that purpose, the Pontifical Commission for the Pastoral Care of Migrants and Tourism sent out a Circular Letter to all Episcopal Conferences.¹⁷⁵

This Letter speaks of the tragedy of refugees as one of the most emblematic and tragic aspects of the mobility of peoples this century. Wars, ecological disasters, famine, totalitarian regimes, ideological intolerance, repressions and persecutions, all create a flood of refugees which is increasing instead of diminishing. Added to the problem of being uprooted from their own countries, refugees are often uncertain of a welcome elsewhere.

The consequences of such tragedies have not been slow in making themselves felt. The consequences are as follows: the shock caused by their flight brings out

¹⁷³ See *ibid.*, pp. 743-744, nn. 1-8, (First part); English trans. in *On the Move*, 34 (1982), pp. 78-79.

¹⁷⁴ See *ibid.*, pp. 744-745, nn. 1-9, (Second part); English trans. in *On the Move*, 34 (1982), pp. 79-81.

¹⁷⁵ PCPCMT, Circular Letter, "Per una pastorale dei rifugiati," 14 February 1983, in *Enchiridion Vaticanum*, 9 (1983-1985), pp. 100-112; English trans. in *On the Move*, 36 (1983), pp. 137-150.

aggression, guilt or apathy in people; emotional loneliness; anxiety or anguish caused by not knowing the fate of their families; disappointment as a result of idealizing their place of refuge; cultural shock caused by new surroundings and mentalities foreign to their own; the collapse of ideals and personal goals; the crumbling of religious ideals caused by impact with other ideologies, etc.¹⁷⁶

The Letter also discusses the *de facto* refugees, the legal protection of the refugees, and appropriate pastoral action on the part of the Church, especially the responsibility of the local Churches. It encourages all those involved in such ministry to follow the guidelines given in the Instruction, *De pastorali migratorum cura* and in the Circular Letter, *Chiesa e mobilità umana*.¹⁷⁷ Eventually this Letter will pave the way for the publication of the official teaching of the Catholic Church on the refugee crisis in 1992 in the Document, *Refugees: A Challenge to Solidarity*.

2.4.5 – Circular Letter, The Pastoral Care of People on the Move in the Formation of Future Priests

The Congregation for Catholic Education along with the Pontifical Commission for the Pastoral Care of Migrants and Tourism circulated a letter to all local Ordinaries and Rectors of their Seminaries on 25 January 1986.¹⁷⁸ The purpose of this Letter was to

¹⁷⁶ See *ibid.*, pp. 101-103, nn. 1-5; English trans. in *On the Move*, 36 (1983), pp. 138-140.

¹⁷⁷ See *ibid.*, pp. 104-112, nn. 11-20; English trans. in *On the Move*, 36 (1983), pp. 143-150.

¹⁷⁸ CONGREGATION FOR CATHOLIC EDUCATION, Circular Letter, Il fenomeno della mobilità agli ordinari diocesani e ai rettori dei loro seminari sulla pastorale della mobilità umana nella formazione dei futuri sacerdoti, 25 January 1986, in *Enchiridion Vaticanum*, 10 (1986-1987), pp. 8-15; English trans. in NATIONAL CONFERENCE OF CATHOLIC BISHOPS-USA (= NCCB-USA), *People on the Move: A Compendium of Church Documents on the Pastoral Concern for Migrants and Refugees* (= NCCB-USA, *A Compendium of Church Documents*), Bishops' Committee on Priestly Formation, Bishops' Committee on Migration, Washington, DC, USCC, 1988, pp. 1-3.

stimulate in future priests a genuine pastoral concern, helping them to acquire, under the competent guidance of their superiors, the necessary dispositions for a fruitful apostolate among people on the move. Like other documents, the Letter stresses the complexity of the phenomenon and states that “the time seems to have come for our culture, especially our seminaries and institutes of higher studies, not only to provide wider information, but above all to ensure better training of priests, religious and all those who work in this field.”¹⁷⁹

The Letter encourages local Ordinaries to decide on the type of training to be given to their seminarians or priests. Dioceses which are directly affected by emigration are to train their future priests in the knowledge of the problem of migration. It invites professors of pastoral theology and teachers of other subjects which are in some way related to human mobility to be well acquainted with the problems associated with migration.

The Letter insists on and repeats the Church’s teaching that the pastoral care of people on the move is not only the responsibility of missionaries but also of the entire local Church, of priests, religious and lay people. Finally it emphasises that the object of the study of people on the move must be a better understanding of the phenomenon from its theological, pastoral and organizational points of view.¹⁸⁰

¹⁷⁹ *Enchiridion Vaticanum*, 10 (1986-1987), p. 8; English trans. in NCCB-USA, *A Compendium of Church Documents*, p. 2.

¹⁸⁰ See *ibid.*, pp. 10-13; English trans. in NCCB-USA, *A Compendium of Church Documents*, pp.2-3.

2.4.6 – Document, *Camps de réfugiés au voisinage des frontières*

The Pontifical Council “*Cor Unum*” was established in July 1971. From its inception, it has been taking initiatives on behalf of refugees. As the refugee crisis was escalating at an alarming rate in the 1980s, the Council brought together experts in various fields to study the issue in order to respond better to the problem. It published this document under the title, “*Camps de réfugiés au voisinage des frontières*” in 1986,¹⁸¹ and most of its teachings were incorporated in the subsequent Document, *Refugees: A Challenge to Solidarity*.

The Document highlights four elements: 1) the fundamental definition of refugee; 2) refugee camps and their proximity to borders; 3) the future of refugees, and 4) the role of the local Church. It describes the trauma of refugees. They were forced to abandon their home, relatives, city, culture, language, etc. They were compelled to start a new life in a new place, a life of dependency which at times causes serious psychological problems.¹⁸²

Concerning refugee camps, the Council recommends that they be established in a secure place away from their country of origin. The refugees can be encouraged to repatriate voluntarily but they should not be compelled. The new element in this document consists in the kind of attitude the Church and all those involved in pastoral

¹⁸¹ PONTIFICAL COUNCIL “*COR UNUM*,” *Camps de réfugiés au voisinage des frontières*, 25 October 1986, in *Enchiridion Vaticanum*, 10 (1986-1987), pp. 706-739; see also in FMCEI, *Enchiridion della Chiesa*, pp. 916-931.

¹⁸² See FMCEI, *Enchiridion della Chiesa*, p. 919, n. 1765.

care should have: “Refugees are not objects for us but they are subjects and persons, created by God in his own image and likeness.”¹⁸³

2.4.7 – Joint Instruction, Pastoral Commitment for Migrants and Refugees

The Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life and the Pontifical Council for the Pastoral Care of Migrants and Itinerant People jointly sent an instruction to all religious institutes inviting them to extend and strengthen their commitment to the pastoral care of people on the move.¹⁸⁴ It recalls the words of Paul VI that human mobility is regarded as a sign of the times, a sort of providential signal to which the structures of pastoral activity must respond in order to make the Gospel effective, and that the pastoral mobility of the Church must correspond to the mobility of the modern world.¹⁸⁵

The Instruction also highlights the grave need to offer pastoral ministry to people on the move and invites superiors general and provincials to take on the following actions in order to be effective: 1) collaborate generously with pastoral workers and assign members to work with migrants and refugees; 2) designate religious to work in this area and call upon the community for solidarity with their apostolate; 3) emphasize in their letters and meetings with their religious the urgency of the problem of human mobility; 4)

¹⁸³ Ibid., p. 927, n. 1780; cf. also *Enchiridion Vaticanum*, 13 (1991-1993), p. 1026, n. 11; English trans. in *Refugees: A Challenge to Solidarity*, p. 13.

¹⁸⁴ See CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND FOR SOCIETIES OF APOSTOLIC LIFE – PCPCMT, Joint Instruction to all Major Superiors of Religious Institutes and of Societies of Apostolic Life, “Impegno pastorale per i migranti e i rifugiati,” (n.d.), in *Informationes SCRIS*, 14 (1988), pp. 205-212; English trans. in *Consecrated Life*, 14 (1989), pp. 288-293 (= Joint Instruction, “Impegno pastorale per i migranti e i rifugiati”).

¹⁸⁵ See Joint Instruction, “Impegno pastorale per i migranti e i rifugiati,” p. 206, n. 4b; English trans. in *Consecrated Life*, 14 (1989), p. 288.

encourage general and provincial chapters to deal with this question and give it priority; 5) endeavour, along the lines of the Code of Canon Law, to insert pastoral commitment of their members to people on the move; 6) equip their libraries and reading rooms with documents and periodicals which deal with the problem of human mobility and motivate future priests to prepare themselves for the apostolate in the field of human mobility.¹⁸⁶

2.4.8 – Document, *Refugees: A Challenge to Solidarity*

In 1992, the Pontifical Council “*Cor Unum*” and the Pontifical Council for the Pastoral Care of Migrants and Itinerant People jointly issued a document, entitled *Refugees: A Challenge to Solidarity*. This was indeed a significant and official document of the Church devoted specifically to the refugee problem. The very name of the document reveals Pope John Paul II’s concept of global solidarity and fraternity in regard to refugees, which has been repeatedly expressed in his writings and talks. The object of this document is not Christian refugees alone; rather it focuses on all refugees irrespective of their religion. Importantly, it looks at the denial of the rights of people to belong to a community of their own as it is at the root of the refugees’ situation.

2.4.8.1 – Content of *Refugees: A Challenge to Solidarity*

The document has four parts: 1) Refugees yesterday and today: a worsening tragedy; 2) Challenges to the International Community; 3) The way of solidarity, and 4) The love of the Church for refugees.

Part one rightly sets refugees within the broader context of forced movement and goes beyond the UN definition of refugees. It recognises and advocates the principle of a priority of need as the basis for juridical provision of protection. Individually persecuted

¹⁸⁶ See *ibid.*, pp. 210-211, n. 11; English trans. in *Consecrated Life*, 14 (1989), pp. 291-292.

persons fall under the 1951 Geneva Convention relating to the status of refugees and its additional Protocol of 1967.¹⁸⁷ This document includes all those who flee life-threatening situations, including victims of natural disasters and internally displaced persons. Victims of armed conflicts, of erroneous economic policy or natural disasters, given the involuntary nature of their migration, are seen as *de facto* refugees.¹⁸⁸ Thus, the definition adopted by the Organization of African Unity (= OAU) in 1969 finds a favourable acceptance in the document.¹⁸⁹

In addition, in 1984, the representatives of ten Latin American governments adopted the Declaration of Cartagena covering Central American refugees. It goes beyond the 1951 UN Convention.¹⁹⁰ Thus, the Document, *Refugees: A Challenge to Solidarity*, along with those categories of refugees mentioned in the three definitions

¹⁸⁷ 1951 UN definition of refugee: "Any person who, owing to a well-founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (UNHCR, *Collection of International Instruments Concerning Refugees*, Geneva, Office of the UNHCR, 1979, p. 11). This definition was certainly too restrictive and required expansion.

¹⁸⁸ See *Enchiridion Vaticanum*, 13 (1991-1993), pp. 1021-1023, nn. 3-4; English trans. in *Refugees: A Challenge to Solidarity*, pp. 8-9.

¹⁸⁹ The Organization of African Unity states that "the term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (UNHCR, *Collection of International Instruments Concerning Refugees*, p. 194).

¹⁹⁰ The Declaration of Cartagena of 1984 describes refugees as: "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order" (E.G. FERRIS, *Beyond Borders: Refugees, Migrants and Human Rights in the Post-Cold War Era*, Geneva, WCC Publications, 1993, p. 17).

includes the internally displaced, asylum seekers and homeless foreigners in urban settings, those imprisoned in immigration detention centres, and stateless persons.¹⁹¹ This is what makes this document unique and challenging to the governments and other international and non-governmental bodies working for refugees.

Part two analyzes the root causes of forced movement and asserts that people have a right to belong to a community of their own. The document raises particular challenges which refugees place today on the conscience of the world community, such as the right to a country, the right to a community, the right to asylum, the right to protection against arbitrary expulsion and forced repatriation, as well as the mentality of hospitality which has been damaged by an attitude of indifference.¹⁹² In addition, the document encourages the world community to search for lasting solutions to the refugees' problems by respecting their rights and human dignity.

As it is well stated in its presentation, "its aim is to stimulate international solidarity, not only with regard to the effects, but above all to the causes of the tragedy: a world where human rights are violated with impunity will never stop producing refugees of all kinds."¹⁹³ Thus, part three rightly argues that international solidarity requires States to share the burden of refugees equitably, whether through offering asylum, resettlement, or relief and development aid. The document also notes the important roles played by

¹⁹¹ See *Enchiridion Vaticanum*, 13 (1991-1993), pp. 1023-1024, nn. 5-6; English trans. in *Refugees: A Challenge to Solidarity*, pp. 9-10.

¹⁹² See *ibid.*, pp. 1024-1029, nn. 8-16; English trans. in *Refugees: A Challenge to Solidarity*, pp. 11-15.

¹⁹³ *Ibid.*, pp. 1019-1020; English trans. in *Refugees: A Challenge to Solidarity*, p. 5.

international institutions and non-governmental agencies in the search for durable solutions.¹⁹⁴

Part four outlines specific ways for the pastoral action of the Church. The general principle is that responsibility for hospitality, assistance and spiritual care rests with the local Church, called to reach out to all refugees and displaced people without distinction of religion or race, culture or creed, respecting in each of them the inalienable dignity of the human person created in the image of God (cf. Gen 1:27).¹⁹⁵ The duty of the parish community is also stressed. It promotes the spiritual dimensions of the care of refugees in broad terms, emphasizing the importance of freedom of religion, especially when people are vulnerable and wounded. It also points out the pressures on volunteers working with refugees and expresses concern for their needs because they are people through and with whom refugees can find a voice.¹⁹⁶

It stresses the importance of the Catholic Church in strengthening bonds between local Churches throughout the world for the pastoral care of refugees, in cooperation with the Churches of the countries of origin, those of temporary asylum and those in the countries of resettlement. It values the presence of many men and women religious in the pastoral care of refugees. It also invites other Christian Churches to join in 'ecumenical and inter-religious cooperation' to help refugees more effectively.¹⁹⁷

¹⁹⁴ See *ibid.*, pp. 1030-1032, nn. 18-24; English trans. in *Refugees: A Challenge to Solidarity*, pp. 16-19.

¹⁹⁵ See *ibid.*, p. 1033, n. 25; English trans. in *Refugees: A Challenge to Solidarity*, p. 20.

¹⁹⁶ See *ibid.*, pp. 1034-1035, nn. 27-29; English trans. in *Refugees: A Challenge to Solidarity*, pp. 21-22.

¹⁹⁷ See *ibid.*, pp. 1035-1037, nn. 30-34; English trans. in *Refugees: A Challenge to Solidarity*, pp. 22-24.

In short, throughout this document the Church shows her disinterested love for all refugees. It draws public attention to their situation, and emphasizes the duty of all people of good will to strive to restore and uphold the dignity of every human person. The Church calls on the world community to work for a future when all can live in peace and harmony. This goal cannot be achieved without human solidarity which is necessary to treat with dignity those fleeing their countries and to resolve their problems efficiently and peacefully.¹⁹⁸

2.4.8.2 – Evaluation of *Refugees: A Challenge to Solidarity*

The Document, *Refugees: A Challenge to Solidarity*, not only seeks to refocus attention on the inhuman condition of refugees but also to stimulate international solidarity regarding the causes of the refugee problem. It advocates a very broad definition of refugee, to include all those who flee life-threatening situations. It strongly states that hospitality towards refugees is an essential moral principle of Christians. The document clearly demonstrates the Vatican's growing appreciation for the international justice issues that refugees bring to our attention.

It gives us a clear presentation of the Church's teaching on refugees gathered from the Scriptures and the universal Magisterium. It does not, however, pretend to be a systematic treatment of the issues that had been hoped for by many Catholics working with refugees.¹⁹⁹ According to S.M. Tomasi: "With hindsight, it could have said more on

¹⁹⁸ See *ibid.*, p. 1037, nn. 35-37; English trans. in *Refugees: A Challenge to Solidarity*, p. 25.

¹⁹⁹ See R.K. WICKRAMASINGHE, *An Analysis of the Definition of a Refugee from the Point of View of Catholic Social Teaching*, Doctoral Thesis in Moral Theology, Rome, Academia Alfonsiana, 2001, pp. 200-203.

prevention, on temporary asylum, and on the conditions for humanitarian interference, for voluntary repatriation.”²⁰⁰

2.4.9 – Instruction, *Erga migrantes caritas Christi*

The Instruction, *Erga migrantes caritas Christi* (2004) was published at an opportune time when the phenomenon of migration was becoming an increasingly complex problem from the social, cultural, political, religious, economic and pastoral points of view. It aims at updating the pastoral care of migrants thirty-five years after the publication of Paul VI’s *Motu proprio, Pastoralis migratorum cura* and the Congregation for Bishops’ Instruction, *De pastoralis migratorum cura*. The Instruction, *Erga migrantes* brings together the teachings of various popes on human mobility and indicates how to respond to the new spiritual and pastoral needs of migrants and itinerants, and to turn the phenomenon of migration into an opportunity for dialogue. This is also an opportunity for the proclamation of the Christian message.²⁰¹

2.4.9.1 – Content of *Erga migrantes caritas Christi*

In addition to its introduction and conclusion, the Instruction has four parts, with unique juridical pastoral regulations at the end. Part one considers the present-day phenomenon of migration as a significant “sign of the times” and serious concern for the Church. A brief historical survey attests to the Church’s solicitude for migrants and refugees. This solicitude is expressed in previous documents, from *Exsul familia* to the

²⁰⁰ S.M. TOMASI, “The Love of the Church for all Refugees: A New Holy See Document on Uprooted People,” in *Pastoral Care of Refugees in Eastern, Central and Southern Africa: A Consultative Meeting*, Lusaka, Zambia, January 5-9, 1993, (Proceedings), Vatican, PCPCMIP, 1993, p.72.

²⁰¹ See S. F. HAMAO and A. MARCHETTO, “Presentation (of *Erga migrantes caritas Christi*),” in *People on the Move*, 95 (2004), p. 109.

Second Vatican Ecumenical Council, and from the Instruction, *De pastorali migratorum cura*, to the subsequent canonical norms.

The Instruction brings out the centrality of the person and the defence of the rights of migrants, men, women and children. It also points out the ecclesial and missionary dimension of migration and the pastoral contribution of the laity and of Institutes of Consecrated Life and Societies of Apostolic Life. It demonstrates the value of cultures in the work of evangelization. The document also speaks of the protection and appreciation of minority groups in the local Church. It finally deals with the importance of dialogue both inside and outside the Church and the specific contribution that migration can make to world peace (nn. 12-33).

Part two speaks of the need for 'inculturation' (nn. 34-36), the vision of the Church as communion, mission and People of God (nn. 37-38), the importance of a specific pastoral care for migrants and refugees, the dialogical-missionary commitment of all the members in the Church (nn. 44-48), and the consequent duty of forming a culture of welcome and solidarity on the part of Christians (nn. 39-43). All these introduce the analysis of pastoral questions that demand responses, particularly pastoral approaches among Catholic migrants, both of the Latin and the Eastern Churches (nn. 45-55), of migrants belonging to other Churches or ecclesial Communities (nn. 56-58), and those who are followers of other religions (nn. 59-60). It pays special attention to Muslim migrants immigrated into the Christian countries, explaining the difficulties arising from the marriage between a Muslim and a Catholic (nn. 65-68). It concludes with a specific note on the importance of interreligious dialogue (n. 69). This, we believe is especially

important at this time in the refugee camps where Catholics, Christians, Hindus and Muslims co-exist.

Part three mentions the various pastoral workers involved in the ministry to migrants and refugees: the national co-ordinator (nn. 75-78), chaplains/missionaries (nn. 75-79), religious presbyters, Brothers and Sisters working among migrants (nos. 80-85), and the Laity, lay associations and Ecclesial movements (nn. 86-88).

Part four considers the structures of pastoral care of migrants. It elaborates on those established pastoral structures (nn. 91-92) as well as on proposed pastoral ones: intercultural and interethnic or inter-ritual parishes (nn. 93-94). Another pastoral characteristic is of the ecclesial inclusion of migrants and refugees in the ordinary pastoral care, with full respect for their legitimate diversity and for their spiritual and cultural patrimony. In this way, the Church ever affirms that no one can be considered a stranger or just a guest in the Church.²⁰² It concludes with some important juridical-pastoral regulations (arts. 2-22), which we will consider more in depth in the following chapter.

2.4.9.2 – Evaluation of *Erga migrantes caritas Christi*

Unlike *Exsul familia*, the Instruction, *Erga migrantes* does make an effort to analyze the complexity of the migration phenomenon. It not only studies international migration but also deals with domestic migration. It rapidly reviews some causes of today's migration: globalization, demographic changes especially in the industrialized countries, and the increase in inequality between North and South in the distribution of the goods of the earth, ethnic conflicts and civil wars (nn. 4-11).

²⁰² See PCPCMT, *Chiesa e mobilità umana*, p. 372, n. 29; English trans. in *CLD*, 9 (1978-1981), p. 141.

The Instruction insists on the need for an ecumenical vision of the phenomenon because of the many migrants who are not in full communion with the Catholic Church. It also highlights the need for interreligious dialogue because of the increasing number of migrants belonging to other religions, in particular Muslims. It brings forth a detailed description of various pastoral agents with their specific roles. It has duly respected every pastoral agent in the Church and included their specific contribution and role. The salient pastoral characteristic of the Instruction is that of the ecclesial inclusion of migrants and refugees in ordinary pastoral care.

The Instruction brought out in full force the importance of culture. As N. DiMarzio observes, “the issue of culture in this Instruction is critical to understanding both its structure and intent. Culture, as intimated in the document, is the sum and substance of who migrant people are. It must be maintained because to eradicate it would destroy the personhood of the migrants.”²⁰³

The Instruction concludes with updated and accurate juridical-pastoral regulations. It uses specific language in recalling duties, tasks and roles of pastoral agents and of various Church entities in charge of the pastoral care for migrants. The novelty here is that the order of the norms for various persons is not hierarchical but rather begins with the lay faithful and concludes with the Pontifical Council for the Pastoral Care of Migrants and Itinerant People. It clearly brings out that ministry to people on the move pertains to all the faithful in the Church.

The new element in the Instruction is that in treating different kinds of migrants, the Instruction respects the different organs of the Roman Curia responsible for various

²⁰³ N. DIMARZIO, “Aspects of Culture and Migration in *Erga migrantes caritas Christi*,” in *People on the Move*, 98 (2005), p. 39.

categories of people like: the Congregation for the Oriental Churches, the Pontifical Councils for Unity among Christians, and for Inter-Religious Dialogue, etc.²⁰⁴ It also introduces a new competence for the Pontifical Council in art. 22 §2, 2°.²⁰⁵

The Instruction, *Erga migrantes* addresses the issue of the marriage between a Catholic and a Muslim and the prerogatives of chaplain to assist at marriage (art. 7); however, it completely fails to address the grave problem that undocumented migrants have concerning their marriage. In the present circumstances, the definition of the form of marriage in Canon Law, jointly with an effective control exercised by the civil authorities, creates new and grave problems for a growing number of faithful who are undocumented migrants in North America. As a result, many of them cannot exercise their fundamental human right to start a family, a right derived from divine natural law. This issue has grown beyond individual cases to become a social one. The local Churches will discover that a majority of undocumented migrants live in an objective state of grave sin and are deprived of full access to the sacraments, while the juridical pastoral regulations of the Instruction does not address that issue at all.²⁰⁶

²⁰⁴ See L. SABBARESE, "L'Ordinamento Giuridico-Pastorale dell'Istruzione *Erga migrantes*," in *La Missione viene a noi in margine all'Istruzione Erga migrantes caritas Christi*, a cura di Graziano Battistella, Quaderni SIMI-3, Vatican City, Urbaniana University Press, 2005, p. 140.

²⁰⁵ See *ibid.*, p.141. (In its art. 22 §2, 2 the Instruction says: "It is therefore the duty of the Pontifical Council among other things: to issue instructions, referred to by Can. 34 of the *CIC*, to make suggestions and encourage initiatives, activities and programmes to develop structures and institutions relating to the pastoral care of migrants"), in *People on the Move*, 95 (2004), p. 171.

²⁰⁶ For detailed information on this issue see R. JACQUES, "The Canonical Form of Marriage Revisited: Did the Decree *Ne Temere* Outlast Its Usefulness?" in V.G. D'SOUZA (ed.), *In the Service of Truth and Justice: Festschrift in Honour of Prof. Augustine Mendonça, Professor Emeritus*, Bangalore, India, St Peter's Pontifical Institute, 2008, pp. 349-350. Also see *Catechism of the Catholic Church*, no. 2390; *CIC* cc. 915-916, 1007, and corresponding canons in *CCEO* cc. 712, 711.

CONCLUSION

The issue we set out to address in this chapter is the teaching of the Catholic Church on refugees and their pastoral care. The Document, *Refugees: A Challenge to Solidarity*, concludes with these words:

The tragedy of groups and even of entire peoples forced to go into exile is felt today as a constant attack on essential human rights. The condition of refugees that reaches to the very limits of human suffering becomes a pressing appeal to the conscience of all. The Church, “a sign and instrument of communion with God and of unity among all men,” accepts the call to build a civilization of love and commits herself to bringing it about through her various internal structures, her initiatives of service, and of ecumenical and inter-religious cooperation. She offers a disinterested love to all refugees, calls public attention to their situation, and contributes with her ethical and religious vision to restore and uphold the dignity of every human person. Her experience of humanity acquired in the course of history, enriched by the reflection and work of many people, can offer a decisive help in educating future generations and formulating adequate laws. Human solidarity, as witnessed by any community that welcomes refugees and by the commitment of national and international organizations that care for them, is a source of hope for the real possibility of living together in fraternity and peace.²⁰⁷

This commitment of the Catholic Church to play a major role in addressing the root causes of refugees and to welcome them with open arms was shaped through the centuries, in particular from the papacy of Leo XIII up to the present Pope Benedict XVI.

There was no clear teaching on refugees at the beginning of 18th century. The refugee issue was mingled with that of migrants, and it is only from the period of Pope Pius XII and the Second World War that it has been addressed specifically. Pius XII organized and restructured the pastoral care for people on the move and published *Exsul familia*, the Magna Charta of migrants in 1952.

Following Pius XII, Pope John XXIII addressed the refugee issue and stressed the right of every family to migrate when they were not able to meet their basic needs in their

²⁰⁷ *Enchiridion Vaticanum*, 13 (1991-1993), p. 1037, nn. 35-37; English trans. in *Refugees: A Challenge to Solidarity*, p. 25.

homeland. He paved the way for the Second Vatican Council which discussed the issue in several documents. The post-Conciliar Popes, Paul VI and John Paul II, contributed much to alleviate the refugee problem. Paul VI called on all people to help refugees regain their dignity and liberty, and John Paul II challenged the conscience of the world to stand in solidarity with them.

Thus, the central core of the Church's Papal Magisterium is the dignity of the human person created in the image of God — *imago Dei*, without any distinction. From human dignity spring the universal and irrevocable rights which could be summarized as follows:

'the right to dwell freely in one's own country', 'to have a homeland', 'to move within it and to emigrate abroad', 'to settle in a new place for legitimate reasons', 'to live with one's own family anywhere', 'to have at one's disposal the goods necessary for life', 'to preserve and develop one's own ethnic, cultural and linguistic patrimony', 'to profess one's own religion publicly', 'to be recognized and treated in accordance with one's dignity as a person under all circumstances', and 'to be the focus of fraternal solidarity and preferential option'.²⁰⁸

The Catholic Church is well placed to protect and assist refugees and to contribute to a reduction of global pressures that force people from their homes. It has a set core of gospel values that motivate people to the greater service of refugees as well as a long experience through which it has gained valuable knowledge of their needs and aspirations. The Instruction, *De pastorali migratorum cura*, while listing the rights of people on the move, restated the right of refugees to have a homeland; to migrate with the family; to keep one's native tongue and spiritual heritage and to be ministered to appropriately by priests who have a correct knowledge of their condition.

²⁰⁸ PCPCMT, *Chiesa e mobilità umana*, p. 366, n. 17; English trans. in *CLD*, 9 (1978-1981), pp. 133-134.

The Document, *Refugees: A Challenge to Solidarity*, explicitly attempts to present in a systematic fashion the Church's teaching on refugees, gathered from Scriptures and the universal Magisterium. It advocates a very broad definition of a refugee, to include all those who flee life-threatening situations. It reveals the Catholic Church's growing involvement in the refugee problem, and evidences the Vatican's increasing appreciation of the international justice issues raised by the phenomenon. It clarifies the issues and responds in an organized way to the situation, without pretending to resolve all problems as many Catholics working with refugees had expected.

The Instruction, *Erga migrantes*, is the latest updated one in the Church's pastoral response to the 'people on the move' and holistic in its approach to the issue. This Instruction includes within its definition of a refugee the various categories of 'people on the move'. It does address specifically the various causes of the refugee flow and deals with it from a broader pastoral perspective. It also recognizes the importance of culture in the phenomenon of human mobility. It identifies the various pastoral agents involved in the ministry to refugees and brings out the juridical-pastoral norms to direct them to offer more service to the people on the move, which includes special care of refugees.

Thus this second chapter has demonstrated the concern of the Church for refugees and showed how she has looked at this issue and developed her teaching on this human crisis. It also showed some of the pastoral initiatives taken by various popes at different moments in history. Above all, the Church defended the refugees' rights. This leads us to consider how the Church, based on her teaching, has taken serious steps and proposed various methods and means to care for refugees pastorally, and in particular, to see how

these teachings have passed into her legislation in order to guide its external order. This will be the focus of the third chapter.

CHAPTER THREE

CANONICAL DIMENSIONS OF THE PASTORAL CARE OF REFUGEES

INTRODUCTION

In the first chapter we examined the historical and sociological background to the Sri Lankan Tamils' refugee situation. In the second, we reviewed the Church's concern for refugees, noting especially how various popes through the centuries have addressed and responded to the issue. The focus of this third chapter will be on the canonical dimensions of pastoral care of those refugees/migrants who cannot be ministered to through the regular structures and offices of the Church. This will involve a systematic analysis of the canons of the 1983 Code of Canon Law which provide for the pastoral care of refugees and of the norms of the recent Instruction, *Erga migrantes caritas Christi: The Love of Christ towards Migrants*, approved by Pope John Paul II on 1 May 2004 and published by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People on 3 May 2004. Wherever applicable, we will also try to refer to those canons of the Eastern Code (CCEO) which have relevance to the care of refugees/migrants.

3.1 – THE PASTORAL NATURE OF THE 1983 CODE OF CANON LAW

Law in the Church is pastoral by its very nature. Its influence is felt in the sphere of the human side of the Church, in its existence as a human and divine society.¹ In his allocutions to the Roman Rota, Pope Paul VI often spoke of the relationship of canon law to the theological developments of the Second Vatican Council, and, as a corollary, of the integration of pastoral perspectives into the law:

As canon law after the Council must bear the imprint of the pastoral character in its formulation, interpretation, and application, it seems to us that it must impress upon the law of the Church a more human quality, and, where there is necessity, a greater sensitivity to charity. It is charity that the law must promote and protect in the ecclesial community and with respect to secular society.²

He reminded the Church of the true nature of pastoral authority: “It [the law] must be conscious of the nature of ecclesial authority – a service, a ministry, a work of love. It must direct its attention more explicitly to the defence of the human person and the formation of the Christian for communitarian participation in Catholic life.”³

3.1.1 – The Second Vatican Council, the Principal Source of the New Code

Pope John Paul II promulgated the Code of Canon Law on 25 January 1983. The purpose of the revision of the Code was “to re-examine the canonical tradition in the light of the modern world, adapt it to current needs, and reinforce the Church’s unity under

¹ See PAUL VI, Allocution to the Roman Rota, 8 February 1973, in *AAS*, 65 (1973), p. 96; English trans. in W.H. WOESTMAN (ed.), *Papal Allocutions to the Roman Rota 1939-2002*, Ottawa, Faculty of Canon Law, Saint Paul University, 2002, p. 116.

² PAUL VI, Allocution to the Roman Rota, 28 January 1972, in *AAS*, 64 (1972), p. 205; English trans. in WOESTMAN, *Papal Allocutions*, p. 114.

³ *Ibid.*

law.”⁴ Consequently, the revision process necessarily depended on the direction and teaching generated by the Second Vatican Council. The Council had to be the Code’s primary source or, to be more accurate, it was to link the Church’s tradition to the problems and challenges of the modern world. The *canonical aggiornamento* depended essentially on the framework of the *pastoral aggiornamento* sought by the conciliar documents.⁵ In fact, Pope Paul VI mentioned the interdependence of the Code and the Council in his address during the public inauguration of the work of the Commission on 20 November 1965:

Although the Code of Canon Law for the most part retains even now the existing discipline (c. 6), nevertheless certain things must now be renewed. [...] But the way is easier, since the Code of Canon Law serves as a guide and the Second Vatican Ecumenical Council furnishes the guidelines for the new work, so that much is to be defined and decided only at greater length and more accurately.⁶

Some of Pope Paul VI’s strongest words regarding the dependence of the new Code on the Council’s teachings are to be found in his allocution of 27 January 1969 when he stated that

a Church in which purely extrinsic and formalistic canon law would prescind from the spirit of the Gospel, or would prevail over the theological speculation, or would stifle the formation of a conscience illumined by self-determination

⁴ J.A. ALESANDRO, “The Revision of the Code of Canon Law: A Background Study,” in *Studia Canonica* (= *StC*), 24 (1990), p. 93.

⁵ See *ibid.*, p. 96. Also see V. DE PAOLIS, “Il Codice di diritto canonico e l’Istruzione *Erga migrantes caritas Christi*,” in PCPCMIP, *La sollecitudine della Chiesa verso i migranti. Commenti all’Istruzione, Erga migrantes caritas Christi*, (= PCPCMIP, *La sollecitudine della Chiesa verso i migranti*), I Parte, Quaderni Universitari, Città del Vaticano, Libreria editrice Vaticana, 2005, pp. 76-77.

⁶ PAUL VI, Allocution to the Pontifical Commission for the Revision of the Code of Canon Law, 20 November 1965, in *AAS*, 57 (1965), p. 988; English trans. in *the Jurist*, 26 (1966), p. 39.

[...] such a canon law would not correspond to the renovating orientations of the Council nor for that reason to ours.⁷

Thus, the dependence of the legal reform on Vatican II is an important factor to keep in mind when studying the 1983 Code. The new legislation is directly inspired by the doctrinal positions taken by the Council. This was clearly stated by John Paul II when he promulgated the new Code:

Indeed, in a certain sense this new Code could be understood as a great effort to translate this same conciliar doctrine and ecclesiology into canonical language. If, however, it is impossible to translate perfectly into canonical language the conciliar image of the Church, nevertheless the Code must always be referred to this image as the primary pattern whose outline the Code ought to express insofar as it can by its very nature.⁸

3.1.2 – The Important Ecclesiological Principles of the Revised Legislation

The Dogmatic Constitution on the Church, *Lumen gentium*, is one of the most significant achievements of the Second Vatican Council. This document presents and examines profoundly the nature and the universal mission of the Church (see *LG* n. 1).

The Church on earth, being “the universal sacrament of salvation” (*LG* n. 48b; *GS* n. 45a; *AG* n. 1, a), is the visible presence of the work of fulfilment in which Christ is now engaged in his glorified body and also in his Spirit.⁹ That is why the Council stated that “the Church in Christ is a sacrament, a sign and instrument [...] of communion with

⁷ PAUL VI, Allocation to the Roman Rota, 27 January 1969, in *AAS*, 61 (1969), pp. 176-177; English trans. in WOESTMAN, *Papal Allocutions*, p. 96.

⁸ JOHN PAUL II, Apostolic Constitution, *Sacrae disciplinae leges*, 25 January 1983, in *AAS*, 75 (1983), p. xi; English trans. in *Code of Canon Law*, Latin-English Edition, New English Translation, Prepared under the auspices of the Canon Law Society of America, Washington, DC, Canon Law Society of America, 1999, p. xxx.

⁹ See E. SCHILLEBEECKX, *Christ the Sacrament of Encounter with God*, New York, Sheed & Ward, 1963, pp. 49-50.

God and of the unity of the entire human race” (LG n. 1). “Christ had purchased it with his own blood (see Acts 20:28); he has filled it with his Spirit; he has provided it with organs suited to its visible and social unity” (LG n. 9). The Council continued by stating that “as the assumed nature, inseparably united to him, serves the divine Word as a living instrument of salvation, so, in somewhat similar fashion, does the social structure of the Church serve the Spirit of Christ who vivifies it, in the building up of the body” (LG n. 8).

This saving work of Christ is made visible on earth by the hierarchical offices, in virtue of the character of the ministerial priesthood, and by the lay faithful in general, in virtue of the sacraments of baptism and confirmation. All form one ‘People of God *Populus Dei*’ (LG nn. 9-12).¹⁰ Every member, *Christifidelis*, in the community of the believers is held responsible for spreading God’s Kingdom on earth. Indeed, this is the mission that the Church, in fidelity and obedience to the command of Christ (cf. Mt. 28:19-20), fulfils and preserves in time and history.

Pope John Paul II stated that the Code fully corresponds to the nature of the Church, especially as it is proposed by the teaching of the Second Vatican Council in general and, in a particular way, by its ecclesiological teaching. The Pope clearly affirmed this ecclesiological basis of the new Code in his Apostolic Constitution *Sacrae disciplinae leges*:

Among the elements which characterize the true and genuine image of the Church we should emphasize especially the following: the doctrine in which the Church is presented as the People of God (cf. Dogmatic Constitution, *Lumen*

¹⁰ See W. AYMANS, “Ecclesiological Implications of the New Legislation,” in *StC*, 17 (1983), pp. 82-84.

gentium, chapter 2) and hierarchical authority as service (cf. *ibid.*, chapter 3); the doctrine in which the Church is seen as a Communion and which therefore determines the relations which are to exist between the particular churches and the universal Church, and between collegiality and the primacy; likewise the doctrine according to which all the members of the People of God, in the way suited to each of them, participate in the threefold priestly, prophetic and kingly office of Christ, to which doctrine is also linked that which concerns the duties and rights of the faithful and particularly of the laity, and finally, the Church's commitment to ecumenism.¹¹

The following documents are rich deposits from the Second Vatican Council: i) *Lumen gentium* reaffirmed the nature and mission of the Church;¹² ii) *Gaudium et spes* demonstrated the mission and the pastoral commitment of the Church towards humanity in the modern world;¹³ iii) *Christus Dominus* presented the theology of Episcopacy and the exercise of episcopal powers;¹⁴ iv) *Unitatis redintegratio* explained the Church's ecumenical thrust;¹⁵ v) *Apostolicam actuositatem* emphasised the important role and position of the lay Christian faithful in the Church;¹⁶ vi) *Nostra aetate* illumined the

¹¹ *Sacrae disciplinae leges*, p. xii; English trans. in *Code of Canon Law*, p. xxx.

¹² See SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church, *Lumen gentium*, 21 November 1964, in *AAS*, 57 (1965), pp. 1-71; English trans. in FLANNERY I, pp. 350-426.

¹³ See SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World, *Gaudium et spes*, 7 December 1965, in *AAS*, 58 (1966), pp. 1025-1120; English trans. in FLANNERY I, pp. 903-1001.

¹⁴ See SECOND VATICAN COUNCIL, Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus*, 28 October 1965, in *AAS*, 58 (1966), pp. 673-701; English trans. in FLANNERY I, pp. 564-590.

¹⁵ See SECOND VATICAN COUNCIL, Decree on Ecumenism, *Unitatis redintegratio*, 21 November 1964, in *AAS*, 57 (1965), pp. 90-112; English trans. in FLANNERY I, pp. 452-470.

¹⁶ See SECOND VATICAN COUNCIL, Decree on the Apostolate of the Lay People, *Apostolicam actuositatem*, 18 November 1965, in *AAS*, 58 (1966), pp. 837-864; English trans. in FLANNERY I, pp. 766-798.

Church's relation to non-Christian religions,¹⁷ and finally, vii) *Presbyterorum ordinis* illustrated the nature of the ministerial priesthood and its functions in the Church.¹⁸

3.1.3 – Fundamental Principles Guiding the Revision of the Code of Canon Law

There is no doubt that the Second Vatican Council laid a solid theological and pastoral foundation for the revision of the Church's legal system. The Pontifical Commission for the Revision of the Code of Canon Law was entrusted with the task of drafting a Code that would reflect the *novus habitus mentis* (the new mentality), engendered by the Second Vatican Council from which great contributions are being made to the pastoral duties and to the new needs of the People of God.¹⁹

Thus, in order to guarantee harmony between the new Code and the conciliar and postconciliar documents, ten fundamental principles of revision, called *Principia quae Codicis iuris canonici recognitionem dirigant*, were drafted by the Code Commission and were approved by the First General Synod of Bishops in 1967.²⁰ Beside the ten fundamental principles, the other important ecclesiological and juridical principles that have guided the orientation and conduct of the revision of the new Code are: i)

¹⁷ See SECOND VATICAN COUNCIL, Declaration on the Relation of the Church to Non-Christian Religions, *Nostra aetate*, 28 October 1965, in *AAS*, 58 (1966), pp. 740-744; English trans. in FLANNERY I, pp. 738-742.

¹⁸ See SECOND VATICAN COUNCIL, Decree on the Ministry and Life of Priests, *Presbyterorum ordinis*, 7 December 1965, in *AAS*, 58 (1966), pp. 991-1024; English trans. in FLANNERY I, pp. 863-902.

¹⁹ See PAUL VI, Allocution to the Pontifical Commission for the Revision of the Code of Canon Law, 20 November 1965, in *AAS*, 57 (1965), p. 988; English trans. in *the Jurist*, 26 (1966), p. 39.

²⁰ See *Communicationes*, 1 (1969), pp. 77-85.

“communion and co-responsibility, and ii) collegiality.”²¹ Among the ten fundamental principles, the principles of fostering pastoral care, subsidiarity, subjective rights, and territoriality are of great importance to our study.

3.1.3.1 – The Principle of Fostering Pastoral Care

The emphasis on the pastoral mission of the Church in the Second Vatican Council has undoubtedly inspired the deeply pastoral orientation of the 1983 Code. In his inaugural address to the Pontifical Commission for the Revision of the Code of Canon Law, Pope Paul VI outlined the pastoral thrust of the new Code. He stated:

Now, however, with the changing conditions of things — life seems to move along with greater speed — we must recognise with due prudence that canon law must be adapted to the new mentality of the Second Vatican Council from which great contributions are being made to pastoral duties and the new needs of the People of God.²²

This emphasis was reflected in the ten fundamental principles guiding the revision of the Code. The third principle explicitly stated that pastoral care should be the hallmark of the Code. The Code should be neither simply exhortatory nor overly preceptive. Laws should therefore be imbued with a spirit of charity, temperance, humanity and moderation. Laws must not only favour justice but also reflect prudent equity. Laws should not be too rigid. They should not impose obligations when exhortations are sufficient to attain their

²¹ See J. HERRANZ, “Genesis del nuevo cuerpo legislativo de la Iglesia, (Del Código del 1917 al Código de 1983),” in *Ius canonicum*, 23 (1983), pp. 504-512.

²² PAUL VI, Allocution to the Pontifical Commission for the Revision of the Code of Canon Law, 20 November 1965, in *AAS*, 57 (1965), p. 988; English trans. in *the Jurist*, 26 (1966), p. 39.

intended goal. There should be a reasonable amount of discretionary authority in the hands of the Church's pastoral leaders.²³

3.1.3.2 – The Principle of Subsidiarity

The principle of subsidiarity has been clearly recognized in Canon Law. The Council referred to it on three occasions (*GS* n. 86; *GE* nn. 3, 6). Subsidiarity provides for the possibility of bishops making the necessary decisions concerning issues that affect the faithful under their care even without the requirement of having recourse to the highest ecclesiastical authority, unless they are explicitly reserved to the Roman Pontiff or to some other specific authority. It is based on the theological doctrine that the bishops, being the successors of the Apostles, have the proper, immediate and ordinary power of governance within their own diocese (cf. *CD* nn. 8a, 11). This principle is to be applied both to the Church's legislation and the exercise of ecclesial power. As J.A. Alesandro states:

The principle of subsidiarity should be more broadly and completely applied to Church legislation in order to strengthen the bond between those exercising authority and those subject to authority. Diocesan bishops possess *per se* all ordinary, proper and immediate power — in union with the Roman Pontiff — that is required by the exercise of their pastoral office. While Canon Law must remain a unified system for the universal Church, greater weight should be given to particular legislation, even at the national and regional levels, so that the unique characteristics of individual Churches will become apparent.²⁴

²³ See ALESANDRO, "The Revision," p. 108; see also R. G. CUNNINGHAM, "The Principles Guiding the Revision of the Code of Canon Law," in *The Jurist*, 30 (1970), pp. 448-459; F.G. MORRISEY, "The Revision of the Code of Canon Law," in *StC*, 12 (1978), pp. 186-187.

²⁴ ALESANDRO, "The Revision," p. 108; see also CUNNINGHAM, "The Principles Guiding the Revision," pp. 450-452, and MORRISEY, "The Revision of the Code," pp. 187-188.

Based on this principle, the Code provides the diocesan bishop with the possibility of constituting canonical structures suitable to particular situations, which will be discussed later in this chapter.

3.1.3.3 – The Principle of the Rights of Persons

The rights of all the Christian faithful should be defined, acknowledged and protected, so that the use of power in the Church will not be arbitrary. This calls for the definition of a juridical status common to all the faithful. While the Christian faithful fulfil varied roles in the Church, all possess the same fundamental rights by reason of the radical equality that arises from their common baptism and from their personal human dignity. Rights and duties are to be clarified by the canons of the Code. Thus, we will discuss in this paper the basic rights of Christian refugees in the Church.

3.1.3.4 – The Principle of Territoriality

The principle of territoriality has been a general canonical norm governing the exercise of the power of jurisdiction, and it has a direct or indirect effect on the pastoral care of refugees and migrants. The 1917 Code of Canon Law strictly applied the principle of territoriality to ecclesiastical laws and structures. Thus, territory, including its application to dioceses and parishes, was regarded as a constitutive element of Church legislation. But the Second Vatican Council, reflecting on the new pastoral demands, spoke of dioceses and parishes as portions or groups of the People of God. The Decree, *Christus Dominus*, states: “A diocese is a portion of God’s People entrusted to a bishop to be guided by him with the assistance of his clergy ...” (*CD* n. 11).

One of the criteria used by the Pontifical Commission for the Revision of the Code affirmed the necessity of revising the principle of territoriality in exercising

ecclesiastical governance. According to this principle, territory should be retained as the ordinary determinant of ecclesiastical jurisdiction. The pastoral care of the faithful requires definite territorial circumscriptions. But it is possible to have situations which may call for non-territorial jurisdictional entities, such as a community's liturgical rite or common ethnic origin, in order to provide them proper pastoral care.²⁵

This new way of ministering to the people of God is reflective of the conciliar ecclesiology that emphasized the communitarian rather than the territorial dimension of ecclesial ministries (cf. *LG* n. 23; *CD* nn. 11; 23). Thus, this communitarian principle provides the possibility of using other criteria in offering pastoral care to the faithful according to their rite, nationality, ethnic and other conditions.²⁶ Based on this principle, the Code envisions even new ecclesiastical offices and structures suitable to the pastoral care of refugees/migrants, which we will discuss in this chapter. Therefore, we may affirm that the Church's legislation is pastoral, which signifies that it promotes salvation of human beings. It also signifies the salvific action and mediation of the Church in Christ's work of redemption. Thus, the Church's legislation becomes an instrument at the service of this mission in the world.²⁷ This will become evident in the following pages when we deal with the pastoral care of refugees and their rights.

²⁵ See ALESANDRO, "The Revision," p. 109; also see CUNNINGHAM, "The Principles Guiding the Revision," pp. 453-454, and MORRISEY, "The Revision of the Code," p. 188.

²⁶ See A. DEL PORTILLO, "Dinamicidad y funcionalidad de las estructuras pastorales," in *Ius canonicum*, 9 (1969), pp. 324-329.

²⁷ See V.M. MENEZES, *The Executive Power of the Diocesan Bishop According to the 1983 Code of Canon Law*, Doctoral diss., Ottawa, Saint Paul University, 2003, pp. 32-33.

3.2 – PASTORAL CARE OF REFUGEES IN THE 1983 CODE OF CANON LAW

Pastoral care of refugees and other itinerant peoples has a particular place in the 1983 Code. This Code is obviously open to the pastoral needs of the Church of today. In this regard it is faithful to the teachings of the Council. It establishes general norms which leave to the particular Churches the right to provide solutions to special questions which arise in a particular territory or among determined groups of the faithful.²⁸ When one studies the 1983 Code under the aspect of human mobility, one cannot but notice the flexibility with regard to the pastoral care of different people. There can be no doubt that the present Code is more flexible than its 1917 counterpart. Territoriality is no longer the sole criterion for structuring the pastoral care of the People of God. According to the present Code, a proper diocesan law or a law enacted by the Episcopal Conferences, as long as it is not contrary to universal law, can define the object of law on the basis of criteria other than territoriality. This approach has opened up the possibility for creating new structures and offices to provide for the needs of the “people on the move” in a given territory. At the time of the promulgation of the present Code, it was hoped that there would be an appropriate revision of the documents on human mobility,²⁹ which was later accomplished by the Instruction, *Erga migrantes caritas Christi: The Love of Christ towards Migrants* published in 2004 by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People.

²⁸ See J. BEAR, “The New Code of Canon Law and Pastoral Care for People on the Move,” in PCPMIP, *Migrations*, Interdisciplinary Studies, vol. 1, Vatican City, PCPMIP, 1985, p. 161.

²⁹ See *ibid.*, p. 182.

3.2.1 – The Ecclesial and Canonical Status of Refugees in the Church

A number of canons refer either directly or indirectly to the pastoral care of refugees and migrants. This special concern reflects the fact that the baptised refugees are persons in the Church. “By baptism one is incorporated into the Church of Christ and is constituted a person in it with the duties and rights that are proper to Christians in keeping with their condition, insofar as they are in ecclesial communion [...]” (c. 96; cf. *CCEO* c. 7, §1).³⁰ The two key elements here are the sacrament of baptism and ecclesial communion. Thus, legal personhood, that is, being recognized as a person in the Church’s legal system, as the subject of rights and duties, and having full legal standing, is defined in terms of baptism and ecclesial communion.³¹ For this reason, those who have been baptized and are in full communion with the Catholic Church possess certain specific rights and duties in the Church (c. 205; *CCEO* c. 8).

Baptised refugees, as persons in the Church, are among Christ’s faithful (*Christifideles*). They have been incorporated into Christ through baptism, and have been constituted as members of the people of God. For this reason, they have been made sharers in their own way in Christ’s priestly, prophetic, and royal function (c. 204, §1;

³⁰ J.F. Kinney explains that baptism, viewed juridically, is not only the door to the spiritual life but also the cause of an individual’s constitution as a person in the Church of Christ. See J.F. KINNEY, *The Juridic Condition of the People of God: Their Fundamental Rights and Obligations in the Church*, Rome, Catholic Book Agency, 1972, pp. 11-21. Also see J. RAPACZ, *Personalità e soggettività nell’ordinamento canonico. Analisi storico-canonica dei cc. 96, 11 del CIC 1983*, Doctoral diss., Rome, Pontifical Academy of the Holy Cross, 1995, especially pages 23-47, 65-161.

³¹ See J.A. CORIDEN, *The Rights of Catholics in the Church*, Mahwah, NJ, Paulist Press, 2007, p. 16.

CCEO c. 7, §1). Thus, baptism not only makes an individual a person in the Church, but it is also the foundation of the dignity and equality of the faithful within the Church.

The Code clearly states that

flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ (c. 208; *CCEO* c. 11).

The Second Vatican Council had firmly embraced this principle of equality, both in the world at large and within the Church:

All women and men are endowed with a rational soul and are created in God's image; they have the same nature and origin and, being redeemed by Christ, they enjoy the same divine calling and destiny; there is here a basic equality between all and it must be accorded ever greater recognition (*GS* n. 29).³²

Canon 208 is based directly on the conciliar teaching:

There is a common dignity of members deriving from their rebirth in Christ, a common grace as sons and daughters, a common vocation to perfection, one salvation, one hope and undivided charity. In Christ and in the Church there is, then, no inequality arising from race or nationality, social condition or sex, for "there is neither Jew nor Greek; there is neither slave nor freeman; there is neither male nor female. For you are all one in Christ Jesus" [Gal 3: 28; see Col 3: 11], (*LG* n. 32).

Equality in dignity and freedom as children of God, which flows from the rebirth of baptism, is the constitutional status of the faithful in the Church and recognition of this

³² See *The Universal Declaration of Human Rights* (U.N.O.) states the same equality of the human person. "Art. 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood; Art. 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination" (B.F.M.V. ASBECK [ed.], *The Universal Declaration of Human Rights and Its Predecessors (1679-1948)*, Leiden, E.J. Brill, 1949, pp. 91-93, arts. 1, 7).

is all the more remarkable in the case of refugees who are in fact denied equality in many ways.³³

Furthermore, the Church is not only concerned with baptised Christians alone, but with every person. The Church's legal system affirms that: "... the salvation of souls, which must always be the supreme law in the Church, is to be kept before one's eyes" (c. 1752).³⁴ The supreme law governing every activity in the Church is the restoration of the divine image in every human person, i.e., the salvation of every human person. Therefore, every effort in the Church must be made to realise this supreme law.³⁵ Most importantly, the Church embraces within its pastoral ministry the duty to care for even the non-baptised refugees because of the mandate it has received from its Founder, Jesus Christ himself (Mt. 25: 35, 40; 28: 19-20; Lk. 10:33-35). Further, the fleeing Holy Family of Nazareth in the Scripture morally compels the Church to embrace also the non-Christian refugees into its compassionate pastoral care. This is what Pope Pius XII said in 1952:

The émigré Holy Family of Nazareth, fleeing into Egypt, is the archetype of every refugee family. Jesus, Mary and Joseph, living in exile in Egypt to escape the fury of an evil king, are, for all times and all places, the models and protectors of every migrant, alien and refugee of whatever kind who, whether compelled by fear of persecution or by want, is forced to leave his native land, his beloved parents and relatives, his close friends, and to seek a foreign soil.³⁶

³³ See CORIDEN, *The Rights of Catholics*, p. 33. Kinney explores "the equality and fundamental rights of the people of God" on the basis of c. 87, *CIC/17* and its counterpart c. 16 of *Cleri sanctitati*. See KINNEY, *The Juridic Condition of the People of God*, pp. 11-21, 32-80.

³⁴ Cf. *CCEO* cc. 595, §2; 727, 1397, 1519, §1.

³⁵ See MENDONCA, "Promotion and Protection of Rights," p. 43.

³⁶ *Exsul familia*, p. 649; English trans. in TESSAROLO, *Exsul familia*, p. 23.

Pope John Paul II reaffirmed this teaching:

the fact that the Church carries out extensive relief efforts on behalf of refugees, [...] should not be a source of surprise to anyone. Indeed this is an integral part of the Church's mission in the world. The Church is very mindful that Jesus Christ himself was a refugee, that as a child he had to flee with his parents from his native land in order to escape persecution. In every age therefore the Church feels herself called to help refugees. And she will continue to do so, to the full extent that her limited means allow.³⁷

Further, quoting from the Gospel of Luke on the parable of the good Samaritan (Lk. 10:30-35), John Paul II stressed the Church's commitment to the pastoral care of refugees, irrespective of their ethnic origin, religious affiliation or political preference:

This is charity! A charity which makes no exception because of the other person's ethnic origin, religious allegiance or political preference, no exceptions whatsoever; a charity which sees the person as a brother or sister in need and seeks only one thing: to be of immediate assistance, to be a neighbour. [...] May it inspire all [...] to have compassion for the millions of refugees who cry out for our help.³⁸

The Instruction, *Erga migrantes*, reaffirms: "Pastoral care of migrants [refugees] means welcome, respect, protection, promotion and genuine love of every person in his or her religious expressions."³⁹ This inclusive language, which brings within its scope the Church's pastoral concerns for all refugees irrespective of their origin and religious or political affiliations, is reflected in the teaching of the Second Vatican Council when it states that

All men form but one community. This is so because all stem from the one stock which God created to people the entire earth (see Acts 17:26), and also because all share a common destiny, namely God. His providence, evident goodness, and saving designs extend to all men (cf. Wis. 8:1; Acts 14:17; Rom. 2:6-7; 1Tim. 2:4) against the day when the elect are gathered together in the holy city which is

³⁷ JOHN PAUL II, Address to Refugees in Exile at Morong, p. 389.

³⁸ Ibid., p. 390.

³⁹ *Erga migrantes*, p. 776, n. 28; English trans. in *People on the Move*, 95 (2004), p. 128.

illuminated by the glory of God, and in whose splendour all peoples will walk (cf. Apoc. 21:23ff).⁴⁰

This teaching of the Church is now expressed in canonical language: “In exercising the function of a pastor, a diocesan bishop is to consider the non-baptized as committed to him in the Lord, so that there shines on them the charity of Christ whose witness a bishop must be before all people” (c. 383, §4; *CCEO* c. 192, §3).⁴¹ The Instruction, *Erga migrantes*, reiterates this norm by stating, “the diocesan or eparchial bishop shall also consider unbaptised migrants [refugees] as entrusted to him in the Lord and, with respect for their freedom of conscience, shall offer them too the possibility of coming to the truth that is Christ.”⁴² Thus, based on the biblical-ecclesial-canonical teaching, each refugee is regarded as a person created in the image and likeness of God and endowed with the dignity of a child of God, from which flows equality among all human beings. Therefore, the Church’s legal system guarantees and protects the dignity and personhood of all refugees, assures them of its pastoral care, and affirms their fundamental rights and duties.⁴³

⁴⁰ SECOND VATICAN COUNCIL, Declaration on the Relation of the Church to Non-Christian Religions, *Nostra aetate*, 28 October 1965, in *AAS*, 58 (1966), p. 740, n. 1; English trans. in FLANNERY I, p. 738.

⁴¹ Canon 383, §4 (*CCEO* c. 192, §3) is literally taken from *Christus Dominus*, n. 16, which reads: “The non-baptised also should be the object of their solicitude so that on them too may shine the charity of Christ of whom bishops are the witnesses before all humanity.”

⁴² “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 819, art. 17, §2; English trans. in *People on the Move*, 95 (2004), p. 169.

⁴³ In his comments on c. 96 of *CIC/83*, Mendonça discusses at length the problem of the personhood of non-baptized persons in canon law and produces in detail the deliberations that took place with respect to the formulation of the canon. He writes that “from the dialogue it seems clear that the Code Commission did not want to address the issue of juridic subjectivity of the non-baptised persons in canon law. Nevertheless, the problem remains and there is no easy

3.2.2 – The Rights of Refugees in the Church

In our contemporary world, right is understood as power, privilege, faculty or demand, inherent in a person. Also rights are generally described in terms of power of free actions. In a juridical sense, a right may be considered as a capacity vested in a person controlling, with the assent and support of the state, the actions of others. In its subjective sense, right is a legitimate and inviolable power whereby one vindicates something for himself/herself as his/her own.⁴⁴

Within the ecclesial community, the root of all fundamental rights is the human dignity and the sacramental state of the faithful. Rights exist in the Church, but they are essentially communal in nature, and therefore, they do not admit of absolute individualism.⁴⁵ Rights in the Church are commonly divided into six general categories based on their sources, that is, on their bases or roots.⁴⁶ They are: i) human rights or

solution to it. The problem is strictly connected with the general question concerning the bond which relates the non-baptised to the Catholic Church. At the same time one cannot deny the fact that there are in the revised Code several canons which concern directly or indirectly the non-baptised as subjects of rights and duties (e.g., c. 748 §1; c. 771, §2, *CCEO* c. 192, §3; c. 1142, c. 1476, *CCEO* c. 1134; c. 861, §2; c. 1549, *CCEO* c. 1230 [this was true also in *CIC/17* c. 2027],” (see A. MENDONÇA, *Persons in General and Juridic Acts*, [DCA 5202a, Class Notes for the Private Use of the Students], Ottawa, Saint Paul University, 1995-1996, pp. 14-17). See also AMADEO DE FUENMAYOR, Commentary on canon 96, in A. MARZOA et al. (eds.), *Exegetical Commentary on the Code of Canon Law (= Exegetical Commentary)*, vol. I, Prepared under the Responsibility of the Martín de Azpilcueta Institute, Faculty of Canon Law, University of Navarre, Montreal, Wilson & Lafleur/ Chicago, Midwest Theological Forum, 2004, pp. 692- 695.

⁴⁴ See MENDONÇA, “Promotion and Protection of Rights,” p. 34.

⁴⁵ See LOMBARDIA, “The Fundamental Rights,” p. 45; also see MENDONÇA, “Promotion and Protection of Rights,” p. 37, and CORIDEN, *The Rights of Catholics*, pp. 12-13.

⁴⁶ See CORIDEN, *The Rights of Catholics*, pp. 8-10; MENDONÇA, “Promotion and Protection of Rights,” pp. 37-40, and J.P. MCINTYRE, “Rights and Duties Revisited,” in *The Jurist*, 56 (1996), p. 115.

natural rights; these have their source in human dignity (cc. 215; 218; 219; 220; 221);⁴⁷ ii) ecclesial rights; these rights derive from valid baptism (cc. 210; 211; 213; 216; 217);⁴⁸ iii) ecclesiastical rights; these rights are acquired in virtue of being appointed to an office to which they are attached (e.g., the rights and duties of the bishop and the parish priest and the other officials in the Church);⁴⁹ iv) communal or religious rights belong to individuals by virtue of their membership in communities or associations recognised by the Church, such as religious communities of women or men, or associations of the faithful;⁵⁰ vi) civil rights, which Catholics have in virtue of their citizenship. Canon 22 (*CCEO* c. 1504) in effect recognises the importance of civil law. Canon 4 (*CCEO* c. 5) protects civil and other rights lawfully acquired;⁵¹ and vii) contractual rights arise from a contract or a pact, and in c. 1290 (*CCEO* c. 1034), the present Code canonises the civil law on contracts.⁵²

⁴⁷ Cf. *CCEO* cc. 18; 21; 22; 23; 24.

⁴⁸ Cf. *CCEO* cc. 13; 14; 16; 19; 20.

⁴⁹ Since ecclesiastical rights inhere in the office, they become acquired rights and, therefore, they are protected by law (c. 192; *CCEO* c. 974, §1). See J.P. MCINTYRE, "The Acquired Rights: A New Context," in *StC*, 26 (1992), pp. 32-34.

⁵⁰ See cc. 662-672; not all the canons of *CIC/83* listed here have their parallel in *CCEO*, except the followings: c. 607, §2 (*CCEO* c. 410); c. 667 (*CCEO* cc. 477 & 541).

⁵¹ The Code defers to civil law in certain instances that concern financial matters (cf. c. 492; *CCEO* c. 263); property law (cf. c. 1259; *CCEO* c. 1010); wages and benefits (cf. cc. 231, §2; 1286, 2°; *CCEO* cc. 409, §2; 1030, 2°). See MENDONÇA, "Promotion and Protection of Rights," pp. 39-40.

⁵² In employing personnel for diocesan offices, the Code recommends agreements in accord with the stipulations of civil law to protect lay faithful (cf. c. 231, §2; *CCEO* c. 409, §2), and religious (cf. c. 681, §2; *CCEO* cc. 415, §3; 1034). See MENDONÇA, "Promotion and Protection of Rights," p. 40, and also see MCINTYRE, "The Acquired Rights," p. 34.

Christian faithful who are refugees are persons in the Church with rights and duties.⁵³ Thus the Instruction, *Erga migrantes*, affirms:

To the right of the faithful to receive the help that derives from the spiritual wealth of the Church, especially the Word of God and the sacraments (*CIC* c. 213, *CCEO* c. 16), there is a corresponding duty on the part of pastors to provide such help, in particular to migrants (refugees), in view of their particular condition of life.⁵⁴

For a better understanding of refugees' rights in the Church, we will briefly analyse those canons which highlight the rights of the baptised refugees/persons in general.

3.2.2.1 – Right To Express One's Needs, Desires, and Opinions (c. 212, §§ 2-3; *CCEO* c. 15, §§ 2-3)

Based on the fundamental rights and duties of all members of the People of God, the Church has the responsibility to help refugees achieve their salvation, without denying or renouncing their individual or communal identity. As Christian faithful, the refugees have the right to petition Church authorities, bringing their needs, desires and

⁵³ Fundamental human rights are common to all human beings, including refugees: ASBECK (ed.), *The Universal Declaration of Human Rights*, pp. 90-99, arts. 1-30; L. AZZONI, *Diritto dei rifugiati dalla A alla Zeta*, Roma, Edizioni 2004; *De pastoralis migratorum cura* also lists certain rights which are applicable to both migrants and refugees. See *De pastoralis migratorum cura*, pp. 616-619, nn. 5-12; English trans. in SCB, *On the Pastoral Care of People*, pp. 7-10. For other civil rights of refugees, see P.H.V. PHAN, *The Rights of Refugees with Special Reference to Vietnamese Boat People*, Rome, Academia Alfonsiana, 1994, pp. 86-106. Phan mentions: 1) Right to the respect of human dignity; 2) Right to emigration; 3) Right to immigration. 4) Right to work; 5) Right to security of employment and residence; 6) Right to protection against xenophobia; 7) Right to culture; 8) Right to religious freedom; 9) Right to public education; 10) Right to freedom of movement; 11) Right to express one's own opinion, and 12) right to protection against arbitrary expulsion. Refugees obviously have rights accompanied by reciprocal obligations, such as one's obligations to share the faith (cc. 209-211; *CCEO* cc. 12-14).

⁵⁴ "Juridical Pastoral Regulations," art. 1, §1 in *Erga migrantes*, p. 812; English trans. in *People on the Move*, 95 (2004), p. 163. For the commentary on art. 1, see L. SABBARESE, "L'Ordinamento giuridico-pastorale dell'Istruzione *Erga migrantes*," in G. BATTISTELLA (ed.), *La missione viene a noi. In margine all'Istruzione Erga migrantes caritas Christi*, Quaderni SIMI-3, Roma, Urbaniana University Press, 2005, pp. 142-146.

opinions to the attention of those who minister to the Christian community. This applies not only to their spiritual needs but it also includes their material needs as well.

This right of free expression reflects not only the personal dignity of the individual refugee/member of the Church but also the nature and needs of the Church as a community. We note in this regard that the right and duty to manifest one's opinions is not only 'vertical', that is, to parish priests and bishops, but also 'horizontal', that is, to the rest of the faithful (c. 212, §3; *CCEO* c. 15, §3).⁵⁵

3.2.2.2 – Right to Hear the Word of God (c. 213; *CCEO* c. 16)

The right of the faithful/refugees to hear the Word of God and to be nourished by it is basic to one's membership in a Christian community (c. 213; *CCEO* c. 16). The self-revelation of God in Jesus Christ and Christ's message of salvation constitute our most precious heritage (see *DV* n. 8).

Priests, especially parish priests, have a solemn duty to proclaim the gospel and to explain it so that people can apply it to their own lives (*CD* n. 30; *PO* n. 4; c. 757). Indeed, deacons, religious men and women, and lay persons are called upon to cooperate in the ministry of the Word (cc. 757-759).⁵⁶ Bishops are the moderators of the entire ministry of the Word within the diocese entrusted to them (c. 756, §2 [cf. c. 386, §1; *CCEO* c. 196, §1]). Most importantly, proclamation of the gospel is the Church's primary and foremost ministry.

⁵⁵ See CORIDEN, *The Rights of Catholics*, pp. 36-37.

⁵⁶ *CCEO* does not have comparable canons.

These responsibilities are in response to the fundamental right of the people of God to have full and fruitful access to the Word. It is to be provided to them completely and faithfully (c. 760), by every means possible (c. 761), and in ways accommodated to their ability to understand (c. 769; *CCEO* c. 626). Refugees in camps long for a consoling word and God's Word indeed can quench their thirst. Canon 771, §1 (*CCEO* c. 192, §1) aptly states that the Word must also be proclaimed to those faithful who do not have access to ordinary pastoral care (such as military personnel, exiles, refugees, travellers, and prisoners).⁵⁷

3.2.2.3 – Right to Receive the Sacraments (c. 213; *CCEO* c. 16)

The faithful/refugees have a right to receive the assistance they need from the spiritual treasury of the Church; in particular they have the right to receive the sacraments (*SC* nn. 19, 61; c. 213; *CCEO* c. 16). The Church's ministers are forbidden to deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them (c. 843, §1; *CCEO* c. 381, §2). The sacraments are actions of Christ and of the Church (*SC* n. 7), signs that express and strengthen faith, render worship to God, sanctify God's people by the power of the Holy Spirit, and reveal the Church's communion (c. 840; *CCEO* c. 667).

It is because the sacraments are of central importance in the life of the Catholic Church (*PO* n. 5) that the Church's rules try to assure in many ways that its people have

⁵⁷ See CORIDEN, *The Rights of Catholics*, pp. 52-53.

ready access to them. This is of utmost importance for the refugees in the camps who are deprived of them for various reasons.⁵⁸

3.2.2.4 – Right to Pastoral Care

The right of every faithful/refugee to hear the Word of God and to receive the sacraments has already been explained. These are two aspects, the central and most vital elements of what is more broadly described as “pastoral care.” However, pastoral care also includes other areas of ministry and assistance besides these two; all the faithful as well as those who are not baptised have a right to pastoral care in this broader sense.

The specific elements of pastoral care are spelled out in the responsibilities of the Church’s ministers, especially those of parish priests and bishops of dioceses/eparchies. These responsibilities reflect the specifics of the right of the faithful to pastoral care which is described in terms of the traditional threefold functions of ‘teaching, sanctifying, and governing’ (*CD* n. 30; *PO* nn. 4-6; c. 519).⁵⁹ In particular, refugees are in grave need of hearing God’s Word. Teaching includes proclaiming God’s Word not only in homilies and catechetics, instruction, and education (c. 528, §1; *CCEO* c. 289, §1), but also in works of social justice. This is clearly implied in canon 528, §1: “He [parish priest] is to foster works through which the spirit of the gospel is promoted, even in what pertains to social justice.” In other words, Christian charity demands justice on the part of the parish priest, and as a pastor and leader of the Christian community, he must be the voice of the

⁵⁸ See *ibid.*, pp. 54-57.

⁵⁹ Although *CCEO* c. 281, §1 is parallel to canon c. 519, and describes the role of the parish priest, it does not explicitly identify the threefold functions of the parish priest as *CIC* c. 519 does.

voiceless refugees. It is his pastoral obligation to do everything possible to alleviate their sufferings. Since they are emotionally locked up, appropriate counselling could prove a useful form of ministry on the part of a parish priest.

Sanctifying means the devout celebration of the Eucharist and other sacraments, with the participation of the faithful, but it also means fostering family prayer, helping spouses and parents to carry out their family responsibilities, caring for the sick and the dying, assisting the poor, the afflicted, the lonely, the exiles, the refugees and those especially burdened (c. 528, §2; *CCEO* c. 289, §2). Governing on the part of the parish priest first of all means knowing his subjects (the faithful), visiting their families, and sharing their cares and concerns. It also includes the material and social aspects of their welfare. Especially in the case of refugees who are vulnerable to abuse, the parish priest has a vital role to play as a good shepherd, and even approach the government as well as NGOs to help the refugees.

Bishops of dioceses/eparchies are also to carry out these same functions of teaching, sanctifying, and governing in their dioceses/eparchies, with the cooperation of the priests, deacons and lay faithful (*CD* nn. 11-18; c. 375).⁶⁰

3.2.2.5 – Right to Liturgy in One's Own Rite (c. 214; *CCEO* c. 17)

The Code affirms that the Christian faithful also have the right to worship God in their own Rite approved by the legitimate pastors of the Church, and to follow their own form of spiritual life consistent with the teaching of the Church (c. 214; *CCEO* c. 17). Within the context of the entire discipline of the Church with regard to the special

⁶⁰ See G. BATTISTELLA, *The Human Rights of Migrants, Exodus Series: A Resource Guide for the Migrant Ministry in Asia*, Quezon City, Scalabrini Migration Centre, 2005, p. 23.

pastoral care of refugees and migrants, canon 214 (*CCEO* c. 17) applies the norm stated in the *motu proprio*, *Pastoralis migratorum cura*:

It is not possible to fulfil effectively this pastoral care if the spiritual patrimony and the special culture of the migrants is not taken into due account. In this respect, the mother tongue (national language) in which they express their thoughts, their mentality and their very religious life are of great importance.⁶¹

This norm is applicable also to refugees and migrants. Canon 214 (*CCEO* c.17) safeguards their right to preserve their culture and to practice their Christian faith in their own culture. During their *Ad limina* visit, the Bishops of Calabria were admonished by Pope John Paul II that refugees and migrants must be offered pastoral care in their own language and culture:

It is a duty of the Local Church of departure not to let their own distant children lack human and religious assistance. Pastoral care given in the emigrant's own tongue, with the language of the culture of origin, despite his duty to become integrated in the culture of the host country, has the advantage of being an effective instrument in contributing to safeguard values that must not be lost, and in making the Christian emigrant [refugee] an animator of the modern world, a collaborator in the work of evangelization.⁶²

3.2.2.6 – Right to a Christian Education (c. 217; *CCEO* c. 20)

Refugees also have the right to receive a Christian education. The Code states explicitly:

Since they are called by baptism to lead a life in keeping with the teaching of the gospel, the Christian faithful have the right to a Christian education by which they are to be instructed properly to strive for the maturity of the human person and at the same time to know and live the mystery of salvation (c. 217; *CCEO* c. 20).

⁶¹ *Pastoralis migratorum cura*, p. 602; English trans. in *New Norms*, p. 2.

⁶² JOHN PAUL II, Address to the Bishops of Calabria, "Commitment of the Local Church in the Pastoral Care of Migrants," 10 December 1981, in *On the Move*, 40 (1984), p. 96.

The new legislation also addresses the concern for the accommodation of the preaching of Christian doctrine to the condition of the preacher's audience and to the needs of the times. "Christian doctrine is to be set forth in a way accommodated to the condition of the listeners and in a manner adapted to the needs of the times" (c. 769; *CCEO* c. 626). According to canon 769 (*CCEO* c. 626), the bishop, by example and exhortation, can foster the exercise of the right of refugees and migrants to benefit from preaching in their own language, a preaching which can be readily applied to the refugees' situation. The spiritual exercises or sacred missions that the Code proposes can be useful for refugee ministry too, especially in those places that are lacking preachers who are fluent in their language. This is clearly implied in canon 770: "At certain times according to the prescripts of the diocesan bishop, pastors are to arrange for those types of preaching which are called spiritual exercises and sacred missions or for other forms of preaching adapted to needs" (*CCEO* c. 615).

3.2.2.7 – Right to Form and Direct Associations (c. 215; *CCEO* c. 18)

Refugees and other migrants find in canon 215 the proclamation of a fundamental right to form and direct associations: "The Christian faithful are at liberty freely to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes" (*CCEO* c. 18). It is easy to see in this canon how an association could be freely founded in favour of a particular linguistic, national or cultural group.

The application of the canon can promote important initiatives of mutual help and Christian life among refugees in the camps: prayer groups, reflection groups; it could also give rise to forms of consecrated life, suitable to the less stable or less favourable

situations, without having to join existing orders, religious congregations, secular institutes, or societies of apostolic life.⁶³ The Instruction, *Erga migrantes*, affirms the refugees/migrants' right to have their own associations and encourages them to have more participation in local associations in a given place.⁶⁴

3.2.2.8 – Possible Ministries for Refugees (c. 230; CCEO cc. 403, §2; 709, §2; c. 1112)

We may note also that canon 230 (CCEO cc. 403, §2; 709, §2) could prove useful in situations of refugees/migrants. Canon 230, §3 refers to extraordinary circumstances and special situations. It allows the possibility of conferring on lay people, whether men or women in certain ministries: to act as lectors, ministers of Holy Communion (c. 910, §2; CCEO c. 709, §2), baptism (c. 861, §2; CCEO c. 766, §2), and proclamation of God's Word (c. 759). As mentioned above, they can also preside over community prayer in their own language as prescribed by law and, in very special situations, assist at the celebration of marriage envisaged in canon 1112.⁶⁵ Assistance at marriages by lay persons as provided in the said canon is to be seriously considered, especially in countries where there is a lack of priests.

All the canons mentioned above are very general in their scope. But they already offer some possibilities which were perhaps not even foreseen by those who drafted

⁶³ See BEYER, "The New Code of Canon Law," p. 167. See also CORIDEN, *The Rights of Catholics*, pp. 71-74.

⁶⁴ See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 813, art. 3, §3; English trans. in *People on the Move*, 95, (2005). p. 164. See also *De pastorali migratorum cura*, p. 642, n. 61; English trans. in SCB, *On the Pastoral Care of People*, p. 34, n. 61.

⁶⁵ Canon 1112 does not have a parallel canon in CCEO.

them.⁶⁶ For example, the Instruction, *Erga migrantes*, states that where the refugees/migrants are more numerous, they must be offered the possibility of taking part in the diocesan/eparchial and parochial pastoral councils, so that they can participate in the particular Church's structures of participation.⁶⁷

3.2.3 – Responsibility of Pastors Towards Refugees

The law makes it very clear that the pastoral care of the faithful is the responsibility of Bishops who are constituted 'pastors' in the Church (c. 375, §1). To have more exact and detailed information about the duties of bishops towards refugees/migrants, we must turn to the section of the Code dealing with the pastoral responsibility of bishops. Canon 383 (*CCEO* cc. 192, §§1, 3; 193, §2) reads as follows:

§1 In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care, of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life and to those who no longer practice their religion.

§2 If he has faithful of a different rite in his diocese, he is to provide for their spiritual needs either through priests or parishes of the same rite or through an episcopal vicar.

§3 He is to act with humanity and charity toward the brothers and sisters who are not in full communion with the Catholic Church and is to foster ecumenism as it is understood by the Church.

§4 He is to consider the non-baptised as committed to him in the Lord, so that there shines on them the charity of Christ whose witness a bishop must be before all people.

⁶⁶ See BEYER, "The New Code of Canon Law," p. 168. There are no parallel canons in *CCEO* for canons 759, 1112 of *CIC*.

⁶⁷ See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 813, art. 3, §2; English trans. in *People on the Move*, 95, (2005). p. 164. See also *De pastorali migratorum cura*, p. 642, n. 60; English trans. SCB, *On the Pastoral Care of People*, p. 33.

This canon integrates various parts of *Christus Dominus* nn. 16, 18, and 23. It stresses the comprehensive scope of the bishop's solicitude for those groups of people who might not ordinarily be thought of as being within the scope of his pastoral care. These include: migrants, exiles and refugees, sailors and airmen, itinerants and others of this kind. It commends them not only to the care of individual bishops, but also to the Conferences of Bishops in accordance with the norms issued by the Holy See (see *CD* n. 18).

In the traditional language of the Magisterium, those who, due to their way of life, cannot fully benefit from ordinary pastoral care include those who migrate.⁶⁸ The Instruction, *De pastorali migratorum cura*, rightly states:

The modern, very rapid migrations, which occur throughout the world, are composed of various elements: they are made up of workers and managers, of young students and of skilled technicians, generous volunteers, refugees and deportees. These ranks of men differ greatly from one another. Nevertheless they are all in particular circumstances of life which are greatly different from those to which they were accustomed in their homeland, with the result that they cannot avail themselves of the assistance of the pastors of the place.⁶⁹

Christus Dominus emphasises the role of bishops as fathers and pastors. They are to be with their people as those who serve, as good shepherds who know their sheep and whose sheep also know them. As true fathers, bishops are to excel in their love and solicitude for all. Importantly, the conciliar decree admonishes them to be solicitous for

⁶⁸ See CONGREGATION FOR BISHOPS, *Directory for the Pastoral Ministry of Bishops, Apostolorum successores* (= Directory, *Apostolorum successores*), Città del Vaticano, Libreria editrice Vaticana, 2004, pp. 227-228, n. 206, and JOHN PAUL II, Post-synodal Apostolic Exhortation, *Pastores gregis*, 16 October 2003, in *AAS*, 96 (2004), pp. 920-921, n. 72; English trans. JOHN PAUL II, *Post-synodal Apostolic Exhortation, Pastores gregis*, Ottawa, CCCB Publication, 2003, pp. 184-186.

⁶⁹ *De pastorali migratorum cura*, p. 620, n. 15; English trans. in SCB, *On the Pastoral Care of People*, p. 11.

the holistic welfare, spiritual, intellectual and material, of the faithful. In order to be able to provide for their holistic welfare as their individual circumstances demand, bishops have to keep themselves informed of their needs in the changing social circumstances in which the faithful live (see *CD* n.16). To this end, the Code states that the bishops are to visit their people every year, either personally or, if not possible, through his coadjutor or auxiliary Bishop, Vicar general, episcopal Vicar or some other priest (see c. 396, §1; *CCEO* c. 205, §1). A similar reminder is given to bishops and parish priests as far as preaching the Word of God is concerned. “Pastors of souls, especially bishops and parish priests, are to be concerned that the Word of God is proclaimed to those of the faithful who because of the condition of their life do not have sufficient common and ordinary pastoral care or lack it completely” (c. 771, §1; *CCEO* c. 192, §1).

Of particular interest to us here is the use of the provision of canon 1112. In cases of true pastoral need, this canon allows the diocesan bishop to delegate lay persons to act as official witnesses at marriages. The prescript of canon 1112, §1 states: “Where there is a lack of priests and deacons, the diocesan bishop can delegate lay persons to assist at marriages, with the previous favourable vote of the conference of bishops and after he has obtained the permission of the Holy See.”

The above canon can be applied to situations, such as refugee camps and mission territories, in which the scarcity of priests and deacons renders their presence physically impossible to officiate at marriages. There might be no priests or deacons capable of communicating with refugees and migrants. In such cases, the pastoral needs of the faithful might be met by delegating lay persons from within the group to assist at

marriages.⁷⁰ Paul Hien Van Phan, who worked with Vietnamese refugees in the United States of America, writes that this canon (1112, §1) was often applied to the Vietnamese refugees in camps, especially in the closed camps of Thailand, Hong Kong, and Malaysia, where priests and deacons were not allowed to enter regularly to celebrate the sacraments.⁷¹

In his role as pastor the parish priest has a duty to seek out those in need, the suffering, the poor, the lonely, the exiles and the refugees (see c. 529; *CCEO* c. 289, §3). He is obliged to know his people by visiting families, sharing especially in their cares, anxieties, and grief, strengthening them in their faith in God.⁷² The Instruction, *De pastoralis migratorum cura* adds: “[...] the spiritual care of all the faithful, and thus of the immigrants/refugees, falls most especially on the shoulders of the pastors of the parishes within which they live” (n. 30, 3). The Eastern Code speaks specifically of the commitment of clerics towards the refugees: “Clerics, enkindled with apostolic zeal, are to be an example to all in works of charity and hospitality especially toward the sick, the afflicted, the persecuted, the exiled and the refugees” (*CCEO* c. 381, §1).

The parish priest is to see to it that the Word of God is proclaimed to the faithful. He is to promote works through which the Gospel message of love and peace is spread; he has to care for the Catholic education of children and youth, and most importantly, he

⁷⁰ See J.P. BEAL, Commentary on canon 1112, in J.P. Beal – J.A. CORIDEN – T.J. GREEN (eds.), *New Commentary on the Code of Canon Law (= New Commentary)*, Commissioned by the Canon Law Society of America, New York, NY/Mahwah, NJ, Paulist Press, 2000, p. 1331.

⁷¹ See PHAN, *The Rights of Refugees*, p. 246.

⁷² See CONGREGATION FOR CLERGY, Instruction, “The Priest, Pastor and Leader of the Parish Community,” 4 August 2002, in *Origins*, 32 (2002-2003), pp. 383-384.

is obliged to promote social justice (see. c. 528; *CCEO* c. 289, §§1, 3). All these responsibilities of the parish priest are to be directed not only to his parishioners but also to the refugees living in camps situated within his parish. And the refugee issue is very much connected to social justice. The parish priest can inform and mobilise the faithful of his parish to raise their voice on behalf of helpless refugees. He can rouse the consciences of the faithful to commit themselves to the well-being of the refugees who are their neighbours.

3.2.4 – Solitude of the Faithful Towards Refugees

Though there are no specific canons dealing with the responsibility for the pastoral care of refugees on the part of the faithful in general, there are prescripts in the Code which concern the rights and obligations of the faithful that can form the basis of such responsibility. First, all the Christian faithful are called to fulfil diligently their responsibilities in the Church. Thus we read in canon 209, §2: “With great diligence they [the Christian faithful] are to fulfil the duties which they owe to the entire Church and the particular Church to which they belong according to the prescripts of the law” (*CCEO* c.12, §2). The most fundamental duties of the faithful toward the Church, universal and particular, are those set down by the Lord: love of God and love of neighbour. This calls upon all the faithful to respond to the refugee crisis with solidarity and Christian hospitality. The Instruction, *De pastoralis migratorum cura*, affirms exactly this obligation when it says that “all faithful should be admonished to receive immigrants/refugees benevolently and to strive zealously to assist them in the pressing needs which they encounter from the start” (n. 30, 1).

All the Christian faithful have the obligation to proclaim the gospel message. This is a universal obligation. The Church calls on the laity to participate in its apostolate: “[...] the laity, no matter who they are have, as living members, the vocation of applying themselves to the building up of the Church and [...] the apostolate of the laity is a sharing in the salvific mission of the Church” (*LG* n. 33). The Code reflects this conciliar teaching:

All the Christian faithful have the duty and right to work so that the divine message of salvation more and more reaches all people in every age and in every land (c. 211; *CCEO* c. 14).

Since they participate in the mission of the Church, all the Christian faithful have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and condition [...] (c. 216; *CCEO* c. 19).

By the fact of their full communion in the Church, the Christian faithful have the right and duty to witness to Christ, by themselves or in communities. They are called to exercise Christ’s mission in the world (see c. 204, §1; *CCEO* c. 7, §1). This they are urged to do by Christ himself. Therefore, evangelization, that is, proclamation of the message of Christ by word and personal witness, is a right/duty of every baptised Christian (see *LG* n. 35).⁷³ According to the canonical prescripts discussed above, the faithful have the duty to bring the good news of Christ to refugees in word and deed; to receive refugees with loving concern and to acknowledge their human dignity.

The Christian faithful have an obligation to support the Church in its mission of promoting justice and caring for the poor. This is not merely a moral obligation but a juridic duty prescribed by law: “They are obliged to promote social justice and, mindful

⁷³ See CORIDEN, *The Rights of Catholics*, pp. 79-82.

of the precept of the Lord, to assist the poor from their own resources” (c. 222, §2; *CCEO* c. 25, §2). This prescript expresses two obligations of the Christian faithful: to promote social justice and to assist the poor. The first obligation of the faithful according to this canon, therefore, is to promote social justice, which takes precedence over charity. This is what the Council said: “The demands of justice must first of all be satisfied; what is already due in justice is not to be offered as a gift in charity” (*AA* n. 8). Therefore, the faithful must first work at eradicating the causes of social injustice wherever it is found. By its nature, the refugee issue is one of justice. Although this issue must be addressed at the international level in order to find a durable solution, the role of the Christian faithful is important here, because they can influence government policies by their active involvement in shaping them.

The second obligation expressed in canon 222, §2 (*CCEO* c. 25, §2) is to assist the poor, an obligation rooted in the law of Christ. This option cannot remain at the abstract level but it “must be translated at all levels into concrete actions, until it decisively attains a series of necessary reforms.”⁷⁴ Pope John Paul II expresses this obligation of the faithful more poignantly when he says, “Christ’s example, no less than his words, is normative for Christians. We know that at the Last Judgement, we shall all be judged, without distinction, on our practical love of our brothers and sisters.”⁷⁵ Therefore, we “cannot but embrace the immense multitudes of the hungry, the needy, the

⁷⁴ *Sollicitudo rei socialis*, p. 574, n. 43; English trans. in O’BRIEN, *Catholic Social Thought*, p. 426.

⁷⁵ JOHN PAUL II, World Day of Peace Message, “The Link between Poverty and Peace,” 1 January 1993 (released on 11 December 1992), in *Origins*, 22 (1992-1993), p. 479.

homeless, those without medical care and, above all, those without hope of a better future. It is impossible not to take account of the existence of these realities.”⁷⁶ Refugees deserve our attention because they are people without a place of their own in the world, and without hope of a real future. Therefore, we have a duty to defend their human dignity and their fundamental human rights, the right to life in particular.

In the words of Pope John Paul II, “at stake is the dignity of the human person, whose defence and promotion have been entrusted to us by the Creator,” and, therefore, all must put into action the “measures inspired by solidarity and love of preference for the poor.”⁷⁷ Thus, the Code insists on the virtue of charity in the life of the faithful: “The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity [...]” (c. 222, §1; *CCEO* c. 25, §1). This prescript clearly reflects what the Second Vatican Council said:

Today these activities and works of charity have become much more urgent and worldwide [...] Wherever men are to be found who are in want of food and drink, of clothing, housing, medicine, work, education, the means necessary for leading a truly human life, wherever there are men racked by misfortune or illness, men suffering exile or imprisonment, Christian charity should go in search of them and find them out, comfort them with devoted care and give them helps that will relieve their needs. This obligation binds first and foremost the more affluent individuals and nations (*AA* n. 8d).

The Church continues to care for the needs of refugees, especially their material needs. She encourages the faithful to do more and exhorts them to become involved in charitable works:

⁷⁶ *Sollicitudo rei socialis*, p. 573, n. 42; English trans. in O'BRIEN, *Catholic Social Thought*, p. 425.

⁷⁷ *Ibid.*, p. 581, n. 47; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 429-430.

The laity should therefore highly esteem, and support as far as they can, private or public works of charity and social assistance movements, including international schemes. By these channels effective help is brought to individuals and nations in need. They should collaborate in this with all men of good will (*AA* n. 8f).

The Church exhorts the bishops to involve the laity in pastoral ministry as much as possible. The laity can help, especially in situations where there are no priests or where priests are not accessible:

If, because of a lack of priests, the diocesan bishop has decided that participation in the exercise of the pastoral care of a parish is to be entrusted to a deacon, to another person who is not a priest, or to a community of persons, he is to appoint some priest who, provided with the powers and faculties of a pastor, is to direct the pastoral care (c. 517, §2).

This canon foresees the involvement of deacons and lay people in the pastoral care of a parish when there is a shortage of priests. By analogy, we feel that this principle may be applied to a situation involving refugees residing in camps that are not constituted as a parish or quasi-parish. Understood in this sense, a deacon, a religious who are not ordained priests, and lay persons (whether men or a women) may be assigned to the pastoral care of refugees in the camps. They will, however, carry out such ministry by virtue of the assignment received from the diocesan bishop and under the direction of a priest. However, such persons will not be able to perform the pastoral functions that require priestly ordination (see c. 150). They can perform the functions of an administrative nature (cf. c. 535; *CCEO* c. 296), and those involving spiritual formation and counselling (cf. cc. 528, §1 and 529; *CCEO* cc. 289, §§1, 3 and 289, §3). Moreover, on occasion and whenever necessary, they can conduct certain liturgical functions identified in canon 230, §3, namely: “to exercise the ministry of the word, to preside over

liturgical prayers, to confer baptism, and to distribute Holy Communion, according to the prescripts of the law.”⁷⁸

All this illustrates how the faithful can be involved in the pastoral care of refugees/migrants and in the development of structures for providing effective pastoral care according to the Instruction, *Erga migrantes caritas Christi*, which is in conformity with the norms of both Codes, of the Latin Church (CIC/83) and of the Eastern Churches (CCEO).

3.3 – PERSONS INVOLVED IN THE PASTORAL CARE OF REFUGEES: INSTRUCTION, *ERGA MIGRANTES CARITAS CHRISTI*

The Instruction, *Erga migrantes*, explicitly addresses the phenomenon of human mobility. It identifies various workers involved in the pastoral care of refugees/migrants in general. We may draw from its teaching the guidelines needed for structuring the ministry for refugees/migrants.

3.3.1 – Entities of the Holy See at the Service of Refugees/Migrants

The Church’s constant concern for the religious, social and cultural care of refugees/migrants manifested by the Magisterium is likewise shown by the special organisms established by the Holy See for this purpose. The original inspiration for them is to be found in the memorandum, *Pro emigratis catholicis* of Blessed Giovanni Battista Scalabrini, who was aware of the difficulties that the Catholic emigrants from various

⁷⁸ See A.S. SANCHEZ-GIL, Commentary on canon 517, in Á. MARZOA et al. (eds.), *Exegetical Commentary on the Code of Canon Law* (= *Exegetical Commentary*), vol. II/2, Prepared under the Responsibility of the Martín de Azpilcueta Institute, Faculty of Canon Law, University of Navarre, Montreal, Wilson & Lafleur/Chicago, Midwest Theological Forum, 2004, pp. 1265-1275. Also see J.A. RENKEN, Commentary on canon 517, in *New Commentary*, pp. 682-688.

European countries faced abroad and who proposed to the Holy See the constitution of a Pontifical Congregation or Commission for all Catholic emigrants.⁷⁹ This commission would be composed of representatives of different nations for the purpose of providing spiritual assistance to emigrants, in varied circumstances and in various stages of migration, to keep the Catholic faith alive in their hearts.

3.3.1.1 – Pontifical Council for the Pastoral Care of Migrants and Itinerant People

Inspired by the initiatives of Giovanni Battista Scalabrini and prompted by his own pastoral solicitude towards all categories of emigrants, Pope Pius X set up the first Office for the Spiritual Care of Migration within the Consistorial Congregation in 1912.⁸⁰ Later, in 1970, Pope Paul VI instituted the Pontifical Commission for the Pastoral Care of Migration and Tourism, which, in 1988, with the Apostolic Constitution, *Pastor bonus*, became the Pontifical Council for the Pastoral Care of Migrants and Itinerant People. It was entrusted with the care of all who have been forced to abandon their homeland, as well as those who have none (refugees and exiles). It included migrants, nomads and

⁷⁹ See GIOVANNI BATTISTA SCALABRINI, Memorandum for the Constitution of a Pontifical Commission, *Pro emigratis catholicis*, 5 May 1905, in S. TOMASI and G. ROSOLI, *Scalabrini e le migrazioni moderne. Scritti e carteggi*, Turin, Società editrice Internazionale, 1997, p. 233; *Per una pastorale dei migranti: Contributi in occasione del 75° della morte di mons. G.B. Scalabrini*, Roma, Direzione Generale dei Missionari Scalabriniani, 1980, pp. 6-46, and *Erga migrantes*, p. 778, n. 31; English trans. in *People on the Move*, 95 (2004), p. 130.

⁸⁰ See PIUS X, *Motu proprio, Cum omnes catholicos*, Concerning the Emigration of Catholics to Foreign Lands, 15 August 1912, in *AAS*, 4 (1912), pp. 526-527. Also see G.G. TASSELLO, “Le Chiese locali e le migrazioni moderne,” in PCPCMIP, *La sollecitudine della Chiesa verso i migranti*, I Parte, p. 50.

circus people, seafarers both aboard ship and in port, all who are away from home and those working in airports or on airplanes.⁸¹

3.3.1.2 – Pontifical Council *Cor Unum*

The Pontifical Council *Cor Unum* for Human and Christian Development was established by Pope Paul VI with his Letter of Institution, *Amoris officio*, dated 15 July 1971.⁸² *Cor Unum* expresses “the care of the Catholic Church for the needy, thereby encouraging human fellowship and making manifest the charity of Christ” (*PB*, art. 145). Its objectives are to assist the Pope and to be his instrument for carrying out special initiatives in the field of humanitarian actions when disasters occur, or in the field of integrated human promotion; to foster the catechesis of charity and to encourage the faithful to give concrete witness to evangelical charity; to encourage and coordinate the initiatives of Catholic organizations through the exchange of information by promoting fraternal cooperation in favour of integral human development. Thus, this Council also provides for the needs of refugees in various countries. There are diverse *Caritas* organisations under this Council which offer their services to refugees and migrants.⁸³

⁸¹ See JOHN PAUL II, Apostolic Constitution on the Roman Curia, *Pastor bonus* (= *PB*), 28 June 1988, in *AAS*, 80 (1988), pp. 899-900, arts. 149-151. Also see G.G.TASSELLO, “Le Chiese locali e le migrazioni moderne,” in PCPCMIP, *La sollecitudine della Chiesa verso i migranti*, I Parte, pp. 50-67, and B. BERTAGNA, “Gli organismi della Curia Romana con sollecitudine per i migranti,” in PCPCMIP, *La sollecitudine della Chiesa verso i migranti*, I Parte, pp. 112-118.

⁸² See PAUL VI, Letter of Institution, *Amoris officio*, 5 July 1971, in *AAS*, 63 (1971), pp. 669-673.

⁸³ See *Annuario Pontificio 2008*, Città del Vaticano, Libreria editrice Vaticana, 2008, pp. 1901-1902.

3.3.1.3 – International Catholic Migration Commission (ICMC)

Among the principal Catholic organisations for assistance to refugees/migrants, we cannot fail to mention the International Catholic Migration Commission established in 1951 by Pope Pius XII. It has great merit for the help it provided in its first fifty years to governments and international organisations, in a Christian spirit, and for its own original contribution to the search for lasting solutions to the crises affecting refugees/migrants all over the world. The service rendered by the Commission in the past and still being rendered by it even today is bound by a two-fold fidelity: to Christ and to the Church. Its service has been a fruitful point of ecumenical and interreligious cooperation.⁸⁴

3.3.2 – In the Home and the Host Churches

The pastoral care of refugees/migrants is born of communion, i.e., born from an ecclesiology of communion and in serving a spirituality of communion. It is important that the Churches of departure and arrival establish an intense collaboration with one another. This begins first in the reciprocal exchange of information on matters of common pastoral concerns. It is unthinkable that these Churches would fail to dialogue with one another and discuss, even at periodic meetings, problems concerning thousands of refugees/migrants from their country.

For the better co-ordination of all pastoral activity in favour of refugees/migrants, Episcopal Conferences should entrust it to a special Commission, with the appointment of a National Director to animate the corresponding diocesan commissions. When it is

⁸⁴ See *Erga migrantes*, p. 779, n. 33; English trans. in *People on the Move*, 95 (2004), p. 131. Regarding the present role of ICMC, see S. ZAMAGNI, “The Migratory Question Today and the Role of ICMC,” in *People on the Move*, 86 (2001), pp. 87-96.

not possible to set up such a Commission, a Bishop Promoter should at least be entrusted with the co-ordination of the pastoral care of refugees/migrants. In this way spiritual assistance for persons far from their home country will appear as a clear ecclesial commitment, a pastoral task that cannot simply be left to the generosity of individuals, priests, religious men and women, lay faithful, but one that is sustained, even materially, by the local Churches.⁸⁵

3.3.3 – The National Co-ordinator for Chaplains/Missionaries

The National Co-ordinator is particularly important among the pastoral workers in the service of refugees/migrants. In countries where there are many chaplains/missionaries for refugees/migrants, it is desirable that one of them be appointed national co-ordinator. This national co-ordinator should preferably be chosen from among the chaplains/missionaries of the same language or nationality.⁸⁶ Furthermore, the Instruction makes it clear that the national co-ordinator is to be an ordained priest. His main role will be to help the chaplains/missionaries of a certain language or country rather than the refugees/migrants themselves. He is at the service of the chaplains/missionaries who receive the “declaration of suitability,” a rescript, granted by the Episcopal Conference *a qua*.⁸⁷

⁸⁵ See *Erga migrantes*, pp. 796-797, n. 70; English trans. in *People on the Move*, 95 (2004), p. 147.

⁸⁶ See “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 816, art. 11, §§ 1 and 3; English trans. in *People on the Move*, 95 (2004), p. 166. See also *De pastorali migratorum cura*, p. 636, n. 44, §1; English trans. in SCB, *On the Pastoral Care of People*, p. 27.

⁸⁷ See *Erga migrantes*, p. 798, nn. 73-74; English trans. in *People on the Move*, 95 (2004), pp. 148-149.

The other functions of the National Co-ordinator with respect to the chaplains/missionaries are to exercise vigilance, to direct their pastoral activities and to act as a link between the various communities. He does not enjoy any power of jurisdiction in virtue of his office. He does not have direct competence over the refugees/migrants who, by reason of their domicile or quasi-domicile, are under the jurisdiction of the ordinaries of the particular Churches or eparchies. The National Co-ordinator does not have jurisdiction over the chaplains/missionaries who, with respect to the faculties and exercise of their ministry, are subject to the local ordinary, from whom they receive their faculties. He is to work in close contact with the national, provincial, and diocesan directors of the pastoral work for refugees/migrants. He has the duty of maintaining good relations between the diocesan and eparchial bishops of the country *a quo* and those of the country *ad quem*.⁸⁸

3.3.4 – Chaplain/Missionary for Refugees and Migrants

The role of the Chaplain/Missionary for refugees and migrants is eminently spiritual in purpose. The Church stresses the necessity of special preparation for chaplains for specific pastoral work among refugees/migrants. Because there is the complexity and continuing evolution in the phenomenon of people on the move, this calls for complementary institutions to study this phenomenon and aims at an objective

⁸⁸ See “Juridical Pastoral Regulations,” in *Erga migrantes*, pp. 816-817, art. 11; English trans. in *People on the Move*, 95 (2004), pp. 166-167. See also *De pastorali migratorum cura*, pp. 636-637, arts. 44-51; English trans. in SCB, *On the Pastoral Care of People*, pp. 27-29.

evaluation. This office would collate the material necessary for putting into practice a pastoral strategy for chaplains/missionaries.⁸⁹

In pastoral praxis, we note that to be a chaplain/missionary for refugees/migrants of the same language does not, however, mean that one remains prisoner to one exclusive, national way of living and expression of the faith. If, on the one hand, we must emphasise the need for specific pastoral care based on the necessity to nurture the Christian faith by cultural means that are suitable to the needs of the person, on the other hand, it is equally important to state that such pastoral care also requires openness to a new world and an earnest effort to find one's place in it. However, the final goal would be full participation in the life of the person's new diocese.⁹⁰

In this regard, the chaplain/missionary ought to be a bridge, connecting the community of refugees/migrants to the welcoming community. He is to build the Church in communion first of all with the diocesan bishop/eparch and with his fellow-priests, especially with the parish priests. In order to do this, he needs to know and appreciate the culture of the place, speak its language, and be able to dialogue with the society he lives in. This ministry demands certain skills of which the chaplains/missionaries for refugees/migrants should have expertise in intercultural communication.⁹¹ Their principal tasks are, above all:

⁸⁹ See *Erga migrantes*, pp. 798- 799, nn. 75-76; English trans. in *People on the Move*, 95 (2004), pp. 149-150.

⁹⁰ See *ibid.*, p. 799, n. 77; English trans. in *People on the Move*, 95 (2004), p. 150.

⁹¹ See *ibid.*

Safeguarding the [refugees'] migrants' ethnic, cultural, linguistic and ritual identity since effective pastoral activity is unthinkable if it does not respect and value their cultural heritage, which, however, must also be brought into dialogue with the local Church and culture so as to respond to new demands.

Guidance along the way to authentic integration, avoiding a cultural ghetto and at the same time opposing the pure and simple assimilation of migrants into the local culture.

Incarnating a missionary and evangelising spirit, by sharing the situation and conditions of migrants, with the ability to adapt and make personal contacts in an atmosphere of a clear witness of life.⁹²

3.3.5 – Men and Women Religious Working among Refugees/Migrants

Religious priests, brothers and sisters play a vital role in the pastoral ministry to refugees/migrants. Many religious institutes, which are endowed with specific charisms, are dedicated to the pastoral care of refugees/migrants, and they offer them effective pastoral ministry. In addition, there are also other institutes, which, although it is not their specific charism, are invited to participate in this ministry. All religious institutes are called upon to help in the pastoral care of 'people on the move'. Therefore, all religious institutes should consider the possibility of sending some of their own members, men or women, to work among refugees/migrants.⁹³ This is the practical application of *Christus Dominus*, which said:

Especially in view of urgent needs of souls and of the lack of diocesan clergy, those religious institutes which are not dedicated to a purely contemplative life may be called upon by the bishop to help in various pastoral ministries. The special character of each religious institute should be taken into consideration. Superiors should make every effort to cooperate, even taking responsibility for parishes on a temporary basis (*CD* n. 35).

⁹² See *ibid.*, pp. 799-800, n. 78; English trans. in *People on the Move*, 95 (2004), p. 150.

⁹³ See Joint Instruction, "Impegno pastorale per i migranti e i rifugiati," pp. 210-211, n. 11a-d; English trans. in *Consecrated Life*, 14 (1989), pp. 291-292.

The Apostolic Exhortation, *Evangelii nuntiandi*, of Pope Paul VI, reflects this conciliar teaching:

By their lives they are a sign of total availability to God, the Church and the brethren. As such they have a special importance in the context of the witness which [...] is of prime importance in evangelisation. At the same time as being a challenge to the world and to the Church herself, this silent witness of poverty and abnegation, of purity and sincerity, of self-sacrifice in obedience, can become an eloquent witness capable of touching also non-Christians who have good will and are sensitive to certain values.⁹⁴

This need for pastoral attention as well as particular commitment in favour of refugees/migrants are emphasised in the 'Joint Letter of 25 March 1987'⁹⁵ and 'Joint Instruction'.⁹⁶ There is no doubt that today many religious institutes have become increasingly aware that the migration problem represents a challenge to their charisms. The spiritual needs of refugees/migrants and the appeals of the Church's Magisterium encourage the superiors of religious institutes to be more involved in the pastoral care of refugees/migrants. They may also collaborate with those already caring for refugees/migrants by assigning some of their own members to join this ministry, with the support of the entire religious community.⁹⁷

⁹⁴ PAUL VI, Apostolic Exhortation, *Evangelii nuntiandi*, 8 December 1975, in *AAS*, 68 (1976), pp. 58-59, n. 69; English trans. in PAUL VI, Apostolic Exhortation, *Evangelisation in the Modern World*, Bangalore, National Biblical Catechetical and Liturgical Centre, 1980, p. 60.

⁹⁵ See CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND FOR SOCIETIES OF APOSTOLIC LIFE – PCPCMT, Joint Letter to all Religious, in *People on the Move*, 48 (1987), pp. 163-166.

⁹⁶ See Joint Instruction, "Impegno pastorale per i migranti e i rifugiati," pp. 207-210, nn. 6-10; English trans. in *Consecrated Life*, 14 (1989), pp. 289-291.

⁹⁷ See *Erga migrantes*, p. 803, n. 84; English trans. in *People on the Move*, 95 (2004), p. 153.

3.3.6 – Role of the Lay Faithful among Refugees/Migrants

The lay faithful, lay associations and ecclesial movements, endowed with diverse charisms and ministries, are called upon to bear Christian witness and to minister to refugees/migrants. The pastoral assistants, catechists, animators of groups of young people or adults, persons engaged in work or in social and charitable services, can play a vital role in this ministry. They can visit the sick, help the elderly, lead youth groups, and animate family associations in the parish. They can teach catechism, organize courses for professional qualification, help in the liturgy, in ‘consultation centres’, in prayer meetings and in meditation on the Word of God.⁹⁸ Refugees living in the camps long for compassion and consoling words. The lay faithful can provide this through home visits, prayer groups, etc.

There are among the lay faithful, some who acquire expertise in intercultural communication. They can be chosen and trained for pastoral work among refugees/migrants.⁹⁹ Their principal tasks would be:

safeguarding the refugees’/migrants’ ethnic, cultural, linguistic and ritual identity [... and helping them to bring] their cultural heritage into dialogue with the local Church and culture so as to respond to new demands; guiding along the way to authentic integration, avoiding a cultural ghetto and at the same time opposing the pure and simple assimilation of refugees/migrants into local culture; incarnating a missionary and evangelising spirit, by sharing the situation and conditions of refugees/migrants, with the ability to adapt and make personal contacts in an atmosphere of a clear witness of life.¹⁰⁰

⁹⁸ See *Erga migrantes*, p. 804, n. 86; English trans. in *People on the Move*, 95 (2004), p. 154.

⁹⁹ See “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 813, art. 3, §4; English trans. in *People on the Move*, 95 (2004), p. 164.

¹⁰⁰ *Erga migrantes*, pp. 799-800, n.78; English trans. in *People on the Move*, 95 (2004), p. 150.

In the Church, the lay faithful could form associations or groups to carry out many of the non-ordained ministries, especially the ministry of welcoming the refugees/migrants into their new country. Such groups can help refugees to become acculturated into the new civil and ecclesial community or help them in case they intend to return to their home country. The lay faithful involved in this type of ministry should have suitable formation to become involved in such tasks. Their formation is not to be merely intellectual but also psychological, social and spiritual so as to enable them to bear witness to an authentic Christian life.¹⁰¹

3.4 – POSSIBLE STRUCTURES AND OFFICES FOR THE PASTORAL CARE OF REFUGEES: THE 1983 CODE OF CANON LAW AND THE INSTRUCTION, *ERGA MIGRANTES CARITAS CHRISTI*

The Instruction, *Erga migrantes*, states clearly that there are many reasons why the specific care of refugees/migrants should be integrated into the pastoral care of particular Churches.¹⁰² In fact,

the pastoral care of [refugees] migrants has always attracted the motherly attention and the solicitude of the Church. In fact, it has never ceased throughout the centuries to help in every way those who, like Christ in exile in Egypt with the family of Nazareth, were compelled to emigrate to lands far away from their country.¹⁰³

The person primarily responsible for this in the Church is the diocesan/eparchial bishop who should be able to appreciate and respect the diversity and spiritual and cultural

¹⁰¹ See *ibid.*, pp. 804-805, nn. 87-88; English trans. in *People on the Move*, 95 (2004), pp. 154-155.

¹⁰² See *ibid.*, pp. 763-764, n. 3; English trans. in *People on the Move*, 95 (2004), pp. 115-116.

¹⁰³ *Pastoralis migratorum cura*, p. 601; English trans. in *New Norms*, p. 1.

patrimony of refugees/migrants and is willing to provide pastoral care to members of all ethnic, linguistic, cultural and ritual groups (c. 383; *CCEO* c. 192).¹⁰⁴ The Directory for the Pastoral Ministry of Bishops, *Apostolorum successores*, also obliges the bishop to reach out to persons in need of particular pastoral attention. For this reason, a diocesan/eparchial bishop must be particularly attentive to the needs of refugees and migrants.¹⁰⁵

The diocesan/eparchial bishop is empowered to establish a parish for the pastoral needs of the faithful entrusted to his care. However, he is required by law to consult the presbyteral council before any substantial changes are made to parishes, as when the establishment or suppression of parishes is considered (c. 515, §2; *CCEO* c. 280, §2). He is free to listen to the advice and wisdom of other groups of persons, such as the diocesan/eparchial and parish pastoral councils, the religious institutes, the episcopal council, etc., and individuals, namely vicars general, episcopal vicars, vicars forane, pastors and parishioners.¹⁰⁶

Christus Dominus, n. 32, stated that concern for the salvation of souls should be the motive for determining or reconsidering erection, suppression, and other changes. Naturally, this could include also the constitution of certain structures and offices for the

¹⁰⁴ See JOHN PAUL II, Apostolic Exhortation, *Pastores gregis*, pp. 912, 920-921, nn. 65, 72; English trans. in JOHN PAUL II, Apostolic Exhortation, *Pastores gregis*, pp. 169-171, 184-186.

¹⁰⁵ See Directory, *Apostolorum successores*, pp. 227-229, n. 206.

¹⁰⁶ See J.A. RENKEN, Commentary on canon 515, §2, in *New Commentary*, pp. 678-679.

pastoral needs of refugees/migrants. In addition, the *Motu proprio, Ecclesiae sanctae*, added that

every possible effort should be made that parishes where, because of too great a population or too large a territory or for any cause whatsoever, apostolic activity can be exercised only with difficulty or less effectively, should be suitably divided or dismembered as the circumstances require. And likewise parishes which are too small should be united as conditions and circumstances demand (21, §1).

The bishop of the diocese has the power by his own authority to erect, suppress or change parishes in any way whatever after he has heard the views of the council of priests (21, §3).¹⁰⁷

The peculiar nature of the pastoral needs of refugees/migrants demands much wisdom and pastoral vision on the part of the bishop. The ministry to refugees/migrants needs to be structured in such a way that it has a more stable juridical form in the particular Churches, but it is, at the same time, flexible enough to suit the mobile or temporary nature of immigration.¹⁰⁸

3.4.1 – *Missio cum cura animarum*

The *Missio cum cura animarum* is a basic juridic-pastoral structure that can be created for the purpose of providing pastoral care for communities that are still in process of being developed. The concept underlying this structure is applicable also to ethnic/national groups or those of a certain rite that are not yet fully formed into a parish

¹⁰⁷ PAUL VI, *Motu proprio, Ecclesiae sanctae*, 6 August 1966, in *AAS*, 58 (1966), p. 769, part I, 21, §§1, 3; English trans. in FLANNERY I, pp. 603-604. See also Directory, *Apostolorum successores*, pp. 235-237, 242-245, nn. 210-211, 214-215; SCB, *Directorium de pastorali ministerio Episcoporum, Ecclesiae imago*, 22 February 1973, Città del Vaticano, Tipografia poliglotta Vaticana, 1973, pp. 171-177, 179-180, nn. 174, 176-180, 183; English trans. in SCB, *Directory On the Pastoral Ministry of Bishops, Ecclesiae imago* (= SCB, *Directory, Ecclesiae imago*), Ottawa, CCCB, 1974, pp. 89-94.

¹⁰⁸ See *Erga migrantes*, p. 806, n. 90; English trans. in *People on the Move*, 95 (2004), p. 156.

or quasi-parish. It must have a properly circumscribed territory. Such a mission is intended for the care of particular refugee/migrant groups which remain in the place, no matter how long or whatever the cause.¹⁰⁹ The Apostolic Constitution, *Exsul familia*, further states that a missionary to migrants, supplied with such authority in exercising the care of souls, is to be considered equal to a pastor (*parochus*), possessing the same faculties for spiritual care and is bound by the same obligations and held to the requirements of common law.¹¹⁰ The Instruction, *De pastorali migratorum cura*, ascribes this power to the office of the chaplain who is appointed to assume this *missio cum cura animarum*.¹¹¹ *Erga migrantes* repeats the norms that previously governed the *missio cum cura animarum*. Therefore, the diocesan/eparchial bishop may also erect a *missio cum cura animarum* within the territory of one or more parishes, by clearly defining its terms of reference. However, it may or may not be attached to a territorial parish.¹¹² In addition,

if circumstances render it opportune, a *missio cum cura animarum*, erected in the territory of one or more parishes, may be annexed to a territorial parish, especially when the latter is entrusted to members of the same institute of

¹⁰⁹ See *ibid.*, p. 806, n. 91; English trans. in *People on the Move*, 95 (2004), p. 156; See also *De pastorali migratorum cura*, p. 631, n. 33, §2; English trans. in SCB, *On the Pastoral Care of People*, p. 22; Directory, *Apostolorum successores*, pp. 227-228, n. 206, and SCB, Directory, *Ecclesiae imago*, pp. 93-94, n. 183, a.

¹¹⁰ See *Exsul familia*, p. 700, art. 35, §1; English trans. in TESSAROLO, *Exsul familia*, p. 73. See also *De pastorali migratorum cura*, pp. 633-634, n. 39; English trans. in SCB, *On the Pastoral Care of People*, pp. 25-26.

¹¹¹ See *De pastorali migratorum cura*, p. 633, n. 39, §1; English trans. in SCB, *On the Pastoral Care of People*, p. 25.

¹¹² See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 815, art. 7, §1; English trans. in *People on the Move*, 95 (2004), p. 165.

consecrated life or society of apostolic life as those who are caring for the spiritual assistance of the refugees/migrants.¹¹³

The chaplain entrusted with a *missio cum cura animarum*, always observing due distinctions,¹¹⁴ is juridically equivalent to a parish priest¹¹⁵ and performs his functions together with the local parish priest. However, “to avoid a conflict of responsibilities, the bishop must consult the parish priest concerned and put all the provisions in writing.”¹¹⁶ The chaplain likewise has the faculty to assist at the celebration of a marriage when one of the spouses is a refugee/migrant belonging to his mission.¹¹⁷ The chaplain must register the marriage in the parish register as required by law and send an authentic copy of the marriage certificate at the end of every year both to the local parish priest and to the parish priest of the parish in which the marriage was celebrated.¹¹⁸ He is entitled to

¹¹³ Ibid., p. 815, art. 7, §5; English trans. in *People on the Move*, 95 (2004), p. 165. See also *De pastorali migratorum cura*, p. 631, n. 33, §3; English trans. in SCB, *On the Pastoral Care of People*, p. 22.

¹¹⁴ Canons 528-530 of *CIC* (*CCEO* cc. 289-290, §2; 677, §1; 739, §2) are common both to the parish priest and the chaplain. Canon 532 makes a distinction between them. Accordingly, “in all juridic affairs the parish priest represents the parish according to the norm of law” (c. 532; *CCEO* c. 290, §1). A chaplain can represent only the small group assigned specifically to him by the bishop, but not the parish.

¹¹⁵ See *De pastorali migratorum cura*, p. 633, n. 39, §1; English trans. in SCB, *Pastoral Care of People Who Migrate*, p. 25. According to *De pastorali migratorum cura*, the chaplain’s proper power is personal and cumulative. By personal it means that he can legitimately exercise it only on the refugees/migrants within the confines of governance, and by cumulative it implies that he can exercise this power by equal right together with the local parish priest, giving the refugees/migrants the right to choose freely to receive the pastoral care from either one of them (see *De pastorali migratorum cura*, pp. 633-634, n. 39, §§2, 3; English trans. in SCB, *On the Pastoral Care of People*, p. 25).

¹¹⁶ SCB, Directory, *Ecclesiae imago*, p. 94, n. 183, b.

¹¹⁷ “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 815, art. 7, §2; English trans. in *People on the Move*, 95 (2004), p. 165.

¹¹⁸ See *ibid.*, p. 815, art. 7, §3; English trans. in *People on the Move*, 95 (2004), p. 165.

the same economic assistance (remuneration) and health and social insurance coverage enjoyed by the other presbyters of the diocese or eparchy.¹¹⁹

3.4.2 – Personal Ethnic–Linguistic Parish (c. 518; *CCEO* c. 280, §1)

A “personal ethnic–linguistic parish” is foreseen for places where there is a refugee/migrant community that will continue to receive newcomers in the future and one that will be numerically strong.¹²⁰ Such a parish will offer pastoral care characteristic of a parish with the proclamation of the Word, catechesis, liturgy, and *diakonia*. The personal parish will care for the new refugees/migrants, seasonal workers and others who, for various reasons, may find it difficult to integrate themselves into an existing territorial parish.¹²¹

When it is deemed necessary to erect a personal parish, the diocesan/eparchial bishop shall clearly establish the confines of this parish (c. 518; *CCEO* c. 280, §1) and the rules regarding the parish books. Whenever possible, the refugees/migrants should be left free to choose to be members either of the territorial parish where they live or of the personal parish. The legitimate erection of a personal parish automatically grants it juridical personality (c. 515, §3; *CCEO* c. 280, §3). As such, it would have all the rights

¹¹⁹ See *ibid.*, p. 816, art. 10; English trans. in *People on the Move*, 95 (2004), p. 166.

¹²⁰ For more information on personal parish, see H.M. NGUYEN, *Personal Parishes in the 1983 Code of Canon Law and the Pastoral Care of Migrants*, Doctoral diss., Rome, Pontificia studiorum Universitas a S. Thoma Aq. in Urbe, 1994; J.E. CIESLUK, *National Parishes in the United States*, Canon Law Studies, no. 190, Washington, DC, The Catholic University of America Press, 1944, and OPALALIC, *The Filipino Communities*, pp. 253-263.

¹²¹ See *Erga migrantes*, pp. 806-807, n. 91; English trans. in *People on the Move*, 95 (2004), p. 157; Directory, *Apostolorum successores*, pp. 235-236, n. 210; SCB, Directory, *Ecclesiae imago*, p. 89, n. 174, and *De pastoralis migratorum cura*, pp. 630-631, n. 33, §1; English trans. in SCB, *On the Pastoral Care of People*, p. 22.

and duties of a parish enabling it to carry out its unique mission in the Church, the salvation of a portion of the People of God. The presbyter entrusted with the pastoral care of a personal parish for refugees/migrants enjoys the same faculties and rights/obligations as a parish priest.¹²²

3.4.3 – A Local Parish with an Ethnic–Linguistic Mission

The Instruction, *Erga migrantes*, envisages two models with slight differences with respect to the local parish which has an *ethnic-linguistic mission*. Firstly, it is a local parish with an ethnic-linguistic mission or with one based on a particular rite. It is identified with a territorial parish which, with the help of one or more pastoral workers, would care for one or more groups of refugee/migrant faithful. The chaplain, if one is appointed, would be part of the parish team.¹²³

Secondly, a local territorial parish can organize one resource centre for all refugees/migrants belonging to different ethnic groups or rites. This could include the parish church for liturgical celebrations as well as the ‘parish pastoral centre’,¹²⁴ which could be used as a place where meetings and other community celebrations of different refugee/migrant groups can be held. No mention is made in this context of the

¹²² See “Juridical Pastoral Regulations,” in *Erga migrantes*, pp. 814-815, art. 6, §§1-2; English trans. in *People on the Move*, 95 (2004), p. 165.

¹²³ See *Erga migrantes*, p. 807, n. 91; English trans. in *People on the Move*, 95 (2004), p. 157.

¹²⁴ “Parish centre/Pastoral centre means a place, and not necessarily a sacred place, within the boundaries of some parish; and there the pastor, either personally or through another priest, with the help of dedicated laity, comes at set times to offer Mass, give catechetical instruction, and carry out works of charity, education and other forms of ministry for the benefit of those faithful who live too far from the parish church or the church of religious so that they may be pastorally cared for until a new parish can be established in that place” (SCB, Directory, *Ecclesiae imago*, p. 94, n. 183, b).

Instruction of the chaplain for the group, because normally a refugee/migrant group would have its own priest, who is conversant with their language.¹²⁵

3.4.4 – Ethnic–Linguistic Pastoral Service at the Zonal Level

Erga migrantes focuses on another pastoral structure at the zonal level, intended especially to provide pastoral care for refugees/migrants who are relatively well integrated into the local community. The Instruction considers it important to retain certain elements of pastoral care based on language or linked to nationality or a particular rite. That would guarantee essential services, including those related to a particular culture and type of piety, and at the same time promote openness and interaction among the territorial parish and the various ethnic groups.¹²⁶

A chaplain may be entrusted with the care of this group and, insofar as possible, a church or an oratory could be designated for the exercise of his ministry. The competent diocesan/eparchial bishop should issue appropriate instructions meant to coordinate the ministries of the parish priest and of the chaplain/missionary for refugees/migrants within the same territory. This may include the use of the same church for liturgical celebrations. The tasks of the chaplain/missionary for refugees/migrants are to be coordinated with the office of the parish priest for effective ministry.¹²⁷

¹²⁵ See *Erga migrantes*, p. 808, n. 93; English trans. in *People on the Move*, 95 (2004), p. 158.

¹²⁶ See *ibid.*, p. 807, n. 91; English trans. in *People on the Move*, 95 (2004), p. 157.

¹²⁷ See “Juridical Pastoral Regulations,” in *Erga migrantes*, pp. 815-816, art. 8; English trans. in *People on the Move*, 95 (2004), p. 166.

3.4.5 – Quasi-parish (c. 516, §1)

According to canon 516, §1 of the present Code, a quasi-parish is a definite community of the Christian faithful in a particular Church entrusted to a priest as its proper pastor but not yet erected as a parish because of particular circumstances (c. 516, §1).¹²⁸ The present canon no longer limits quasi-parishes to mission countries, since they are communities of Christian faithful within a particular Church. The emphasis, as in the case of parishes, is transferred from territory to people, a community of the Christian faithful. In the present Code, a quasi-parish is equivalent to a parish, unless the law provides otherwise (c. 516, §1). It is either territorial or personal. It is a temporary structure on its way, eventually, to becoming a parish. It can exist anywhere within the Church, and its priest is recognised as its proper pastor from the time he is appointed to take charge of its pastoral activities.¹²⁹

There could be many different *peculiararia adiuncta* (special circumstances), which could motivate a diocesan/eparchial bishop to erect a quasi-parish rather than a parish. One such motivation would be the provision of appropriate pastoral care for refugees as a particular group or community of faithful whose needs are unique. Thus, a quasi-parish

¹²⁸ Canon 516 does not have a parallel canon in *CCEO*. For more information on quasi-parish, see F. COCCOPALMERIO, *De paroecia*, Roma, Editrice Pontificia Università Gregoriana, 1991, pp. 51-58.

¹²⁹ Coccopalmerio suggests that the pastor could be called the “*quasi-pastor/quasi-parish priest*.” In fact the *CIC/17* called them *quasi-pastors* (see c. 451, §2, 1° of *CIC/17*). See COCCOPALMERIO, *De paroecia*, pp. 57-58. See also A.S. SANCHEZ-GIL, Commentary on canon 516, §1, in *Exegetical Commentary*, vol. II/2, pp. 1260-1263, and J.A. RENKEN, Commentary on canon 516, §1, in *New Commentary*, pp. 681-682.

would be a suitable structure for the pastoral care of refugees in the refugee camps of a given territory.

3.4.6 – Communities of Christian Faithful (c. 516, §2)

Canon 516, §2 states the diocesan bishop's obligation to provide for the pastoral care of the communities that cannot be erected as parishes or quasi-parishes.¹³⁰ According to canon 383, §1, the diocesan bishop is: "[...] to show an apostolic spirit also to those who, because of their condition of life, are not sufficiently able to benefit from ordinary pastoral care" (c. 383, §1; *CCEO* c. 192, §1). The bishop is expected to implement the provision of this canon whenever he faces situations identified in it. He is not specifically bound to a particular type of activity. The presbyteral council may advise the bishop on the peculiar situations. The Directory for the Pastoral Ministry of Bishops, *Apostolorum successores*, nn. 214-215, has taken into account the problems inherent in establishing new parishes and has allowed the bishop to establish missions or "subsidiary churches" or "non-territorial centres,"¹³¹ but these juridic entities are not found in the 1983 Code, which leaves this matter to particular law.

Regarding possible pastoral provisions, the bishop may make provision for the pastoral care of refugees/migrants in many different ways. He may entrust parochial functions to the rector of a church (c. 560; *CCEO* c. 307); constitute chaplains for migrants, refugees, etc. (c. 568); establish oratories for communities or groups of faithful (c. 1223), or private chapels for the benefit of several faithful (c. 1226). In the case of

¹³⁰ Canon 516, §2 does not have a parallel canon in *CCEO*.

¹³¹ See also SCB, Directory, *Ecclesiae imago*, pp. 89-90, 93-94, nn. 174, 183.

new structures created by particular law, it is important that the diocesan bishop determines clearly what pastoral functions will be carried out by the different priests who are entrusted with the pastoral care of refugees/migrants.¹³²

3.4.7 – Personal Prelatures (cc. 294-297)

The general juridical norms governing Personal Prelatures are contained in canons 294-297 of *CIC/83*.¹³³ The Personal Prelature is a new structure in the Church created by the Second Vatican Council (*PO* n. 10; *AG* n. 20, note 4; n. 27, note 13). Personal Prelatures are jurisdictional entities for carrying out special pastoral activities, constituted by the Holy See within the hierarchical structure of the Church and, therefore, dependent on the Congregation for Bishops.¹³⁴ The particular nature of the pastoral or missionary works entrusted to Personal Prelatures can involve either the faithful for whom they are intended (like a social group, or an ethnic group, etc.) or a specific pastoral service for which the Holy See erects the Prelature after consultation with the Bishops' Conferences concerned (c. 294).¹³⁵ A Prelature is composed of a Prelate, who is ordinarily endowed with episcopal character and is its proper pastor, a *presbyterium* and those lay faithful

¹³² See SÁNCHEZ-GIL, Commentary on c. 516, §2, in *Exegetical Commentary*, vol. II/2, pp. 1263-1264.

¹³³ *CCEO* does not have parallel canons on Personal Prelatures.

¹³⁴ See *Pastor bonus*, art. 80, in *Code of Canon Law*, p. 713.

¹³⁵ See *PO*, n. 10; PAUL VI, *Motu proprio, Ecclesiae sanctae*, 6 August 1966, in *AAS*, 58 (1966), pp. 760-761, part I, n. 4. See also J.L. GUTIÉRREZ, Commentary on cc. 294-297, in E. CAPARROS, M. THÉRIAULT, and J. THORN (eds.), *Code of Canon Law Annotated* (= *Code of Canon Law Annotated*), prepared under the responsibility of the Instituto Martin de Azpilcueta, 2nd edition revised and updated of the 6th Spanish language edition, Montréal, Wilson & Lafleur Limitée, 2004, pp. 241-246. Whatever concerns the Holy See regarding the personal prelature is the competence of the Congregation for Bishops (see *Pastor bonus*, art. 80).

who, according to the constitutive norms of the Prelature, are recipients of its pastoral or missionary activity. The Prelature could accept the co-operation of lay people, men and women, permanently or temporarily, who wish to dedicate themselves to the same mission. They are incorporated into the Prelature through contracts or agreements in which mutual rights and obligations are determined according to its statutes (c. 296).¹³⁶

Personal Prelatures, if legitimately constituted, could prove useful in unifying the pastoral care of refugees/migrants. Priests in the Prelature, who are entrusted with the care of refugees/migrants, would have an Ordinary responsible for their ministry, their training and their appointments/assignments. If possible, the priests assigned to the ministry for refugees/migrants should be of their own nationality, or who at least know their language, their traditions, and their culture. The lay members of the Prelature can collaborate with its priests in offering the ministry to refugees/migrants.¹³⁷ The Instruction, *De pastorali migratorum cura*, the Letter of the Pontifical Commission for Migration entitled, *Chiesa e mobilità umana*, and the latest Instruction, *Erga migrantes*, stress the important role of the lay Christian faithful in the ministry for refugees/migrants.¹³⁸

¹³⁶ See GUTIÉRREZ, Commentary on cc. 294-297, in *Code of Canon Law Annotated*, pp. 241-242.

¹³⁷ See BEYER, "The New Code of Canon Law," pp. 177-181.

¹³⁸ See *De pastorali migratorum cura*, pp. 640-642, nn. 56-61; English trans. in SCB, *On the Pastoral Care of People*, pp. 32-34; PCPCMT, *Chiesa e mobilità umana*, pp. 373-374, n. 30; English trans. in *CLD*, 9 (1978-1981), pp. 142-143, and "Juridical Pastoral Regulations," in *Erga migrantes*, p. 813, arts. 2-3; English trans. in *People on the Move*, 95 (2004), p. 163.

3.4.8 – Chaplains/Missionaries for Refugees

There are two ecclesiastical offices in the 1983 Code which may be placed at the service especially of refugees/migrants. They are the offices of Chaplain (cc. 564-572) and Episcopal Vicar (cc. 475-481), also known as *Syncellus* in the Eastern Code (*CCEO* cc. 246-251). The previous documents of the Church unveil the understanding and the evolution of the concept of ‘chaplain/missionary’. The office of chaplain may be specifically established for refugees/migrants (cc. 564-572).¹³⁹ The Instruction, *Erga migrantes*, explicitly refers to this office of Chaplain/Missionary. Canon 564 of the 1983 Code defines the office of chaplain as follows: “A chaplain is a priest to whom is entrusted in a stable manner the pastoral care, at least in part, of some community or particular group of the Christian faithful, which is to be exercised according to the norm of universal and particular law.” In its “Juridical Pastoral Regulation,” art. 4, §1, the Instruction, *Erga migrantes*, states:

Presbyters, who have been given the mandate by the competent ecclesiastical authority to provide spiritual assistance in a stable way to migrants [refugees] of the same language or nation, or belonging to the same Church *sui iuris*, are called chaplains/missionaries for migrants [refugees]; in virtue of their office they are endowed with the faculties described in c. 566, §1 of the *CIC*.

Furthermore, canon 568 of the Code mentions specifically the chaplain for refugees: “As far as possible, chaplains are to be appointed for those who are not able to avail themselves of the ordinary care of pastors because of the condition of their lives, such as migrants, exiles, refugees, nomads, sailors.” This prescript makes the local Ordinary responsible for providing due pastoral care for refugees.

¹³⁹ *CCEO* does not have parallel canons on Chaplains.

The chaplains/missionaries may be diocesan priests or religious priests. The diocesan priests normally remain incardinated in their own diocese and go abroad to care for refugees/migrants. For all pastoral purposes, however, they are integrated into the host diocese so that they form part of the diocesan presbytery. The same applies also to religious priests. They remain incardinated to their respective institutes, but in their ministry to refugees/migrants they are united in fraternal harmony not only with the local ordinary but also with the diocesan clergy, especially with the parish priests. For this purpose, it is advisable that they also participate in priests' meetings and be present at gatherings for the study of social, moral, liturgical and pastoral issues. This type of unity between chaplains/missionaries for refugees/migrants and the diocesan bishops and priests is indispensable for providing authentic pastoral care with mutual co-operation, solidarity and co-responsibility.¹⁴⁰

3.4.9 – Episcopal Vicar for Refugees (c. 476; *CCEO* c. 246)

The Conciliar decree, *Christus Dominus*, spoke of the office of episcopal vicar (cc. 475-481) in relation to the pastoral care of different ritual or linguistic groups:

[...] where there are believers of different rites, the bishop of that diocese should make provision for their spiritual needs either by providing priests of those rites, or special parishes, or by appointing episcopal vicars, with the necessary faculties. If necessary, such a vicar may be ordained bishop. Alternatively, the bishop himself may perform the functions of an Ordinary for each of the different rites.

Likewise in similar circumstances provision should be made for the faithful of a different language group either by appointing priests, who speak that language, or by creating special parishes, or by appointing an episcopal vicar well versed in

¹⁴⁰ See *Erga migrantes*, pp. 800-801, n. 79; English trans. in *People on the Move*, 95 (2004), p. 151; see also *De pastorali migratorum cura*, pp. 635, n. 42; English trans. in SCB, *On the Pastoral Care of People*, p. 27.

it. If it is deemed appropriate he may be ordained bishop, or the matter may be dealt with in some other more practicable way (CD n. 23).

In the diocesan curia the office of vicar general is preeminent. When, however, the good government of the diocese requires it, the bishop may appoint one or more episcopal vicars who by the very fact of their appointment will enjoy, in specified parts of the diocese, or in specific matters, or in regard to the faithful of particular rites, that authority which is conferred by the general law on the vicar general (CD n. 27).¹⁴¹

It is evident that *Christus Dominus* made provision for episcopal vicars for rites, languages, divisions of the diocese, and particular works. Canon 476 (CCEO c. 246) implements this conciliar provision of the episcopal vicar as suitable to direct pastoral care for the refugees/migrants. Thus, canon 476 reads:

Whenever the correct governance of a diocese requires it, the diocesan bishop can also appoint one or more episcopal vicars, namely, those who in a specific part of the diocese or in a certain type of affairs or over the faithful of a specific rite or over certain groups of persons possess the same ordinary power which a vicar general has by universal law, according to the norm of the following canons.

Erga migrantes is explicit on this matter. It states that, “if necessary, the diocesan or eparchial bishop shall appoint an episcopal vicar (cf. CCEO c. 193, §2) with the charge of directing the pastoral care of migrants [refugees], or else he shall set up a special office for the migrants [refugees] themselves at the episcopal or eparchial chancery.”¹⁴² The office of the Episcopal Vicar would be very beneficial where a number of chaplaincies for refugees/migrants exist in a particular Church.¹⁴³

¹⁴¹ English trans. in FLANNERY I, pp. 298-301.

¹⁴² “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 818, art. 16, §1; English trans. in *People on the Move*, 95 (2004), p. 168.

¹⁴³ A.T. Opalalic suggests that an episcopal vicar is a suitable office to provide for the pastoral needs of the Filipino migrant communities found in Rome. See OPALALIC, *The Filipino Communities in Rome*, pp. 276-282, 315-351.

3.4.9 – Episcopal Conferences and the Corresponding Hierarchical Structures of the Eastern Catholic Churches

According to the 1983 Code of Canon Law, the Episcopal Conference is “a permanent institution, a group of bishops of some nation or certain territory who jointly exercise certain pastoral functions for the Christian faithful of their territory in order to promote the greater good which the Church offers to humanity” (c. 447). The important functions of the Episcopal conferences are the exercise of their teaching office (c. 753), and efforts of planning, support, encouragement, and coordination of the apostolate. In these areas the conferences make substantial contributions to the churches and the nations of the world.¹⁴⁴ One of the functions attributed by the Second Vatican Council to the Conferences of Bishops is the pastoral care of refugees. We read in its Decree, *Christus Dominus*, as follows:

Conferences of bishops, especially national conferences, should give careful consideration to the more important questions relating to such groups, such as migrants, exiles and refugees, sailors and airmen, itinerants and others of this kind. By common agreement and combined efforts they should issue appropriate directives and devise suitable ways of catering for their spiritual needs. In doing this they should give consideration especially to the norms determined, or to be determined, by the Holy See, adapting them to their own times, places and people (CD n. 18).

The Instruction, *Erga migrantes* has prescribed that every Episcopal conference and the corresponding hierarchical structures of the Eastern Catholic Churches set up a special national commission for migration. It will have its secretary, who in general will take on the office of national director for migration. In other countries, where there are fewer migrants, the Episcopal Conferences or the corresponding hierarchical structures of

¹⁴⁴ See J.A. CORIDEN, *An Introduction to Canon Law* (Revised), New York/Mahwah, NJ, Paulist Press, 2004, p. 89.

the Eastern Catholic Churches shall appoint a bishop promoter to ensure that migrants are properly assisted.¹⁴⁵ The “Juridical Pastoral Regulations” of the Instruction further list their functions:

Art. 20, §1. It is the duty of the Migration Commission or the bishop promoter:

1. to gather information on the migration situation in the country and to pass on useful data to the diocesan/eparchial bishops, also be in contact with the centres for migration studies;

2. to animate and stimulate the relevant diocesan commissions, which in turn will do the same with respect to those parochial commissions concerned with the vast and more general phenomenon of human mobility;

3. to receive requests for chaplains/missionaries from the bishops of dioceses/eparchies in which there is immigration, and introduce to them the presbyters proposed for this ministry;

4. to propose to the Episcopal Conference and the corresponding hierarchical structure of the Eastern Catholic Churches, when necessary, the appointment of a national coordinator for the chaplains/missionaries;

5. to establish opportune contacts with Episcopal Conferences and the corresponding hierarchical structures of the Eastern Catholic Churches concerned;

6. to establish opportune contacts with the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and to pass on indications received from the Council to the diocesan or eparchial bishops;

7. to send an annual report on the situation of the pastoral care of migrants to the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, to the Episcopal Conference, to the corresponding hierarchical structures of the Eastern Catholic Churches, and also to the diocesan/eparchial bishops.

§2. It is the task of the national director:

1. to facilitate in general – also in reference to Art. 11 (of *Erga migrantes*) – the relations of the bishops of his own country with the national commission or with the bishop promoter;

2. to compile the report mentioned in point 7, §1 of this Article.

¹⁴⁵ See “Juridical Pastoral Regulations,” in *Erga migrantes*, pp. 819-820, art. 19, §§1-2; English trans. in *People on the Move*, 95 (2004), p. 169.

Art. 21. Episcopal Conferences and the corresponding hierarchical structures of the Eastern Catholic Churches shall fix a date for a “Day (or Week) of Migrants and Refugees” at a time and in the manner called for by local circumstances, even if for the future it is to be hoped that a fixed date can be agreed upon its celebration everywhere.¹⁴⁶

In this way the Episcopal Conference and the corresponding hierarchical structures of the Eastern Catholic Churches may organise their works and provide all the facilities for the pastoral care of refugees/migrants.

3.4.10 – The Pontifical Council for the Pastoral Care of Migrants and Itinerant People

The Pontifical Council’s principal task is to stimulate, promote and animate appropriate pastoral initiatives in favour of ‘people on the move’. It also carefully follows the social, economic and cultural questions that are usually at the origin of their migration which is either voluntary or forced. It directly addresses Episcopal Conferences and their respective Councils, the corresponding Episcopal structures in the Eastern Catholic Churches, and also individual bishops and hierarchs. It also urges them to implement specific pastoral care for persons involved in the phenomenon of human mobility.¹⁴⁷

The section entitled “Juridical Pastoral Regulations” of the Instruction, *Erga migrantes*, further lists the functions of this Pontifical Council:

Art. 22, §1: It is the task of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People to guide “the pastoral solicitude of the Church to the particular needs of those who have been forced to abandon their homelands as well as those who have none. Consequently, the Council closely follows all questions pertaining to this matter” (*PB* art. 149). Moreover, “the Council is committed to assuring that particular Churches offer efficacious and relevant spiritual assistance to refugees and exiles, by setting up adequate pastoral

¹⁴⁶ “Juridical Pastoral Regulations,” in *Erga migrantes*, pp. 820-821, arts. 20-21; English trans. in *People on the Move*, 95 (2004), p. 170.

¹⁴⁷ See *Erga migrantes*, p. 779, n. 32; English trans. in *People on the Move*, 95 (2004), p. 131.

structures when necessary, as well as to migrants” (*PB* art. 150, §1), always however with due respect for the pastoral responsibility of local Churches and the competence of the other organs of the Roman Curia.

§2: It is therefore the duty of the Pontifical Council among other things:

1. to study the reports sent in by Episcopal Conferences or the corresponding hierarchical structures of the Eastern Catholic Churches;
2. to issue instructions, referred to by c. 34 of the *CIC/83*, to make suggestions and encourage initiatives, activities and programmes to develop structures and institutions relating to the pastoral care of migrants/refugees;
3. to promote exchange of information among the different Episcopal Conferences or of that coming from the corresponding hierarchical structures of the Eastern Catholic Churches, and to facilitate their relations with one another, especially when it is a matter of transferring a presbyter from one to another for the pastoral care of migrants/refugees;
4. to study, encourage, and animate the pastoral activity of regional and continental organisms of ecclesial communion to co-ordinate and harmonise initiatives in favour of migrants/refugees;
5. to study and evaluate situations if, in determined places, there are circumstances that may suggest specific pastoral structures for migrants/refugees (cf. no. 24, note 23);
6. to promote the relations of religious institutes that offer spiritual assistance to migrants with the Episcopal Conferences and the corresponding hierarchical structures of the Eastern Catholic Churches and to follow their work, always with due respect for the competence of the Congregation for the Institutes of Consecrated Life and the Societies of Apostolic Life, in matters regarding the observance of the religious life, and the competence of the Congregation for the Eastern Churches;
7. to stimulate and participate in useful or necessary initiatives in view of a profitable and sound ecumenical collaboration in the field of migration, in agreement with the Pontifical Council for Promoting Christian Unity;
8. to stimulate and participate in those initiatives that are considered necessary or advantageous for dialogue with groups of non-Christian migrants, in agreement with the Pontifical Council for Interreligious Dialogue.¹⁴⁸

¹⁴⁸ “Juridical Pastoral Regulations,” in *Erga migrantes*, pp. 821-822, art. 22; English trans. in *People on the Move*, 95 (2004), pp. 171-172.

CONCLUSION

In this chapter, we focused on the canonical dimensions of the pastoral care of refugees. This principally involved a systematic analysis of the canons of the 1983 Code of Canon Law and of the norms contained in the Instruction, *Erga migrantes*. Wherever applicable, we also referred to the canons of the *Eastern Code* (CCEO) for their significance to the refugee/migrant ministry.

The Fathers of the Second Vatican Council wished that the law be conscious of the nature of ecclesial authority, as a service, or a ministry, or a work of love. Therefore, law must direct its attention more explicitly to the defence of the human person and the formation of Christians for communitarian participation in their Catholic life. Indeed, the Council came to be the Code's primary source. The *canonical aggiornamento* depended essentially on the framework of the *pastoral aggiornamento* sought by the conciliar documents. Undoubtedly, the Code was directly inspired by the doctrinal positions taken by the Council and its *communio* ecclesiology. Among the ten fundamental principles that guided the revision of the Code, the principles of fostering pastoral care, subsidiarity, subjective rights, and territoriality are of great importance to our study.

The Code is pastoral and it promotes the salvation of all human beings. A number of canons refer either directly or indirectly to the pastoral care of refugees/migrants. This special concern reflects the fact that the baptised refugees are Christian faithful, therefore, persons in the Church and subjects of rights and duties. The Church is also truly concerned with non-Christian refugees. Most importantly, the Church embraces within its pastoral ministry the duty to care also for the non-baptised refugees because of the

mandate it has received from its Founder, Jesus Christ himself (Mt. 25: 35, 40; 28: 19-20; Lk. 10:33-35). Furthermore, the fleeing Holy Family of Nazareth in the Scripture morally compels the Church to embrace the non-Christian refugees into its compassionate pastoral care. This disposition of the Church is implicit in the Code: “[...] the salvation of souls, which must always be the supreme law in the Church, is to be kept before one’s eyes” (c. 1752).

As baptised persons, refugees have rights and duties in the Church. They are: the right to express their needs, desires, and opinions to the Church authorities; the right to hear the Word of God; the right to receive the Sacraments; the right to pastoral care; the right to liturgy in one’s own rite; the right to have a Christian education; the right to form and direct associations, and the right to ministries suitable to their state and condition. While affirming the pastoral care of refugees/migrants, the Code states that the pastoral care is, above all, the responsibility of Bishops in the Church. A number of canons specify the Bishop’s duty towards the faithful, and refugees/migrants form part of those Christian faithful.

The parish priests are admonished to seek out those in need, the suffering, the poor, the lonely, the exiles and the refugees. All Christian faithful are called to fulfil diligently their responsibilities in the Church. The most fundamental commandment we have received from our Lord is: “‘Love the Lord your God with all your heart, with all your soul, with all your strength, and with all your mind’; and ‘Love your neighbour as you love yourself’” (Lk. 10:27). This commandment must inspire all Christian faithful to respond to the needs of refugees/migrants with solidarity and Christian hospitality.

The Instruction, *Erga migrantes*, highlights the tasks of the various organisms in the Church related to its ministry for refugees/migrants. The Pontifical Council for the Pastoral Care of Migrants and Itinerant People is to stimulate, promote and animate appropriate pastoral initiatives in favour of refugees/migrants. It refers the problem of this human mobility directly to Episcopal Conferences and their respective Councils, the corresponding Episcopal structures in the Eastern Catholic Churches, the Pontifical Council *Cor Unum*, the International Catholic Migration Commission and various Caritas organizations as well as to individual bishops and hierarchs. It exhorts the local Churches of departure and arrival of refugees/migrants to collaborate with one another for a better co-ordination of the various ministries directed to the well-being of refugees/migrants; it identifies the various roles and the significance of different agents like, the national co-ordinator for refugee/migrant ministry; the chaplains/missionaries; men and women Religious, and the involvement of the lay Christian faithful.

The Instruction specifies various structures and offices for ministering to refugees/migrants: 1) *Missio cum cura animarum*, presumably the most suitable juridic structure for ministering to refugee/migrant groups that are still in the process of developing; 2) A 'personal ethnic-linguistic parish' for refugee/migrant groups where they are numerically strong. 3) Territorial parishes with an ethnic-linguistic mission with its own chaplain and pastoral workers to help in the pastoral care of refugee/migrant groups. 4) Ethnic-linguistic pastoral service on a zonal level for refugees/migrants who are relatively well integrated into the local community. 5) The offices of chaplain and episcopal Vicar specifically for refugees/migrants. 6) Quasi-parishes and Personal Prelatures.

These different forms of possible pastoral ministry designed to care for the needs of refugees/migrants confirm the fact that the law of the Church is essentially pastoral in nature even in its approach to their pastoral care. This approach includes even those refugees/migrants who are not Catholics, baptized or not. The Church's law reflects the fundamental doctrinal principle that "ever more affirmed [is the knowledge of] the innate universality of the Church's organisation, in which no one can be considered a stranger or just a guest, or in any way on the fringe of things."¹⁴⁹

The principal object of our study is the pastoral care of Sri Lankan Tamil refugees who have taken refuge in Tamil Nadu State in India. If the Church is committed to the pastoral care of refugees/migrants, the Sri Lankan Tamil refugees undoubtedly come within the scope of such care. Therefore, we will explore in the following chapter the concrete possibilities of structuring the pastoral ministry directed specifically at the Sri Lankan Tamil refugees presently living in the refugee camps in the State of Tamil Nadu, India.

¹⁴⁹ PCCMT, *Chiesa e mobilità umana*, p. 372, n. 29; English trans. in *CLD*, 9 (1978-1981), p. 141.

CHAPTER FOUR

THE APPLICATION OF THE CATHOLIC CHURCH'S TEACHINGS ON THE PASTORAL CARE OF SRI LANKAN TAMIL REFUGEES IN TAMIL NADU STATE, INDIA

INTRODUCTION

In the first chapter we examined the historical and sociological background of the Sri Lankan Tamil refugees' current situation. In the second, we reviewed the Church's concern for refugees, noting especially how various popes through the centuries have addressed the issue. In the third, we analysed the canonical provisions of the pastoral care of refugees as defined in the 1983 Code of Canon Law as well as in the corresponding canons of the *Eastern Code (CCEO)* which concern the well-being of refugees; we also reviewed the norms provided in the Instruction of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, *Erga migrantes caritas Christi*.

In light of the canonical and pastoral principles established thus far, we will examine in this fourth chapter some possible provisions for the pastoral care of Sri Lankan Tamil refugees living in refugee camps in Tamil Nadu State, India. This will include an examination of their present situation, the outreach of various groups for the care of refugees, and a review of the pastoral approaches adopted by the Catholic Church in Tamil Nadu. This, we hope, will enable us to propose some recommendations for the pastoral care of Sri Lankan Tamil refugees who are presently under the jurisdiction of the Church in Tamil Nadu.

4.1 – SITUATION OF SRI LANKAN TAMIL REFUGEES

In 1983, the ethnic conflicts in Sri Lanka became more serious, and the country became unsuitable for the Tamil minorities to live in peace. This situation led to grave insecurity and, for many, to a forced exodus. Sri Lanka, the ‘Beirut of South Asia’, was soon to become “an Island of Refugees.”¹

Tamil Nadu was the only ray of hope for them.² They reached the Indian coast in Rameshwaram either by launch, fishing boat, or catamaran, with the help of human peddlers or agents who ferried them across the Palk Strait to Indian soil. The exodus of refugees to Tamil Nadu can be considered to have taken place in four phases. The first began on 24 July 1983 and continued till 29 July 1987. During this period, 134, 053 Sri Lankan Tamils arrived in Tamil Nadu.³

¹ V. SURYANARAYAN, “Sri Lankan Tamil Refugees in Tamil Nadu,” in S.D. MUNI and L. RAJ BARAL (eds.), *Refugees and Regional Security in South Asia*, (= MUNI and BARAL, *Refugees and Regional Security*), Delhi, Konark Publishers Pvt Ltd./Colombo, Regional Centre for Strategic Studies, 1996, p. 221.

² Basic references for understanding the situation of Sri Lankan Tamil Refugees in Tamil Nadu, India, are: K. AROCKIAM, *A Study on Social Consequences of Prolonged Camp Life of Sri Lankan Refugees in Tamil Nadu, India*, Doctoral dissertation submitted for the Doctor of Philosophy in the Department of Sociology, Tiruchirappalli, India, Bharathidasan University, 2007; S. DAS, *Refugee Management: Sri Lankan Refugees in Tamil Nadu: 1983-2000*, New Delhi, Mittal Publications, 2005; V. SURYANARAYAN and V. SUDARSEN, *Between Fear and Hope: Sri Lankan Refugees in Tamil Nadu* (= SURYANARAYAN and SUDARSEN, *Between Fear and Hope*), Chennai, T.R. Publications, 2000; B. BASTIAMPILLAI, “Sri Lankan Tamil Refugees in Tamil Nadu: Trouble to the Host,” in MUNI and BARAL, *Refugees and Regional Security*, pp. 194-218, and S.G. DE FONTGALLAND, *Sri Lankans in Exile: Tamils Displaced*, Madras (Chennai), Cerro Publications, 1986.

³ See *Reports on Refugees*, Department of Rehabilitation, Government of Tamil Nadu, Chennai (Madras), India, 1987; SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 73; BASTIAMPILLAI, “Sri Lankan Tamil Refugees,” pp. 200-201, and DAS, *Refugee Management*, pp. 36-37.

Following the India-Sri Lanka Accord, 1987, the first phase of repatriation took place and 25,585 refugees and non-camp Sri Lankan Tamil nationals returned to Sri Lanka between 24 December 1987 and 31 August 1989 by chartered ships (see SURYANARAYAN and SUDARSEN,

The second phase took place between 25 August 1990 and 30 April 1991. During this period, 122,000 Sri Lankan Tamils crossed over. Of these, 115,680 were destitute and were accommodated in refugee camps.⁴ The third phase began in July 1996, lasting till December 2000. By the end of December 1999, around 20,000 additional Sri Lankan Tamils came to Tamil Nadu as refugees.⁵ By 2000, the number of refugees remaining in the camps was 65,940 in 129 camps, apart from those who lived outside.⁶

The fourth phase continued from 2001. Due to the continual war between the Sri Lankan Army and the Liberation of Tigers of Tamil Eelam (= LTTE), many Tamils from the island crossed over to the shores of Tamil Nadu. By December 2007, 20,406 more refugees came to Tamil Nadu. It is estimated that the total number of refugees remaining in the camps today is around 75,000 distributed in 103 camps.⁷

Between Fear and Hope, p. 73, and DAS, *Refugee Management*, p. 41).

⁴ See DAS, *Refugee Management*, pp. 42-44, and SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 73. The second phase of repatriation started on 20 January 1992. According to UNHCR, 54,188 refugees were voluntarily repatriated to Sri Lanka by chartered ships and flights from 20 January 1992 to 20 March 1995 (see SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 73; BASTIAMPILLAI, "Sri Lankan Tamil Refugees," pp. 197-198, and DAS, *Refugee Management*, pp. 46-47).

⁵ See SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 73, and DAS, *Refugee Management*, pp. 47-48.

⁶ See "Camp Population of Sri Lankan Refugees Staying at Various Camp Centres in Tamil Nadu," in *Reports on Refugees*, Public (Refugees) Rehabilitation Department, Government of Tamil Nadu, Chennai, India, as reported in DAS, *Refugee Management*, pp. 141-150.

⁷ See *Report of the Daily arrival of Sri Lankan Refugees in Tamil Nadu*, Letter No. Pdl.389/H/2007 dated 27.12.2007, by the Special Commissioner & Commissioner of Rehabilitation, Chepauk, Chennai. See also "Camp Population of Sri Lankan Refugees Staying at various Camp Centres in Tamil Nadu," in *Reports on Refugees*, Public (Refugees) Rehabilitation Department, Government of Tamil Nadu, Chennai, India, 1 November 2005. For Tamil Nadu refugee camps, see Appendix II, pp. 293-294.

4.1.1 – Social Dimension

Our study is confined to the details of the ‘Camp Refugees’ only.⁸ It is now over 26 years since Tamil refugees began arriving in Tamil Nadu. The Central and the State governments in India have made efforts to help them. Yet, these displaced persons felt insecure and became depressed when they considered their future. Their experience during the ethnic violence in Sri Lanka had caused such a feeling of panic that they could not easily forget it. Being a homogenous group, they were able to interact and socialize with each other, within as well as outside the group. This social dimension of Tamil refugees will help us understand their situation better and enable us to plan for appropriate pastoral care.

⁸ Sri Lankan Tamils in Tamil Nadu can be divided into four categories. 1) Refugees in camps; 2) Non-Camp Refugees; 3) Sri Lankan Tamil Nationals living in Tamil Nadu; 4) Sri Lankan Militant Tamil Refugees detained in Special Camps.

There were 50,703 registered refugees dwelling in 103 camps situated in 24 districts of Tamil Nadu as of 1 November 2005. Non-camp refugees are those who do not reside in the government run refugee camps for personal reasons but registered themselves at their nearest police station and reside along with the local Tamils. They do not receive any relief assistance from the Government, except education facilities. According to ‘Q’ Branch report (‘Q’ Branch is a section of the Indian Intelligence wing), they number around 20,600.

Some Sri Lankan Tamils belonging to the well-to-do sections of Sri Lankan society came to India on tourist visas, issued by the Indian High Commission in Colombo, Sri Lanka, but they continued to stay in India even after their visa had expired. These Sri Lankan Tamil nationals were estimated to be around 80, 000.

Some Sri Lankan Tamils had been detained in special camps for their militant activities. Though they were not technically and legally prisoners, their plight was worse than those who were convicted and sentenced to specific terms of imprisonment. In 1992, there were 1,629 militants held in five special camps. By the end of 2000, there were 140 persons remaining in three special camps. By March 31, 2003, there was only one special camp, and the detainees numbered 34. See SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 75; DAS, *Refugee Management*, pp. 33-34, and AROCKIAM, *A Study on Social Consequences*, pp. 6-7.

4.1.1.1 – Camp Life in General

The term ‘camp’ connotes its temporary nature, but in the case of Sri Lankan Tamil refugees, the existence of these camps has continued due to the repeated turmoil in the country. Refugees have been forced to live in these temporary camps for years, and not surprisingly, are often in a state of suffering. However, within that time most have learned to adjust and survive, although they considered their camp-life in India as one of desperation. Most of the middle-aged people, who had witnessed the turmoil in their homeland and had personally suffered, felt that their lives in the camps had little if any meaning.⁹

Rations and dole are distributed periodically, but for extra money the refugees need to work on an average of 10 to 15 days per month. They also have developed the habit of spending a lot of money on marriage and birthday celebrations and funerals. Often they are forced to borrow money from local moneylenders. On the whole, their life in the camps is a hand-to-mouth existence. They live in very small and congested huts without any privacy. However, such living conditions have forced them to come closer to each other. They also have learned to live in quasi-extended family situations in an alien land. Caste and class discrimination diminished to some degree, and sharing and caring became part of their life.¹⁰

⁹ See DAS, *Refugee Management*, p. 56 and C. AMALRAJ, “Sri Lankan Tamil Refugees in India: Accords, People and UNHCR,” in T.K. BOSE and R. MANCHANDA, (eds.), *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, Kathmandu, South Asia Forum for Human Rights, 1997, pp. 197-199.

¹⁰ See DAS, *Refugee Management*, pp. 58-59, pp. 58-59; SURYANARAYAN, “Sri Lankan Tamil Refugees,” p. 222, and “Sufferings and difficulties of the Sri Lankan Tamil refugees at Kullursandhai camp near Virudhu Nagar, Tamil Nadu, India,” <http://www.dinamalar.com/Tamilagaserapuseithigal/t3.asp>, 19/04/2007, and S. RAMALINGAM, *Report on Conditions in Refugee Camp in Vellore, Tamil Nadu*, (launched on 10 May 1998, Two

4.1.1.2 – Health Condition of the Refugees in the Camps

Sri Lankan Tamils lived in a good climate and environment in Sri Lanka. After their arrival in Tamil Nadu, they found it to be a very dry place with a shortage of water, and poor living conditions compared to what they had in their country. Thus, after living in India for a prolonged period of time, they contracted diseases: malaria, typhoid, viral fever, chicken-pox, small-pox, diabetes, jaundice, asthma, and dysentery, the common health problems prevalent in the camps. Rare diseases are also found among the refugees, such as tuberculosis, cancer, heart problems, and skin diseases. The medical professionals are of the opinion that the refugees are very susceptible to a variety of ailments since they are deprived of proper nourishment and food. They are not only physically weak but also mentally disturbed because of their prolonged stay outside their own homes and country.¹¹

4.1.1.3 – Relationships Between the Refugees and the Local People

The Sri Lankan Tamil refugees are not huddled into secluded places. In fact, the camps are located close to the villages or towns of the local Tamils. It is no wonder, then, that the local Tamils have been quite hospitable to them, not only because of geographical proximity, but also due to ethnic affinity. In the early 1980s, the local Tamils were very sympathetic towards the refugees and offered them considerable support by sharing with them food, essential comforts, and employment. The media also

Years Old, 4000 pages & growing ...), in www.tamilnation.org/refugees/tamilnadurefugee.htm,..

¹¹ See DAS, *Refugee Management*, p. 69, and AROCKIAM, *A Study on Social Consequences*, pp. 211-217.

responded positively, and the political tone during this time was favourable to them both at the Centre and in the State.¹²

In countries like Canada, Great Britain, Switzerland, Germany, France, Holland, Italy and Australia, Tamil refugees suffered language problems. They had to learn a new language totally different from their mother tongue. Whereas, in the case of refugees in Tamil Nadu, although their accent differs slightly from that of the local Tamils, they share and speak the same language which culturally binds them together. Additionally, like the majority of the Tamils in Tamil Nadu, the majority of the Sri Lankan Tamil refugees are also Hindus. And even Christians who are slightly less than half in number, found themselves in familiar surroundings among the local Christians. Thus, cultural-linguistic and religious affinities have made Tamil Nadu a familiar place to Tamil refugees since they fled from Sri Lanka.¹³

During the 1990s, however, the situation changed radically. The assassination of the former Indian Prime Minister Rajiv Gandhi on 21 May 1991 at Sriperumpudur near Chennai by a LTTE suicide squad affected the relationships between Sri Lankan Tamil refugees and the local Tamils. The Sri Lankan Tamils overnight became unwelcome. Though they were suspected of perpetrating the crime, “remarkably there still was no violence against the Sri Lankan Tamil refugees even after Rajiv Gandhi’s assassination unlike the scenario vis-a-vis the Sikhs after Indira Gandhi’s murder.”¹⁴ The refugees were

¹² See AROCKIAM, *A Study on Social Consequences*, p. 193, and DAS, *Refugee Management*, pp. 60-61.

¹³ See BASTIAMPILLAI, “Sri Lankan Tamil Refugees,” pp. 199-200, and AROCKIAM, *A Study on Social Consequences*, pp. 193-195.

¹⁴ BASTIAMPILLAI, “Sri Lankan Tamil Refugees,” p. 199; also see SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 94.

not harassed or ill-treated by the Indian security force, but socially and emotionally they experienced terrible agony and felt unwanted.¹⁵

However, the gap between the local Tamils and the refugees began to widen. Particularly, the latter's prolonged stay in Tamil Nadu made the local people feel that the refugees had become parasites sapping the resources and reducing the employment opportunities for their own people. Tamil refugees who were in search of daily livelihood were prepared to work for cheaper wages. This led to unemployment among the local Tamils. Besides, rumours were circulated that some of the unemployed Sri Lankan Tamils were involved in criminal activities — all this increased the bitterness among the local Tamils towards the refugees. Thus, we cannot deny the fact that Tamil refugees did suffer mentally and psychologically as they were looked upon with suspicion. They faced hostility from the local Tamils in many parts in Tamil Nadu and were labelled as “*agadhi*” — the Tamil word for “refugee.” Such treatment really affected their human dignity and stigmatised them. This situation continued from 1991 up to 2005.

Caritas-India reports their plight in these words: “The refugees also face hostility from the local population further delaying the process of assimilation. The overall impact is the gross violation of the rights of these people to live with dignity. Having arrived with no assets in an alien land, the refugees confront poverty and discrimination and an environment of suspicion.”¹⁶ The plight of the Tamil refugees challenges the Catholic Church in Tamil Nadu to commit its resources to care for the pastoral care of all Tamil

¹⁵ We will elaborate on the pain and suffering they had undergone emotionally, psychologically and socially when we deal with the Church's ministry to the refugees.

¹⁶ S.R. SANDERS, *Title of the Project: Relief and Rehabilitation for Ensuring the Human Dignity of the Sri Lankan Tamil Refugees in 9 Dioceses of Tamil Nadu*, 25-02-2008, Chennai, Caritas-India, 2008, p. 2.

refugees. Fortunately, around 2005, the attitude in Tamil Nadu began to change in favour of the refugees.

4.1.1.4 – Social Problems

Every society has its own social problems, and the Sri Lankan Tamil communities are no exception. In their life in the camps, they face regional differences, caste differences, religious differences, child labour, early marriage, school drop-out, unemployment, sexual harassment, dowry problems, and suicide; among these, the predominant ones are: unemployment, early marriage and school drop-out,¹⁷ and these call for special pastoral care.

Early marriage among the Sri Lankan Tamil refugees is something new and an emerging social phenomenon in the camps. The camp setting is congested to the core, with close physical proximity and lack of privacy, which do not allow parents to keep their young girls for longer period at home. Parents thus face intense social pressure. Added to that, it is unsafe and insecure to keep young girls at home while the parents are out at work.¹⁸

There were some suicides in the camps. This is a relatively new phenomenon prevalent among refugees, the reasons being social pressure, poverty and insecurity. Suicide is rare among men, in the camps, but is more common among women. Women are a more vulnerable group because of intense social pressure due to poverty and lack of

¹⁷ See AROCKIAM, *A Study on Social Consequences*, pp. 184-201.

¹⁸ See *ibid.*, p. 191.

privacy. Furthermore, camp life engenders feelings of insecurity where women are made to feel unwanted. Often the cause of suicide among women or girls is false love affairs.¹⁹

School drop-out is a new trend among camp refugees. One of the main reasons for this is the lack of employment opportunities. Even graduates cannot find proper employment. Therefore, the parents are less inclined to support their children's education. Moreover, poverty does not allow them to provide for it. Thus, the children try to find employment at an early age.²⁰ The refugees' conditions challenge the Catholic Church to develop a special system of pastoral care for them.²¹

4.1.2 – Economic Situation

The refugees in general do not have many job opportunities; those offered to them by the government and private organisations are generally temporary in nature. Most men found it difficult to get jobs, because their movement was generally restricted to the camps. Some of them wanted to go far away from the camps to find suitable employment, but their long absence resulted in the cancellation of their registration. Thus, most of them had to look for whatever jobs were available near the camps. Most of them ended up in the transport business, some became auto-rickshaw drivers, while others sold vegetables, fruits and fish. Those who resided in camps near the seashore joined the local fishermen in the fishing business.

Apart from these jobs, refugees work as daily coolies in the local markets, at stone cutting, construction work, masonry, cable connecting, loading and unloading at railway stations, and in tile and brick manufacturing companies. As refugees, they are not entitled

¹⁹ See *ibid.*, pp. 192-193.

²⁰ See *ibid.*, p. 199.

²¹ See JOHN PAUL II, *Address to Refugees in Exile at Morong*, pp. 389.

to seek white-collar jobs. They accepted whatever job is available to them at the local level.²²

4.1.3 – Psychological Condition

Camp life hardened the Tamil refugees to withstand any given situation. It also forced them to overcome their petty mentality and to become more open to each other. However, there are also serious psychological problems in the camps, such as depression, disintegration, dependency, family separation, isolation, and loneliness. Adults who have experienced war, violence and other hardships in their homeland continue to suffer from depression. Furthermore, the 2004 Tsunami that hit Sri Lanka washed away thousands of their relatives. This loss of loved ones still haunts and troubles them.²³

Refugees' lives in the camps make them dependent on others, particularly on government officials, such as the Revenue Inspector, Q Branch Police personnel or camp leaders. Dependency leads to a kind of slavish attitude and, at times, diminishes both their ability to think for themselves and their human dignity. Refugees are forced to accept whatever is placed before them. Moreover, the war has separated families. As a result, one spouse remains in India while the other one has moved to Canada or the UK or France. There is, therefore, psychological and emotional longing for each other.²⁴

Then, there is the problem of forced relocation of refugees. Sometimes the officials, for no apparent reason and without any warning, force the refugees to move to another camp, sometimes 200 or 250 kilometres away. This causes in them a sense of

²² See DAS, *Refugee Management*, pp. 59-60, and AROCKIAM, *A Study on Social Consequences*, pp. 174-181.

²³ See AROCKIAM, *A Study on Social Consequences*, p. 219.

²⁴ See *ibid.*, p. 220.

isolation and loneliness. Even educated youth feel frustrated, unwanted and isolated because of lack of employment, even after their graduation.²⁵ A Refugee worker points out clearly the frustrated life of refugees in the Camps in Tamil Nadu:

Social scientists find refugees disoriented beings. The refugee mind is in constant confusion. His life is determined by officials of an alien land. His 'house' is restricted, his movement monitored and his food rationed. He is an object under the gaze of officials and charity groups, denied even a modicum of privacy. Life is oppressively monotonous. This disintegration of his sense of self is an aspect rarely considered. On top of this he lives in the midst of a hostile environment where local politicians have made the Sri Lankan Tamils a scapegoat for all ills.²⁶

In addition to that, "from the refugees' perspective, living in camp conditions is fraught with unforeseen problems. Privacy is lost; so too are the refugees' sense of control over their lives. Divorced from the routines and responsibilities of daily, independent living, refugees find it difficult to maintain their self-respect, self-reliance and a belief in their own future."²⁷ All these impose a moral obligation on the Church to reach out to them through a special ministry specifically directed toward such persons.

4.1.4 – Religious Dimension

Sri Lankan Tamil refugees are Hindus or Christians. Christians are divided into Catholics and those who belong to other Christian denominations, such as the Church of South India, Methodists, Assembly of God, and other Pentecostal Churches. We do not have access to the exact statistics of refugees based on their religion. However, the majority of the Sri Lankan Tamil refugees in the camps are Hindus and it seems at least

²⁵ See *ibid.*

²⁶ AMALRAJ, "Sri Lankan Tamil Refugees in India," in BOSE and MANCHANDA, *States, Citizens and Outsiders*, p. 198.

²⁷ RAPER and VALCÁRCEL, *Refugees and Forcibly Displaced People*, pp. 54-55.

45 per cent would be Christians, of whom the majority had been Catholic in the early 90s but now it is very difficult to confirm these statistics.

Tamil Hindus have built small temples for themselves with local help. Temples are the centres of their worship. Although they do not have formal sets of prayer or *puja* worship, they are able to perform religious activities. They celebrate Hindu festivals; in particular, their village festivals. Additionally, like the local Tamils, they also observe 40 days of fast and prayer and go on pilgrimage to Pazhani, Samayapuram, Thiruchendur, Melmaruvathur, and Madurai in Tamil Nadu, and to Sabarimalai in Kerala, as well as to Tirupati in Andhra Pradesh. Moreover, many Hindus also make pilgrimages to Christian shrines, one of the most famous being that of Our Lady of Good Health, at Velankanni in Tamil Nadu.

In every camp, we also find Christians who are not Catholic. In the beginning, there were mostly chapels for Catholics. Many Catholic priests helped to construct small chapels for prayer and worship. Gradually other denominations built their own churches. Catholics used to go to the neighbouring parishes for worship. Priests, accompanied by religious Sisters, used to visit them in camps and celebrate the Eucharist with them.²⁸ Many local Tamil Pentecostal pastors also used to visit the camps and refugees, both Catholics and Hindus. Presently, there are Pentecostal churches in every camp. The Pentecostal pastors conduct fasting and prayer services as well as night vigils; they bring in pastors from other cities and even from other countries. Some refugees are attracted to them because they find relief for their emotional problems in the form of their worship. Both Catholics and Christians go on pilgrimage to Marian shrines, especially to

²⁸ We will deal later with the Catholic Church's contribution to the pastoral care of refugees.

Velankanni, Our Lady of Poondi near Trichy, and to Marai Malai Madha Shrine near Chengalpattu in Tamil Nadu.

4.2 – ASSISTANCE FROM GOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES

Many governmental and non-governmental agencies are involved in the care of refugees in Tamil Nadu. Both the State Government of Tamil Nadu and the Central Government of India and other non-governmental organisations (= NGOs) offer concrete relief assistance.

4.2.1 – Central and State Governments' Efforts

In India, the 'Ministry of External Affairs', 'Ministry of Home Affairs', 'Ministry of Information and Tourism', 'Commission of Rehabilitation Department', and 'Public (Rehabilitation) Department' are the major government offices that deal with the management of refugees at the central and state levels. Final decisions are made with the consent of the Prime Minister of India and the Chief Ministers of the respective States. Although India had taken part in the activities of the United Nations High Commissioner for Refugees, it has not signed either the 1951 Refugee Convention or the Protocol of 1967.²⁹

India does not have a clear policy on determining refugee status. Its policy, however, is based on the mutual working relationship between India and the country from which refugees originate. In India, there is also no basic legal framework for providing protection for refugees. Dealing specifically with the Tibetan refugees, the first Prime Minister of India, Jawaharlal Nehru declared that India's policy on the refugee status of

²⁹ See DAS, *Refugee Management*, pp. 80-81.

the Tibetans was governed by three factors: “1) India’s desire to maintain friendly relations with the People’s Republic of China; 2) protection of the security and territorial integrity of India, and 3) India’s deep sympathy for the people of Tibet.”³⁰ The same principles govern India’s overall policy towards Sri Lanka.

In India, there is no basic legal framework for providing protection for refugees. Their problems are dealt with on an *ad hoc* basis. As for the minimum standard of treatment of refugees, India has undertaken an obligation by ratifying the International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights. These oblige India to accord equal treatment to all, citizens and non-citizens, wherever possible. Thus in India, the right of asylum was affirmed on humanitarian grounds. Based on this policy, the Tibetans and Sri Lankan Tamils were granted asylum and refugee status. No other community or group in India has been recognised as refugees.³¹ Hence, the Sri Lankan Tamil refugees have enjoyed the support of the host government in the Indian State of Tamil Nadu.

4.2.1.1 – Accommodation Facilities

The Sri Lankan Tamil refugees in Tamil Nadu are provided with basic infrastructure facilities, such as housing, drinking water, toilets, and electricity. The refugee camps are established in different locations: open space camps, go-down (warehouse) type camps, dry rocky hills, dam sites, urban, industrial and rural site camps. Go-down type camps have tile roofing, and consist of a hall, partitioned with plastic sheets to separate each family. A few camps have terraced buildings where each family is

³⁰ SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 83.

³¹ See R. NAIR, “Refugee Protection in South Asia,” in BOSE and MANCHANDA, *States, Citizens and Outsiders*, pp. 88-94.

given a room. However, most of the camps have small huts. These huts, 10 x 10 feet, were constructed on Government lands, Regulated Market Committee Authority (RMC) Compounds, on lands rented from private parties, or on temple lands. A single row has ten to fifteen huts. Some government buildings, community centres, municipal buildings, cyclone shelters, inexpensive private rented buildings, Small Industries Development Corporation (SIDCO) buildings and lands, Public Works Department (PWD) buildings are also used to accommodate the refugees.³²

Refugees are provided with single line electric power, available for only twelve hours each day between 6 pm to 6 am, and there is no power during the day. The electricity supplied to the refugees is free.³³ Sanitation facilities are given great importance in the camps. Bathrooms and toilets are constructed in every camp. But in most of the camps these facilities are not used because of the lack of maintenance.³⁴ Every camp has a bore well for drinking and domestic purposes. The water is not good in some camps, and people have to get water from wells in nearby local areas. Sometimes the government provides water to the refugee camps through water tankers. However, it is an undeniable fact that lack of water is a real problem in many areas.³⁵ One writer describes this situation succinctly as follows:

While analysing the living conditions of the Sri Lankan Tamil refugees, it is necessary to highlight the fact that they have come from a poor country to a

³² See DAS, *Refugee Management*, pp. 80-81, and AROCKIAM, *A Study on Social Consequences*, pp. 231-233.

³³ See DAS, *Refugee Management*, pp. 84-85.

³⁴ See *ibid.*, p. 85, and AROCKIAM, *A Study on Social Consequences*, p. 234.

³⁵ See DAS, *Refugee Management*, p. 85, and AROCKIAM, *A Study on Social Consequences*, pp. 235-236.

poorer country. [...] In fact the living conditions in the camps could be much improved if the lower rungs of the bureaucracy become more sensitive to refugee feelings.³⁶

4.2.1.2 – Relief Assistance in the Camps

‘Cash Dole’ is a relief assistance given to refugee families based, on the age of each individual in a family, from the date of their arrival in India and first admission to the transit camp. The amount varies according to the head of the family, additional members, first child and additional children. The ‘Cash Dole’ amounts to Rs. 200 for one member, Rs. 144 for each additional adult member, Rs. 90 for the first child below 12 years of age, and Rs. 45 for each additional child in the family. Every fortnight the ‘Cash Dole’ is given to the head of the family.³⁷

Apart from the ‘Cash Dole’, refugees are also provided with ration cards which are generally issued for the whole family as a unit. Rice at the subsidised rate of Rs. 0.57 per kilogram is supplied, whereas the local people in the State have to pay Rs. 3.50 per kilogram from the public distribution system. However, in several camps they don’t receive the subsidies on time. Refugees are also supplied with other essential commodities such as sugar, kerosene, and wheat. The government of Tamil Nadu also provides them with clothes, blankets and mats. Utensils are also supplied to each family at the beginning, and then once every two years.³⁸ Generally, medical assistance is provided to all needy refugees in the Primary Health Centres. However, serious cases are

³⁶ SURYANARAYAN, “Sri Lankan Tamil Refugees,” p. 222.

³⁷ See DAS, *Refugee Management*, pp. 85-86; AROCKIAM, *A Study on Social Consequences*, p. 239, and SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 81.

³⁸ See DAS, *Refugee Management*, pp. 87-89; AROCKIAM, *A Study on Social Consequences*, pp. 237-238, and SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 81.

referred to the nearby Government Hospitals. The sick person can seek relief assistance and one attendant is permitted to stay with the sick person in the hospital for the entire period of treatment.³⁹

4.2.1.3 – Assistance for Educational Activities

Children of all Sri Lankan Tamil refugees are permitted to study in the local government schools free of cost up to the 12th grade (Higher Secondary Education), with free uniform, textbooks, and noon meals. This educational provision was suspended after the assassination of Rajiv Gandhi in 1991-92 during the regime of the Chief Minister Ms. Jayalalitha, but, after repeated appeals, it was restored from 1993 onwards. In the past few years with the involvement of NGOs in the camps, many students from the refugee camps have pursued university degrees, such as B.E., M.B.B.S., etc. in Tamil Nadu.⁴⁰

4.2.2 – The Role of the United Nations High Commission for Refugees (UNHCR)

The office of the United Nations High Commission for Refugees (UNHCR) is an international organisation for the welfare of refugees all over the world. This Commission (UNHCR) has two main functions: to provide international protection to refugees and to seek permanent solutions for their problems. It became involved with the Sri Lankan refugees in Tamil Nadu only in the 1990s. After the assassination of Rajiv Gandhi, the Indian Government began to repatriate the refugees to Sri Lanka. As news of forced repatriation spread around the world, UNHCR and the Indian Government entered into negotiations with respect to the refugee problems in Tamil Nadu. The Commission was critical of forced repatriation. On 27 July 1992, India signed a Memorandum of

³⁹ See DAS, *Refugee Management*, pp. 89-90.

⁴⁰ See *ibid.*, pp. 92-94; AROCKIAM, *A Study on Social Consequences*, pp. 239-241, and SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, p. 82.

Understanding with UNHCR, so that UNHCR could monitor their repatriation of the refugees. The other objective of UNHCR in India was to create 'public awareness of refugee situations and issues in India and promote a legal framework for the protection of refugees'.⁴¹

Subsequently in July 1992, UNHCR opened an office in Chennai (Madras), Tamil Nadu. The UNHCR's major work was to see that the repatriation of Sri Lankan Tamil refugees was not forced. All those who had signed the returnee forms were interviewed in camps by UNHCR officials to ascertain whether the repatriation was indeed voluntary. The Commission had no access to camps except by invitation. It also had no financial commitment. Any financial assistance to the Tamil Nadu Government for the repatriation of the refugees came from the Central Government of India.

Although UNHCR in Tamil Nadu was able to stop most of the forced repatriation, its presence did not change the refugee situation for the better as it was functioning within a limited mandate. If the cash dole or education provisions were discontinued, UNHCR was powerless to do anything. This was the situation in which UNHCR operated in the late 1990s. Its stand in 1991 was that conditions were not conducive for refugees to return to Sri Lanka, and its stand in 2000 was that the unsettled situation in Sri Lanka prevented UNHCR from actually promoting repatriation from India. Nonetheless, the Commission facilitated the return of those refugees who voluntarily desired to return to

⁴¹ See DAS, *Refugee Management*, pp. 105-106; SURYANARAYAN, "Sri Lankan Tamil Refugees," pp. 223-224; NAIR, "Refugee Protection in South Asia," in BOSE and MANCHANDA, *States, Citizens and Outsiders*, pp. 97-98, 103-104, and AMALRAJ, "Sri Lankan Tamil Refugees in India," in BOSE and MANCHANDA, *States, Citizens and Outsiders*, pp. 199-201.

their homeland. By May 1995, as per the UNHCR records, 51,188 refugees had returned to Sri Lanka, while 54,746 refugees remained in the camps.⁴²

4.2.3 – Organisation for Eelam Refugee Rehabilitation (OfERR) and Its Activities

The Organisation for ‘Eelam’⁴³ Refugee Rehabilitation was founded in 1984 by refugees themselves under the leadership of Mr. S.C. Chandrahasan. Its main objective was to assist and offer relief to all Sri Lankan Tamil refugees in Tamil Nadu. This organisation is a non-profit, non-political, and service-oriented agency. Its head office is in Chennai. It networks with other local non-governmental organisations and Catholic Church-based organisations in the respective regions, aiding the refugee rehabilitation programs.⁴⁴

4.2.3.1 – Educational Assistance

The Organisation for Eelam Refugee Rehabilitation gives high priority to the education of refugee children. It assists them in pursuing their studies in schools and colleges. Its other services are: guidance and advice concerning education; assistance for the admission to schools, colleges, technical institutions; conducting English-language coaching; offering adult education; organising special classes to enable students to adapt

⁴² See DAS, *Refugee Management*, pp. 107-108, and SURYANARAYAN, “Sri Lankan Tamil Refugees,” pp. 223-224.

⁴³ The term “Eelam” (also Eezham) is from Tamil language and stands for the entire Tamil territory in Sri Lanka, especially, the districts of Jaffna, Mannar, and Vavunia in the North and the districts of Trincomalee and Batticaloa in the East. The name Eelam is given to identify the entire Tamil land and the Tamils in Sri Lanka are calling for a separate independent state whose name would be Eelam or Tamil Eelam. Here the organisation’s name “Organisation for Eelam Refugee Rehabilitation” identifies that this is purely meant for those Tamils from Eelam, the Tamil territories in the island.

⁴⁴ See DAS, *Refugee Management*, pp. 109-111, and AROCKIAM, *A Study on Social Consequences*, p. 256.

to the Indian curriculum, and financial assistance to cover school or college fees, hostel fees and travelling expenses.⁴⁵

4.2.3.2 – Medical Assistance

The Organisation for Eelam Refugee Rehabilitation serves to prevent diseases and improve the well-being of women in the camps. It organises medical programs and provides medical services in order to sustain and improve the physical health of the refugees. It has a clinical laboratory service which stores medicines to be distributed according to requirements. Medicines are provided free of cost. It gives supplementary assistance to hospitalised patients and to those undergoing addiction treatment. The Organisation provides supplementary nutrition, food and vitamins for pregnant women, lactating mothers, children, as well as the sick.⁴⁶

4.2.3.3 – Income Generating Programmes and Training Programmes

The Organisation provides many useful programmes for the refugees, such as: training in carpentry, masonry, electrical work, poultry, and home gardening; sewing and tailoring; training for health workers and nursery teachers; communication and leadership training, and computer skills for social workers and graduates.⁴⁷ It helps the Tamil refugees to improve the quality of life in the camps by the following methods:

- 1). Construction of temporary sheds for community activities;
- 2). Motivating and assisting refugees in repairing their habitations;
- 3). Repairing of toilets and erection of enclosures around them;
- 4). Electrical repairs;
- 5). Provision of grinding stones;
- 6). Assisting refugees with travel and subsistence allowances

⁴⁵ See DAS, *Refugee Management*, pp. 113-117.

⁴⁶ See *ibid.*, pp. 117-119, and also AROCKIAM, *A Study on Social Consequences*, pp. 257-258.

⁴⁷ See DAS, *Refugee Management*, pp. 119-121, and also AROCKIAM, *A Study on Social Consequences*, pp. 258-259.

when travelling for official purposes; 7). Distributing relief supplies received from individuals and other NGOs, and 8). Awareness building on environment protection and the use of renewable energy.⁴⁸

Thus, OfERR has dedicated itself to the work of assisting Sri Lankan Tamil refugees. It is an organisation of the refugees by the refugees and for the refugees.⁴⁹

4.3 – THE CHURCH’S RESPONSE TO THE PASTORAL NEEDS OF REFUGEES

As Pope John Paul II, ever mindful of its mission to uplift the most vulnerable of the human family, says: “The Church carries out extensive relief efforts on behalf of refugees. [...] Indeed this is *an integral part of the Church’s mission* in the world.”⁵⁰ To this Pope Benedict XVI adds, “[the Church] does, however, have a mission of truth to accomplish, in every time and circumstance, for a society that is attuned to man, to his dignity, to his vocation. This mission of truth is something that the Church can never renounce.”⁵¹ In response to their plight, the Catholic Church has, from the time the Sri Lankan Tamil refugees arrived in Tamil Nadu, offered considerable assistance to them. In the pages that follow, we will review briefly what the Church did for these refugees.

4.3.1 – Pastoral Care from July 1983 to May 1991

As waves of Sri Lankan Tamil refugees began to land in India in July 1983, the bishops, priests, religious, Christian faithful, and the Church-based NGOs, such as

⁴⁸ DAS, *Refugee Management*, p. 123.

⁴⁹ See SURYANARAYAN and SUDARSEN, *Between Fear and Hope*, pp. 105-106.

⁵⁰ JOHN PAUL II, Address to Refugees in Exile at Morong, p. 389.

⁵¹ BENEDICT XVI, Encyclical Letter on Integral Human Development in Charity and Truth, *Caritas in veritate*, 29 June 2009, Vatican City, Libreria editrice Vaticana, 2009, published by CANADIAN CONFERENCE OF CATHOLIC BISHOPS, Ottawa, CCCB Publications Service, 2009, p. 13.

Caritas-India and Diocesan Multipurpose Social Service Societies (DMSSS), earnestly began to offer the refugees whatever help they could in having them settled.⁵²

The Catholic Church in Tamil Nadu was actively involved, without interference from anyone, in the pastoral care of Sri Lankan Tamil refugees from 1983 until the assassination of the former Prime Minister Rajiv Gandhi on 21 May 1991. This period could be regarded as the golden era in the pastoral care of Tamil refugees. The Church “promoted an authentic *culture of welcome*.”⁵³ Indeed, “Christians [accomplished] all this by means of truly a fraternal welcome in the sense of St. Paul’s exhortation, ‘Welcome one another then, as Christ welcomed you, for the glory of God’ (Rom. 15:7).”⁵⁴ This was the first time that the Catholic Church in Tamil Nadu experienced a large scale of refugee flow from another country. During this period, both the central and the state governments, politicians, the press and the people were of one mind and heart with respect to Sri Lankan Tamil refugees. Tamil Nadu State was in fact fully on the side of the Tamil cause. When the Tamils reached the shores of Rameshwaram, the local Tamils received them with warmth and compassion. The Catholic Church also responded generously to their cries for help.

⁵² Because of lack of proper documentation, most of the data presented in our study concerning the pastoral care of Sri Lankan Tamil refugees was obtained through informal interviews with some members of DMSSSs, priests, religious sisters, Jesuit Refugee Service District Co-ordinators and refugees who were directly involved in the pastoral care. Due to communication problems, we could not obtain information from the *Caritas-India* despite our efforts to contact them.

⁵³ *Erga migrantes*, p. 783, n. 39; English trans. in *People on the Move*, 95 (2004), p. 135.

⁵⁴ *Ibid.*, p. 783, n. 40; English trans. in *People on the Move*, 95 (2004), p. 135.

4.3.1.1. – Emergency Relief

The local church supported the Sri Lankan Tamil refugees with all available means from the time they came ashore. When the refugees were eventually taken from Mandapam transit camp and located at different camps organised by the government, the local parish priests along with religious priests and sisters and lay Christian faithful provided them with mats, bed sheets, utensils, clothing and food. Parish priests organised their parishioners in support of the refugees and sought the cooperation of DMSSSs to secure help from *Caritas*-India, which normally supplied emergency relief funds to refugees through the DMSSSs. The parish priests served as intermediaries in the distribution of aid to the refugees.

4.3.1.2 – Immediate Needs

Priests and their collaborators made every effort to meet the refugees' immediate needs. Education was one such need, because children who left Sri Lanka could not continue their education. Without proper education their future in their new country looked very bleak. Many priests and sisters, in collaboration with the government, enrolled the children to the neighboured schools, sometimes even in boarding schools operated by religious sisters and brothers in different parts of Tamil Nadu. They also offered assistance in their medical, sanitary and housing needs. Religious sisters cared for the sick in their own dispensaries. Various NGOs and DMSSSs, with financial assistance from *Caritas*-India, helped the priests in their efforts to help the refugees.

4.3.1.3 – Care for Different Categories of People

The Church was sensitive to the needs of different categories of people in the camps. For instance, there were young people who had some education while others had

no schooling at all. Priests and their collaborators sent those who had sufficient education to different colleges or to technical schools for further education. Those who lacked education were trained as drivers or mechanics, while the girls were taught sewing so that they could earn their livelihood. Several women's self-help groups were organised in order to support one another in times of need.

4.3.1.4 – Psycho-Spiritual Care

Between July 1983 and May 1991, the pastoral care offered to the refugees was indeed commendable. Priests went to the camps, visited the people, listened to their stories of suffering and pain, celebrated the Eucharist and conducted novenas and prayer sessions. Being with them and praying with them brought to the refugees much healing and hope.⁵⁵ Many sisters, brothers and seminarians participated in the ministry to the refugees. In 1983-1984, Archbishop Casmir Gnanadhikam, SJ., the then Archbishop of Madurai, appointed Fr. Masilamani S. Pauliah, SJ., to oversee the spiritual care of the Tamil refugees in camps throughout Tamil Nadu.

Many Church-related organisations, such as the St. Vincent de Paul Society, the Marian Sodality, and Bible Study groups visited the camps and listened to the people. The Tamil refugees felt welcomed and safe in Tamil Nadu because of the pastoral care they received from the Church and its agencies. Even other Christians and non-Christians offered their support to the Church's ministry to the Tamil refugees. After the "Indo-Sri Lankan Accord in 1987"⁵⁶ was signed, the Church and the people in Tamil Nadu

⁵⁵ Information gathered from an interview with Fr. L. Amalraj, 6 August 2006, Vicar General of Sivagangai Diocese, the former Director of the Sivagangai Multipurpose Social Service Society from 1995-2000.

⁵⁶ The Prime Minister of India, Mr. Rajiv Gandhi, and the President of Sri Lanka, Mr. J.R. Jayewardene met at Colombo on 29 July 1987 and signed an agreement acknowledging the

encouraged the refugees to strive for a permanent solution to their problem so that they could start their lives afresh on the island. The media responded equally well to the plight of the refugees and the political climate during this time was favourable to them. In short, during 1983-1991, the local Church in Tamil Nadu witnessed what the Church Magisterium called for:

The responsibility to offer refugees hospitality, solidarity and assistance lies first of all with the local Church. She is called on to incarnate the demands of the Gospel, reaching out without distinction towards these people in their moment of need and solitude. Her task takes on various forms: personal contact; defence of the rights of individuals and groups; the denunciation of the injustices that are at the root of this evil; action for adoption of laws that will guarantee their effective protection; education against xenophobia; the creation of groups of volunteers and of emergency funds; pastoral care.⁵⁷

4.3.2 – Pastoral Care from June 1991 to 2010

The pastoral care of Sri Lankan Tamil refugees took on a different dimension during the period from June 1991 to the present. This period witnessed different aspects of the Indian government and the Catholic Church. The Second ‘Eelam War’⁵⁸ began in June 1990 and it brought in more Tamil refugees to India. After 25 August 1989, around 122,000 Sri Lankan Tamils had come to Tamil Nadu. Of these, some 115,600 were

need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and providing for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka. This agreement came to be called “Indo-Sri Lankan Agreement – July 29, 1987.” However this could not really solve the ethnic problem in the island. See DAS, *Refugee Management*, pp. 151-155.

⁵⁷ PCCU and PCPCMIP, *Refugees: A Challenge to Solidarity*, pp. 20-21. The Church law also challenges the Bishops to care for refugees. See c. 383, §1 (CCEO c. 192, §1); also see CD, nn.16, 18, 23.

⁵⁸ As mentioned above in note #58, the term “Eelam” (also Eezham) stands for the traditional Tamil territory (that is Northern and Eastern districts in Sri Lanka), in the island. The war that the LTTE waged against the Sri Lankan Security Forces in order to establish this territory as an independent state is known as Eelam War.

destitute and were accommodated in refugee camps.⁵⁹ The efforts of the Indian Peace Keeping Force (= IPKF) to usher in peace in Sri Lanka was not successful. The Indian Peace Keeping Force itself became a party to the conflict and this situation further resulted in the heavy influx of the refugees to India in greater numbers.⁶⁰

The social situation of Tamil refugees soon became different for a number of reasons: the political changes that were taking place in the State and at the Centre (due to the election campaigns both at Centre and State levels), as well as the activities of certain militant Tamil groups in Tamil Nadu. It was under these circumstances that the assassination of Rajiv Gandhi by a Sri Lankan Tamil suicide bomber took place at Sriperumpudur in Tamil Nadu on 21 May 1991. This event changed the Indian policy toward Sri Lankan Tamil refugees and also affected the pastoral care of refugees on the part of the Church.

The State government decided to consolidate the refugee camps so as to reduce tension after the assassination and also to provide security for the local people as well as for the refugees. In 1993, the Tamil Nadu Government consolidated and reduced the existing 237 camps to about 132. In the same year (1993), the Governments at the Centre and the State took unprecedented security measures and brought the camps fully under its control; they stopped the entry of NGOs, including Catholic Church based institutions, from working in the camps. The Government, however, tolerated organisations such as OfERR and Jesuit Refugee Service (JRS).

⁵⁹ See DAS, *Refugee Management*, p. 43; also *Report on Refugees*, Department of Rehabilitation, Government of Tamil Nadu, 1993.

⁶⁰ See DAS, *Refugee Management*, p. 44.

In the face of such a policy of the government vis-à-vis the Sri Lankan Tamil refugees, the Catholic Church encountered great difficulties in providing proper pastoral care to the refugees during 1991-2000. The refugees could not receive needed spiritual and emotional support from the Church. Besides the restrictions placed on it by the government, the Catholic Church in Tamil Nadu also faced problems at the local level on account of the 'Dalit Christians'⁶¹ and the Church had a difficult time to provide proper pastoral care to the refugees during this period. The Church had to be very careful in delivering its assistance to the refugees without contravening government policies.

During this difficult period, parish priests could not continue their pastoral work among the refugees as they had done before. They lacked material resources because of the restrictions placed on their movements by the Government. However during this

⁶¹ The Catholic Church in Tamil Nadu faced the Dalit Christian renewal in the 1980s which peaked in the 1990s. Various grassroots Dalit Christian Movements mobilised the Dalit communities to assert their rights and demand their rightful place within the Church and society at large. They demanded affirmative action in favour of the Dalit Christians. The Tamil Nadu Bishops' Council (TNBC) issued various declarations and statements for the cause of the Dalit Christians. Thus, the Bishops were pressured into doing something for them. Therefore the problem of Dalit Christians became more serious at the level of the local Church than the refugee issue in the 1990s.

Dalit Christians are those who are considered as the lowest caste in the Hindu Caste system. They had been ill treated as untouchables by the upper caste Hindus for centuries. Certain Dalits embraced Christianity because it treated them equals and with dignity. The Caste system entered Christianity and those Dalits who became Christians were not treated as equals, even in the Catholic Church. About 40% of the Indian Christians have their socio-economic and cultural roots at the bottom of this Indian caste structure. This means about 9.64 million persons were Dalit Christians in 2001. They constitute the Dalit Church. Nearly 66% of the Catholics in Tamil Nadu and Pondicherry are Dalit Christians. Today 20% of the Indian Catholics are in Tamil Nadu, the second largest after Kerala (about 35%). In Tamil Nadu and Pondicherry, out of a total Catholic population of 2.55 million, about 65 to 70% are Dalit Christians. The percentage varies from diocese to diocese, but in as many as 12 of the 16 dioceses, 50% or more belong to the Dalit communities. See J. DESROCHERS, *The Social Teaching of the Church in India*, Bangalore, India, NBCLC/CSA, 2006, pp. 43-44, 80-81, 99-100, 154-155; also in TAMIL NADU BISHOPS' COUNCIL (TNBC), *Goals and Programmes of the Catholic Church in Tamil Nadu*, Chennai, TNBC, 2005, pp. 24-25.

period (1991-2000), the Pentecostal Churches, including the Ceylon Pentecostal Mission (= CPM), worked among the refugees. The Pentecostal pastors proclaimed the Word of God and applied it to the refugees' real life situation. Needless to say, their approach seemed to have proven very effective in enticing many Catholics to change their ecclesial affiliation by turning to Pentecostal Churches.⁶²

Due to the prolonged stay of the refugees in Tamil Nadu, the Church also experienced discouragement as well as depletion of its material resources. For the same reasons, even the religious institutes which had been very actively involved in this ministry were not immune from this experience. They too were unable to offer proper pastoral care to the refugees.

Bishop Leon Dharmaraj, the late Bishop of Kottar Diocese in Tamil Nadu, who was in charge of the Commission for Migration in the Catholic Bishops' Conference of India (= CBCI), convened a general meeting with all the DMSSSs in 2000 and encouraged them to assume the pastoral care of the refugees through various projects funded by *Caritas*-India. In the late 2000s, a few religious institutes⁶³ responded to the

⁶² The source of this information: Interviews with FRs. C. AMALRAJ, L. AMALRAJ, A. MARTIN, J. SINGARAYAR, SR. S. PUSHPA, and MR. A. SANDHYA.

⁶³ In particular, my own Congregation, the Congregation of the Missionary Oblates of Mary Immaculate (= OMI) works with refugees and migrants in many parts of the world but it could not, at least for the time being adopt this vast mission to the Tamil refugees in Tamil Nadu where the Oblates already have many other missions. Ministry to refugees and migrants is obviously implied in their Constitutions, art. 5: "We are a missionary Congregation. Our principal service in the Church is to proclaim Christ and his Kingdom to the most abandoned. [...] wherever we work, our mission is especially to those people whose condition cries out for salvation and for the hope which only Jesus Christ can fully bring. These are the poor with their many faces; we give them our preference."

Nobody will deny that refugees are among the most abandoned people today. The service of the refugee is a challenge for the Oblates. The challenge to take up this special ministry has been open to the Oblates in India since 1983. Many Tamil speaking Oblates from the island have

JRS's invitation to help the 1254 refugee families with more than 4500 persons who arrived in Tamil Nadu in May and June 2006. Fr. Prem Kumar, SJ., coordinated this work along with the Sivagangai Diocesan Multipurpose Social Service Society and several other religious institutes. Sisters from the Presentation Congregation, the Congregation of the Immaculate Conception (Madurai), the Seva Missionary Congregation, the Congregation of Aloysius Gonzaga, the Congregation of the Immaculate Heart of Mary, the Congregation of St. Ann's (Madras), the Congregation of Jesus Mary Joseph, Congregation of the Franciscan Missionaries of Mary, the Congregation of the Franciscan Sisters of St. Joseph, and the Congregation of the Holy Cross were all involved in this endeavour.⁶⁴

4.3.3 – Diocesan Multipurpose Social Service Societies (DMSSS)

The Diocesan Multipurpose Social Service Societies are part of the diocesan curia especially concerned with the social development of people. Their role in their respective dioceses is to concentrate on social issues and execute projects in order to improve the living standard of the people. Many of these societies are also involved in the Tamil refugee camps established in their respective dioceses. In their ministry, these societies function as of *Caritas*-India, whose projects they implement.⁶⁵

served as missionaries in India since 1968 but so far no formal long term initiatives have been taken.

⁶⁴ See P. KUMAR, "Sri Lankan Tamil Ethnic Issue and the Influx of the Tamil Refugees and the Pastoral Care of the Catholic Church in Tamil Nadu," 30 June 2006, circulated letter to the Bishops, Major Superiors of all the Religious Congregations in Tamil Nadu, by Fr. Prem Kumar, SJ., the JRS/TN's Director on the plight of the Sri Lankan Tamil refugee and the Church's contribution, pp. 1-8.

⁶⁵ The groups within DMSSSs involved in the refugee care: Chennai Multipurpose Social Service (CMSS); Vellore Social Service Society (VSSS); Pondicherry Multipurpose Social Service (PMSS); Salem Multipurpose Social Service (SMSS); Dharmapuri Multipurpose Social

Among its projects, one could mention: building tuition centres for children; drilling bore wells; installing sanitary facilities; repairing and /or extending individual family shelters and community centres; providing domestic electrical wiring; offering special care to pregnant and lactating mothers through medical programmes, and emergency medical assistance by way of financial help; organising self-help groups for self-sustaining activities; improving living conditions at Mandapam Transit Camps, and distributing family kits as emergency help to new refugees.⁶⁶

4.3.4 – *Caritas-India*

The *Caritas* agencies do not normally support or perform formal religious sacramental activities, but they are generally open to what might be called socio-pastoral services.⁶⁷ Since 1983, *Caritas-India* has financially supported various projects for refugees. It does not operate directly among refugees but works through the diocesan DMSSS in Tamil Nadu, coordinating its projects on behalf of Tamil refugees.

Service (DMSS); Coimbatore Multipurpose Social Service (CMSS); Kumbakonam Multipurpose Social Service (KMSS); Thanjavur Multipurpose Social Service (TMSS); Trichy Multipurpose Social Service (TMSS); Pudukkottai Multipurpose Social Service (PMSS); Dindugal Multipurpose Social Service (DMSS); Madurai Multipurpose Social Service (MMSS); Sivagangai Multipurpose Social Service (SMSS); Toottukudi Multipurpose Social Service (TMSS), and Tirunelveli Social Service (TSS). DMSSSs also have been networking with the Jesuit Refugee Service (JRS) and Organisation for Eelam Refugee Rehabilitation (OfERR) in giving assistance to the Tamil refugees in the camps. See DAS, *Refugee Management*, p. 111.

⁶⁶ Source of this information: Interviews with Fr. C. Amalraj, SJ., on 29 June 2006 and Fr. L. Amalraj, on 16 August 2006.

⁶⁷ See M. RAPER, "Pastoral Accompaniment among Refugees: The Jesuit Refugee Service Experience," in P. BALLEIS (ed.), *The Pastoral Dimension of the JRS: Pastoral Consultation of JRS Workers*, Harare, JRS/Southern African Region, 1998, p. 30.

4.3.5 – Jesuit Refugee Service in Tamil Nadu (JRS/TN)

The Jesuit Refugee Service (= JRS) is an international Catholic non-governmental organisation founded in 1980 by Rev. Pedro Arrupe, the then Superior General of the Society of Jesus, in response to the global crisis of refugees. He was greatly disturbed by the sight of Vietnamese boat people. Their deplorable situation led him to found JRS on 14 November 1980.⁶⁸ Its threefold mission is to accompany, serve, and advocate the cause of the refugees and forcibly displaced people.⁶⁹ The Jesuit Refugee Service is present in 55 countries.

This Service has been accompanying the Sri Lankan Tamil refugees ever since they reached the shores of Rameshwaram. It began its organised service to them in 1990 under the dedicated leadership of Fr. C. Amalraj, SJ., who worked with them for 15 years. The organisation, in collaboration and cooperation with religious and lay people, is at the service of the Sri Lankan Tamil refugees. It has education as its first priority. Although a Catholic organisation, JRS serves the whole refugee population irrespective of any religious affiliation. Therefore, JRS/TN is involved in the social and educational uplifting of the refugees.⁷⁰

⁶⁸ See P. ARRUPÉ, Letter to all Jesuit Major Superiors, 14 November 1980, “The Society of Jesus and the Refugee Problem,” in D. VELLA (ed.), *Everybody's Challenge: Essential Documents of Jesuit Refugee Service 1980-2000*, Roma Prati, Jesuit Refugee Service, 2000, pp. 28-30; also see C. AMALRAJ (ed.), *Jesuit Refugee Service: Accompanying the Refugees – JRS Source Documents (= Accompanying the Refugees)*, Bangalore, JRS South Asia, 1999, pp. 19-21.

⁶⁹ See VELLA, *Everybody's Challenge*, p. 77; see also P.H. KOLVENBACH, Letter to the whole Society of Jesus, “Accompany, Serve and Advocate Their Cause: The Mission and Identity of JRS,” 24 March 2000, in C. AMALRAJ, *Accompanying the Refugees*, p. 42.

⁷⁰ See JESUIT REFUGEE SERVICE/SOUTH ASIA, *Guidelines of JRS/Tamil Nadu*, (= *Guidelines of JRS/Tamil Nadu*), Bangalore, JRS/South Asia Regional Office, 2004, pp. 1-3. Also JRS Annual Reports: JRS, *Jesuit refugee Service 1996-97*, Rome, JRS Office, p. 14; *Jesuit Refugee Service in 1998*, p. 13; *Jesuit Refugee Service - 1999 Report*, (Servir no. 18), pp. 28-29;

4.3.5.1 – Formal Education

The children attend the nearby Government schools to pursue education from classes I-XII, although some remain less motivated to attend school. Jesuit Refugee Service has been instrumental in providing them with basic formal education. The Organisation helps girls, orphans and children of vulnerable families stay in hostels and boarding houses to pursue while pursuing their education.

The refugee camps do not provide the students with an atmosphere conducive for serious study after school hours. The over-crowded huts, lack of lighting and noise are serious obstacles to study. The Jesuit Refugee Service has established evening tuition centres to assist the students in their educational needs. These centres were built with the collaboration with the NGOs such as OfERR, Roman Catholic Diocese Multi Purpose Social Societies, and *Caritas-India*.⁷¹

Jesuit Refugee Service/TN established three student associations at the primary school level (classes I-V), at the high school level (classes VI-X), and at the higher secondary level (classes XI-XII). These student associations are known as “*Manavar Mandram*,” and are provided with leadership training three times a year. Likewise, college students have their own association. These associations help the students bring out their talents and improve their educational skills.⁷²

Jesuit Refugee Service - 2003 Annual Report, p. 53; *Jesuit Refugee Service - 2004 Annual Report*, p. 53; C. AMALRAJ, *Annual Report 1997*, pp. 4-5; *Annual Report 1997-98*, pp. 4-8, and *Annual Report 1999*, pp. 8-11.

⁷¹ See V. JOSEPH, “Hope and Despair: JRS Tamil Nadu-India,” in C. AMALRAJ, *JRS: 20 Years of Service to the Refugees*, p. 78; *Guidelines of JRS/Tamil Nadu*, pp. 2-9, and also AROCKIAM, *A Study on Social Consequences*, pp. 252-253.

⁷² See *Guidelines of JRS/Tamil Nadu*, pp. 18-19, and also AROCKIAM, *A Study on Social Consequences*, p. 255.

4.3.5.2 – Technical Education and Grihini Centres

In the hope of an eventual return to their homeland, JRS/TN provides young refugees with technical courses, such as nursing, computer training, operating two wheeler and four wheeler vehicles, electrical wiring, servicing of electronic appliances, carpentry, welding and plumbing, catering training in secretarial work and office management. In the Grihini Centres teenage girls are taught basket making, embroidery, tailoring, handwork, and home management. In addition, holistic health and hygiene, yoga, leadership skills, rights of women and Sri Lankan history are taught.⁷³

4.4 – PROPOSALS FOR EFFECTIVE PASTORAL CARE OF REFUGEES

So far, we have examined the Sri Lankan Tamil refugees' situation and considered their suffering in Tamil Nadu. Their plight differs from those who are victims of a local disaster, where the unaffected community rallies around those affected, for example in the case of a flood or an earthquake, and when a somewhat normal situation is reached within a relatively short period of time. In the refugee situation, by contrast, people take to the roads and in so doing often lose the support of their neighbours. They really become a mobile, insecure and confused community which is a lost and leaderless group. They need special attention and care because they have lost everything; they struggle for their survival in their forced displacement and are nobodies in the sight of the world.

⁷³ See JOSEPH, "Hope and Despair: JRS Tamil Nadu-India, p. 78; *Guidelines of JRS/Tamil Nadu*, p. 11, and also AROCKIAM, *A Study on Social Consequences*, p. 254.

4.4.1 – Refugees' Struggle for Survival

We have shown how a refugee community is characterised by several types of deprivation, including total economic loss, seriously reduced health conditions, especially for the young and the old, and how forced migration reduces a community to a position of an unwanted minority in an unfamiliar environment. Further, the reality of uprooting affects the refugees' motivation, and it produces shock, frustration, resentment, apathy, inability to plan, and a sense of hopelessness. Within this context of loss, we can nevertheless distinguish five different inter-connected aspirations for survival.

Firstly, refugees struggle for their *biological survival*. The biological survival instinct is very strong in every person, but it varies according to one's will power. The human person has a natural instinct to remain alive, and one can go to extreme efforts and explore all possibilities before abandoning the will to survive. When so many normal supports are removed, some refugees fail to win the battle for life and some just make it, but at a tremendous cost.⁷⁴

The second struggle is for *economic survival* or *economic security* which is highly linked with biological survival. It is here that the NGOs can play a vital role in keeping all alive and healthy. The donors' help can stimulate the production of food and the provision of shelter by the refugees themselves. They can help the refugees to re-establish themselves with their own efforts. However, they should not always be kept dependent on others.⁷⁵

⁷⁴ See K. DOHENY, "Work among Refugees," (unpublished article of the author who has worked for many years among refugees in the refugee camps for so long in many countries in Africa), Lusaka, Zambia, February 1981, pp. 6-7.

⁷⁵ See *ibid.*, p. 7.

The third struggle is for *social survival*. Refugees are forced out of their home environment and they try to settle in a new place. They carry their own social system with them and wish to safeguard their values and attitudes. Refugee workers must try to study these social aspects and adjust to them rather than imposing their own system.

The fourth struggle is for *cultural survival*. People love their culture and will rarely abandon it. This is very clear among the Sri Lankan Tamil refugees in Tamil Nadu. Despite the common language and religion, they tend to keep to themselves and preserve their own specific culture and customs.⁷⁶

The fifth struggle is for *spiritual survival* which has a dominant role in their lives. It is easy for donors to supply material goods and, in fact, many agencies are busy doing so, but they do not touch the heart of refugees: the inner person in a refugee is frustrated because of his/her insecurity and mobile poverty. The refugee is desperate for someone who will understand his/her mental distress. Physical aid is not enough, but spiritual aid must also be given. In this regard, a refugee narrates:

Our physical needs were attended without too much regard to our emotional and spiritual needs. And it seems to me that part of any emergency rescue operation of any kind of disaster has to have three components, not only one. Together with food, clothing, shelter and medicines which are obvious things, there has to be emotional attention and also attention to the spiritual needs. We have to be aware of the psychological and spiritual needs, and if we are not, we will omit this only at peril and the consequence will be massive social trauma.⁷⁷

Refugee workers or NGOs often create new suffering and generate bitterness in spite of their good intentions. Their lack of empathy with the refugees, their obsession about getting things done, their eagerness to be efficient, their lack of time to share some of the

⁷⁶ See *ibid.*, pp. 8-12, and DAS, *Refugee Management*, p. 71.

⁷⁷ DOHENY, "Work among Refugees," p. 12.

sadness of refugees, can leave hurtful scars and antagonism. In the late 1990s, the Church too became like a NGO among the refugees. There was often the absence of real love and genuine concern for the refugees. There was often self-interest, personal satisfaction, and a gratifying feeling of achievement and accomplishment. The human touch is missing here. A refugee Sister once expressed:

We had all the material help we could wish for, food, blankets, etc., but these did not compensate for what we had lost — our homes, our loved ones. We needed help of a different kind, we wanted leadership, guidance, spiritual help, we needed a priest, a Shepherd, one we could trust and talk with and express our fears and emotions, our total desolation.⁷⁸

In our eagerness to help the refugees, we may run the danger of treating them as animals to be fed and of ignoring the far more important aspects of their psychological and spiritual needs. Often times, we do not respond to the craving for love and relationship inherent in every human person — this has been very clear from the pastoral response of the Church towards the Tamil refugees in Tamil Nadu. The greatest disappointment for any person is to feel unwanted and in fact to be unwanted — this is what the Tamil refugee communities in the camps went through for at least one decade from 1991 to 2000.⁷⁹

From this refugee situation, we learned that the first four survival aspirations have been fulfilled to some extent, although not to their full satisfaction, by the Government as well as the Church and other NGOs. The struggle for spiritual survival plays a vital role, and it needs to be attended to immediately by the Church which is the Mother and the

⁷⁸ Ibid., p. 2.

⁷⁹ See *ibid.*, pp. 12-13. This has been confirmed by the information gathered from interviews with Frs. C. Amalraj, L. Amalraj, A. Martin, J. Singarayar, Sr. S. Pushpa, and Mr. A. Sandhya.

Teacher of the nations. Therefore, this calls for its own pastoral vision and strategy, as well as for pastoral structures for refugee ministry.

4.4.2 – Pastoral Strategy: Jesus-Model of 4S

If ministry to the refugees is to be effective, this calls for a common strategy along with a corresponding pastoral structure. This strategy pictures the foundational experience of Jesus. We take the very opening section of the Gospel according to Mark: 1:9-12 as a basis for this.⁸⁰

4.4.2.1 – *Seeing from within*: Mk.1:9: “Entering into the Waters of the Jordan”

By “seeing from within,” we understand that one is entering into human life, into the historical process, into the waters of life-struggles, into the context of the marginalised, into the pain of the poor, the powerless, the refugees and the displaced. Getting to know the people or the mission can be done in many ways. Some may do so by statistical knowledge; others, by observational knowledge which is applied by many NGOs. For refugee ministry, we have to use “insertional knowledge” by which one really enters into and sees from within. This is the first step of the pastoral strategy called *seeing from within*. It means that, in so far as possible, we want to feel what the refugees have felt, suffer what they have suffered, share the same hopes and aspirations, and see the world through their eyes. Accompanying becomes a practical and effective tool for ministry. Our presence is a sign and a way of eliciting hope in them.⁸¹

⁸⁰ This particular section is based on J. ROSARIO, “A Pastoral Method for the Jesuit Refugee Service: Some Socio-Theological Reflections and Recommendations,” in P. BALLEIS, *The Pastoral Dimension of the JRS: Pastoral Consultation of JRS Workers*, Harare, JRS/Southern African Region, 1998, pp. 12-15.

⁸¹ See P.H. KOLVENBACH, Letter to the Jesuits, “Review of the Jesuit Refugees Service to the Whole Society,” 14 February 1990, in C. AMALRAJ, *Accompanying the Refugees*, p. 30.

4.4.2.2 – *Searching*: Mk.1:10a: “Heavens Opened”

“Seeing from within” proceeds to the second strategy, “searching” for a new future. Our involved, committed and participatory search with our refugees would “open up heavens” for a new vision, new hopes, new life, new meaning and “a new heaven and new earth” (Rev. 21). As “heavens opened,” Jesus too “opened up to” a new process of mission that is going to be made up of a definitive vision and passion.

Our faith vision has to be born out of such a process. The conceptualisation of our ministry to refugees must take place in the context of “emptying up” (Phil. 2). We are there to promote the Kingdom of God among refugees and among all people from the refugees’ perspective — justice based on truth, freedom based on human dignity, and community based on love.

4.4.2.3 – *Surrendering*: Mk.1:10b-11: “The Spirit came down as a Dove”

When Jesus “surrendered” himself to a future of God’s mission, he was applauded as “the beloved son.” He becomes a “spirited” person, awakened and energised, for the proclamation and praxis of the Good News (Mk. 1:14ff). He receives and embraces the Spirit as a dove, as a smoothening experience. Pastors/workers to refugees do and will merit the same consolation to the extent of their individual and collective surrender to God. Refugee ministry, on the part of pastors, cannot be a “professional career” but is “shepherding” the needy, vulnerable, forsaken and unwanted ones in the eyes of the world (cf. Mt. 25:31-45). Then we too hear the voice of the divine, “you are all my beloved partners.” As we listen to this voice, we (pastors/workers) give the Spirit and the

art of listening to the voices and cries of the refugees. “We are not so much a voice for the voiceless but we help those without voice to express themselves.”⁸²

4.4.2.4 – *Sacrificing*: Mk.1: 12: “The Spirit Led Him to the Desert”

“Surrendering” to the cause of the Kingdom of God is going to be a “struggle”— a struggle for justice and peace, a struggle for forgiveness and reconciliation, and a struggle for human rights and responsibilities. It is altogether a “desert-experience.” That was the way, even for Jesus. This has to be our way in working with the refugees. Struggle for human rights and justice and peace is the “paschal sacrifice” or paschal process. We have to pay the price, and it is a challenge to an inner transformation of our own values, attitudes and way of life. Peter Hans Kolvenbach, SJ, sums this up as follows:

Because Christ chose to express his love for us by walking the road into exile and, later in his life, making the journey to Jerusalem to suffer torture and death (Luke 9:51-19:28), our service and presence in the midst of refugees, if rooted in fellowship with Christ, can be a prophetic witness to God’s love for us and make that love visible and tangible to those refugees who have not heard the Good News. This witness is the pastoral dimension of our work with refugees.⁸³

Thus, inspired by verses 9-12 of Mark’s chapter one, these 4 S’s: “Seeing, Searching, Surrendering, and Sacrificing” make up our pastoral vision and strategy for refugee ministry. This leads us to explore various pastoral care requirements and programmes that would enhance their life, as well as pastoral structures which would become fitting instruments to actualise the pastoral care for Tamil refugees.

⁸² M. RAPER, “Pastoral Accompaniment among Refugees: The Jesuit Refugee Service Experience,” in P. BALLEIS, *The Pastoral Dimension of the JRS: Pastoral Consultation of JRS Workers*, Harare, JRS/Southern African Region, 1998, p. 30.

⁸³ RAPER and VALCÁRCEL, *Refugees and Forcibly Displaced People*, pp. 74-75.

4.4.3 – Concrete Programmes for Inner Healing

The people in the camps bear the scars of profound psychological, emotional, and moral trauma that is the consequence of the horrors they had witnessed or experienced during their flight from their native land. Before anything else, they certainly need interior healing and friendly support to feel that they are not alone, rejected or abandoned but accepted and lovingly affirmed as sisters and brothers in the land of refuge. In the following pages we will endeavour to propose a few programmes that might effect precisely this healing.

4.4.3.1 – Inner Healing of Persons

The pastoral care of refugees must take into consideration the healing of each refugee with all his or her personal needs. It is important that they are made to feel that they are also the children of God and that their plight does not detract anything from their unique relationship with God. Therefore, the socio-economic uplifting of the refugees cannot be separated from their pastoral well-being.⁸⁴

The healing process could be facilitated by periodic retreats and other forms of preaching to enliven the faith of the refugees (cf. c. 770). The responsibility of offering such an opportunity to refugees rests primarily on the shoulders of bishops and pastors, for canon 771 stipulates that bishops and parish priests are to see that the word of God is proclaimed also to those of the faithful who because of the condition of their life do not have sufficient common and ordinary pastoral care or lack of it completely. Although practically every parish in Tamil Nadu has an annual retreat for its faithful, special

⁸⁴ See P. SALA, “Refugees in Central and Eastern Africa: Pastoral Care Requirements,” in PCPCMIP, *Vulnerable Persons in Human Mobility: Pastoral Implications*, Proceedings of the XIII Plenary Meeting, Vatican, 24-27 October, 1995, Vatican City, PCPCMIP, 1996, p. 91.

retreats, especially Charismatic retreats, could be organized specifically for the Tamil refugees so that their particular psychological and spiritual needs receive proper attention. Such retreats or missions would offer them an opportunity to heal their inner hurts.

4.4.3.2 – Spiritual Sponsorship

One of the efficacious ways in which the morale of the refugees could be uplifted is to encourage the local Christian faithful to sponsor individuals or families.⁸⁵ This sponsorship may be considered akin to the “spiritual sponsorship” envisaged in the sacraments of Baptism and Confirmation (cf. c. 872, *CCEO* c. 684; c. 892). In baptism and confirmation, the sponsors assume a serious responsibility toward the one sponsored. A similar relationship could be fostered between Sri Lankan Tamil Catholic families and individuals and Tamil Catholic families in the local Churches in Tamil Nadu.

The Church in Tamil Nadu has already been involved in caring for the Sri Lankan Tamil Catholic refugees. But the refugees must experience a feeling that they belong to some one or some family. Therefore, it is advisable for Catholic families in Tamil Nadu to adopt a family spiritually. In other words, Catholic families must be encouraged to sponsor Sri Lankan Tamil Catholic refugee families.

The practical way in which to make this sponsorship effective is to take a census of all Sri Lankan Tamil Catholic refugees residing within a particular parish. A full list of the Catholic refugees must be made available to the sponsoring families. Before assigning refugee families to the Catholic families of the local parish, there must be a thorough background check of the sponsoring families in order to avoid any potential problems. Once the sponsoring families are identified and favourably assessed, they must

⁸⁵ See J. AROCKIAM, [josephjarockiam@yahoo.ca], “Spiritual Sponsorship,” 25 November 2009, personal E-mail.

be properly prepared for the reception of the refugee families. It would be the responsibility of the parish priest to seek the assistance of those experts in refugee matters, especially Jesuit Refugee Service, which would aid in implementing the sponsorship programme.

The practical *modus operandi* of this sponsorship programme could follow the following format: the sponsoring family may invite the Sri Lankan Tamil Catholic family into its home periodically for prayer and even for meals, if that is possible. Through prayer and study of Scriptures the two families can establish a strong spiritual relationship. This way the refugee families will experience a close bond with the sponsoring families. The spiritual sponsorship will offer all Catholic families involved in it charity and hospitality. In its teaching on the role of laity in the mission of the Church, the Second Vatican Council said:

Today these activities and works of charity have become much more urgent worldwide. [...] Wherever women and men are to be found who are in want of food and drink, of clothing, housing, medicine, work, education, the means necessary for leading a truly human life, wherever there are men and women suffering from misfortune or illness, men and women suffering exile or imprisonment, Christian charity should search them out, comfort and care for them and give them the assistance that will relieve their needs (AA. 8).

4.4.3.3 – Psycho-Spiritual-Medical Healing

As observed above, the Sri Lankan refugees are scarred physically, emotionally and spiritually. A significant number of them are found to suffer anxiety disorders, post traumatic stress disorder and alcoholism. Almost all of them are grieving their loss. Therefore, they are in dire need of healing in all aspects of their being. The psycho-

spiritual-medical healing programme is designed specifically for the healing of such scars.⁸⁶ It constitutes an integrated and a holistic approach to such healing.

A few dioceses and religious Congregations in Tamil Nadu have already opened psycho-spiritual-medical programme centres designed specifically for refugees. But these centres are not easily accessible to all Sri Lankan Tamil refugees. The local parish communities can be called upon to assist them in this ministry of healing by establishing these programmes in their own parishes. This can be done in different ways.

The parish priest can invite experts in the fields of medicine, psychology/counselling and spiritual care. These experts would be fully informed of the specific needs of Sri Lankan Tamil Catholic refugees living in the parish. The practical aspects of organizing the treatment programmes can be entrusted to the staff and volunteers of the parish. The priests and religious can be involved in offering spiritual counselling to those refugees who need it. All aspects of this healing ministry must be organized in an effective manner for the refugees to truly benefit from it.

Through this psycho-spiritual-medical programme, the lay Christian faithful will be able to participate, together with priests and religious, in the healing ministry of Jesus.

4.4.4 –Pastoral Organisations within the Community

The situation of Sri Lankan Tamil Catholic refugees can lend itself to certain informal structures or organizations for pastoral care. Some structures of this kind are already present in many parishes of Tamil Nadu. They can help the refugees in preserving their identity as a unique people and in promoting unity among them.

⁸⁶ See J. AROCKIAM, [josephjarockiam@yahoo.ca], “Psycho-Spiritual-Medical Healing,” 25 November 2009, personal E-mail.

4.4.4.1 – Basic Christian Communities (BCC)

One of the informal structures is Basic Christian Communities (BCC). When translated into Tamil, the expression “Basic Christian Communities” means *Anbiyam*. *Anbiyam*, that is, “a community of love.” The term “Basic Christians Communities” takes its origin from the first Christian communities gathered in the homes of Christians to praise and worship the Lord and to love one another and support each other in their needs. Based on this model, the Basic Christian Communities can gather at designated homes periodically to pray and worship, thus incarnating the Church in their locality. In this way, in the footsteps of Jesus, the healer and Good Shepherd, they can visit the lonely, the rejected, the abandoned, the broken, the injured and the lost sheep. They will thus reach out to all of Christ’s sisters and brothers and bring back to Christ those who have strayed away from him. This structure would offer the Sri Lankan Tamil Catholic refugees an opportunity to create among themselves a family of love, understanding and caring after the example of the Lord.

4.4.4.2 – Saint Vincent de Paul Society

One of the most effective charitable organizations that could be introduced among the Sri Lankan Tamil Catholic refugees is the Society of Vincent de Paul. This Society reaches out to the poor and the destitute of society. It makes extraordinary efforts to help the poor through their charitable and humanitarian activities. It is present in most parishes of Tamil Nadu and can be used to assist the refugees. Moreover, the refugees themselves can be encouraged to become its members so that they can gather food, clothing, and other material items that can be shared with the people in the camps.

4.4.4.3 – Bible Study Groups

Another informal structure from which the Sri Lankan Tamil Catholic refugees can draw strength spiritually and emotionally is a Bible Study groups. The principal aim of this Group is to understand the Word of God and discover its relevance to their life. By strengthening their own faith, the Sri Lankan Tamil Catholic refugees can become teachers of the Word and be protected from negative influence of other Christian denominations. The members of such groups will also learn to pray for each other and inspire others to be rooted in the Word of God.

Those with leadership qualities can be identified by Church leaders and have them educated in the knowledge of the Word of God. The bishops can send them to appropriate Institutes for their formation. When they complete their formation, they can conduct prayer services, lead bible studies and also help the priests in various aspects of their ministry within the camps.

4.4.4.4 – Liturgical Groups

Proper formation in Liturgy of persons chosen from among the Sri Lankan Tamil Catholic refugees could enhance the spiritual life of the refugees. Such persons must be qualified in different aspects of the Liturgy. Therefore, proper authorities should establish liturgical groups to lead the worship inside the camps. Such groups should consist of readers, lectors, ministers of the Eucharist, choir directors, musicians, singers and the catechist. The members of the liturgical group should gather periodically and determine their respective responsibilities. They should plan and celebrate their own village/patron feasts and use their own native hymns and symbols in the worship. This would make the liturgy more meaningful for them.

4.4.4.5 – Catholic Women’s Movement

In the Tamil language the Catholic Women’s Movement literally means *Madhar Sangam*. *Madhar* means women, and *Sangam* means movement. Some parishes in Tamil Nadu have such associations for women. Because there are in parishes other associations, such as the Legion of Mary, many parishes have not felt the need for having such a movement. If established, the Catholic Women’s Movement could care especially for the widows, the divorced, the single mothers, and the abused women. There is a real need for this kind of a movement because among the refugee population there are women who have been victimized both in their homeland and in the refugee camps. If a Catholic Women’s Movement is established in the camps, such women might find it easier to share their feelings and sufferings with other women.

4.4.4.6 – Youth Groups

Young people are the future Church. From among them will come the future priests and religious who will minister to their own. At present, the Sri Lankan Catholic refugees are left without proper leadership. It is important that the Church offers the young refugees an opportunity to live a focused life and discern their future. By becoming members of youth groups, they would have an opportunity to use their gifts and talents to make their community grow and prosper. Youth groups among the Sri Lankan Tamil Catholic refugees will help them keep away from war and violence. They in turn will promote peace and harmony within the refugee camps.

4.4.4.7 – Ecumenical and Inter-Religious Dialogue Groups

The Sri Lankan Tamil refugees profess different religious belief systems, such as Christianity, Hinduism and Islam. Christians themselves belong to different

denominations. Despite the difference in their religious beliefs, all are called to live together in peace. This does not mean that there are no problems. Despite their eagerness to live as brothers and sisters, conflicts arise between Catholics and non-Catholics. There is also tension between Christians and non-Christians. Such tensions cause division among them. Therefore, it would be very salutary to organize ecumenical and inter-religious dialogue between the parties. For this purpose, ecumenical and inter-religious dialogue groups could be constituted and the members of such groups should be given proper formation and training with respect to elements that unite and divide Christians. Such a formation will enable them to hold dialogues with other religious groups. As a result of the ecumenical and inter-religious dialogues, the Sri Lankan Tamil Catholic refugees will be able to promote greater peace and harmony among all refugees and work for the common good of all refugees residing in the camps.

4.4.5 – Formal Pastoral Structures

There is no doubt that refugees need special pastoral care in view of their special condition in life. This demands much pastoral wisdom on the part of the bishop who has to provide them with structures suitable to their needs and implement the approved strategy.⁸⁷ Therefore, the following structures could be considered appropriate for providing pastoral care for refugees in Tamil Nadu.

4.4.5.1 – A Mission with Care of Souls

In the context of Tamil Nadu, a “Mission with care of souls” could prove more efficacious in delivering the pastoral care of the refugees. This juridical structure is mentioned neither in the 1983 Code of Canon Law nor in the 1990 Eastern Code, but it

⁸⁷ See Directory, *Apostolorum successores*, pp. 227-228, n. 206.

has been explicitly provided for in the Instruction, *Erga migrantes*. This structure, however, is the fruit of a long juridical praxis of the Church. The Mission with care of souls is a basic juridic-pastoral structure that can be created for the purpose of providing pastoral care for communities that are still in the process of being developed. The concept underlying this structure is applicable also to ethnic/national groups or those of a particular rite that are not yet fully formed into a parish or quasi-parish community. The Apostolic Constitution, *Exul familia*, provided for a special structure for the care of refugees,⁸⁸ and it was later confirmed by a declaration of the Consistorial Congregation on 21 November 1966 and mentioned explicitly in a note in the Instruction, *De pastoralis migratorum cura*:

A diocesan bishop in his diocese can, on his own authority, set up not only a personal parish but also a mission with the care of souls for faithful of a different language or nationality, provided that the territory of the said mission be clearly and suitably defined and that the care of the immigrant faithful be committed to a missionary for immigrants of their own language.⁸⁹

The Instruction, *De pastoralis migratorum cura* itself stated: “The bishop might also set up a Mission with Care of Souls, especially in those places where the migrating people have not yet taken up a stable residence. It must have a properly circumscribed territory. Such a mission will be to those particular groups which stay in the place no matter how long or what the cause.”⁹⁰ In addition, the first Directory on the Pastoral

⁸⁸ See *Exsul familia*, p. 700, nn. 33-39; English trans. in TESSAROLO, *Exsul familia*, pp. 72-74.

⁸⁹ *De pastoralis migratorum cura* [footnote 53], p. 631; English trans. in SCB, *On the Pastoral Care of People*, pp. 37-38.

⁹⁰ *Ibid.*, p. 631, n. 33, §2; English trans. in SCB, *On the Pastoral Care of People*, p. 22.

Ministry of Bishops, *Ecclesiae imago*, described accurately the Mission with the Care of Souls as follows:

‘Mission with the charge of souls’ means an ecclesiastical charge by which the bishop commissions some priest who is not a pastor to undertake, for a stated time, the care of souls in the same manner as a pastor, in a determined place which is within the territory of an actual parish, but whose pastor cannot adequately care for these faithful. To avoid a conflict of responsibilities, the bishop must consult the pastor concerned and put all the provisions in writing.⁹¹

And the Instruction, *Erga migrantes*, although it does not elaborate on them, assumes all the norms that previously governed the Mission with care of souls and states that “*Missio cum cura animarum* [is] the classic formula for communities still being built up [and is] applied to ethnic/national groups or those of a given rite that have not yet settled down.”⁹²

Therefore, a Mission with care of souls can exist within a parochial or diocesan structure. The diocesan bishop may erect it in the territory of one or more parishes where the parish priests might not be able to provide the refugees with pastoral care according to their needs. *Erga migrantes* clearly states that the bishop defines its circumscribed territory which may or may not be annexed to a territorial parish.⁹³ From a juridical point of view, the Mission with care of souls is like a parish but the major difference lies in the fact that the parish is a definitive structure and therefore exists in perpetuity (c. 120), whereas the Mission with Care of Souls is of only a temporary nature.⁹⁴ The priest to

⁹¹ SCB, Directory, *Ecclesiae imago*, pp. 93-94.

⁹² *Erga migrantes*, n. 91; English trans. in *People on the Move*, 95 (2004), p. 156.

⁹³ See “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 815, art. 7, §1; English trans. in *People on the Move*, 95 (2004), p. 165. See also *De pastoralis migratorum cura*, pp. 631, n. 33, §§2-3; English trans. in SCB, *On the Pastoral Care of People*, p. 22.

⁹⁴ See V. DE PAOLIS, “The Integration of Immigrants into the Church as the Exercising of a Right to Freedom within the Canonical Legislation of the Church,” in NCCB-USA, *A Compendium of Church Documents*, p. 117.

whom it is entrusted enjoys proper power, always observing due distinctions, and is the equivalent of a parish priest.⁹⁵

Thus, a “Mission with care of souls” could be a useful pastoral structure for the Sri Lankan Tamil Catholic refugees in Tamil Nadu. There are refugee camps in most of the dioceses, some closer to and others further away from the territorial parishes. Bishops may, therefore, establish them as “Missions with Care of Souls” and entrust them to priests who may be appointed as chaplains.⁹⁶

4.4.5.2 – A Refugee Camp as a Mission of a Local Parish

One can also envisage the case of a local parish with a refugee camp as its mission. This is identified with a territorial parish which, with the help of catechists and religious sisters, would take care of this mission. This would be applicable especially in town and city areas where refugee camps are established by the government, for example, in Tiruchirappalli, Chennai, and Kangkeyam. The local parish priest can organise his pastoral work with the help of his pastoral team, viz., the catechists, religious sisters and other volunteers. He can also seek the help of the chaplain for special situation/need of the refugees.

4.4.5.3 – A Quasi-parish

The Sri Lankan Tamil refugees’ situation is different and unique (*peculiara adiuncta*) and their needs demand special attention. Therefore, the diocesan bishop, in consultation with the presbyteral council, can erect a quasi-parish for the refugee

⁹⁵ See “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 815, art. 7, §2; English trans. in *People on the Move*, 95 (2004), p. 165. See also *De pastorali migratorum cura*, p. 633, n. 39, §1; English trans. in SCB, *On the Pastoral Care of People*, p. 25, and *Exsul familia*, p. 700, n. 35, §1; English trans. in TESSAROLO, *Exsul familia*, p. 73.

⁹⁶ See Directory, *Apostolorum successores*, pp. 227-228, n. 206.

communities in certain places where there is a strong presence of the Catholic refugee community, for example, Gummidipoondi in the archdiocese of Madras-Mylapore.

4.4.5.4 – Personal Parish

A personal parish is another ecclesiastical structure which may be constituted to attend directly to the pastoral care of Sri Lankan Tamil Catholic refugees. In the language of the present canonical legislation, territory is not the only constituent factor for establishing a parish; a parish is now defined as a community of Christ's faithful which could represent people with a distinct nationality, language, rite or some other distinguishing feature (see *CD*, nn. 23, §3 and 32; c. 518, *CCEO* c. 280, §1), which could be the basis for constituting a personal parish. Therefore, wherever possible and feasible, the diocesan bishop may erect a personal parish for the Tamil Catholic refugees in his diocese in consultation with the presbyteral council. The bishop of Sivagangai diocese has established Mandapam camp as a personal parish to provide for their needs. It is a transit camp with a huge refugee population.

4.4.5.5 – Personal Prelature

A personal prelature is one of the many creations of the Second Vatican Council. This is a juridic entity meant specifically to meet special pastoral needs. It is constituted by the Holy See with a hierarchical structure of the Church. The Holy See establishes such a prelature in consultation with the Bishops' Conference concerned (c. 294). In the case of Sri Lankan Tamil Catholic refugees, a Personal Prelature could be established for the whole of Tamil Nadu. The main reason suggesting this new structure is to be found in the Decree on the Ministry and Life of the Priests, *Presbyterorum ordinis*, n. 10 which states:

Where the nature of the apostolate demands this, not only should the proper distribution of priests be made easier but also the carrying out of special pastoral projects for the benefit of different social groups in any region or among any race in any part of the world. For this purpose international seminaries can with advantage be set up, special dioceses, or personal prelacies and other institutions to which [...] priests can be attached or incardinated for the common good of the whole Church.

The Prelate with his priests and lay faithful could care more suitably for the needs of the Tamil Catholic refugees. Since this ministry is assigned to them specifically, it can become very efficient and more concentrated. The Prelature would have men and women dedicated to the same mission, and it would be able to help enormously the refugees with different gifts, talents and specialized professions. This structure would have the advantage of a coordinated, concentrated and planned pastoral care under the leadership of the prelate. The prelate would have to make sure that all those involved in the ministry to the refugees are trained well for it; it would be his responsibility to provide priests, religious and lay volunteers for the different missions established for refugees in different parts of the State. It would be the primary responsibility of the Prelate to visit the refugees frequently in the camps and affirm them in their faith.

The seat of the Prelature could be located either in Tiruchirappalli, which is the centre of Tamil Nadu, or Chennai, the capital of the State and where the High Commissioner for Refugees has its head office. Because the camps are directly under the control of the State and Central Governments, it is advisable to communicate with proper government officials for a more efficacious delivery of pastoral care. In fact, one can do very little in the camps without the permission of the government.

4.4.6 – Formal Commissions

One of the practical ways in which the pastoral care to refugees can be offered effectively is to constitute various commissions at different levels of the national and

local Church. The following commissions or committees could be considered for this purpose.

4.4.6.1 – Refugee Outreach Committee at the Parish Level

One of the most efficient means to reach out and minister to refugees is to constitute a Refugee Outreach Committee (ROC) in those parishes where there are many refugee camps within their territories. Like any committee in a parish, ROC also should consist of its own members and the parish priest could be its president. It will have its own mission statement and statutes to guide its ministry. With the support and help of the parishioners and outsiders, ROC would work directly with refugees. Some of the committee's activities could include: hosting and welcoming the refugees into the parish community; assisting refugees in learning job-related skills; providing help in collecting donations and materials for household needs; offering financial assistance to repair homes, funding day-camps for children and youth; extending emotional and social support; raising the awareness of the parishioners of the plight and needs of refugees; organizing social events to gather refugees together in order to make them feel at home with the parish community and to encourage them to work together with other refugees, and enable them to have their painful memories healed; organizing and implementing a parish "spiritual sponsorship programmes"; supporting the implementation of the "psycho-spiritual-medical programmes"; coordinating the refugee-related work at the parochial, inter-parochial and diocesan levels; and facilitating ecumenical and inter-religious dialogue in the service of refugees at the parish level.

4.4.6.2 – Diocesan Pastoral Commission for Refugees/Migrants

The diocesan bishop has the responsibility of establishing structures within the curia for the direction of pastoral action. In many dioceses in India, there are commissions for education, for health care, for peace and justice, for Biblical studies, catechetical programmes, etc. The bishop could establish an independent commission for refugees/migrants, especially where there are many refugee camps within his diocese. He may even appoint one of the chaplains for the refugees in charge of this desk. If he deems it opportune, he could link this commission with another commission, particularly with Diocesan Multi-purpose Social Society. The Pastoral Commission for refugees could coordinate the following refugee-related pastoral activities in the diocese:⁹⁷ creating mass awareness of the refugee status through the mass media; conscientising Christians and non-Christians about the problems refugees constantly face; making Christian faithful and other people aware of their Christian and humanitarian responsibility to care for the refugees; organizing action-oriented community training programmes for the refugees; identifying resourceful and motivated persons, like lawyers, doctors, trade union leaders, and youth with a deep sense of commitment to the well-being of refugees; coordinating the work of the core groups which assist refugees at the diocesan level; implementing the pastoral programmes at the parish, diocesan, regional and national level; reporting regularly on the refugee situation to the regional commissions; coordinating ecumenical and inter-religious efforts on behalf of refugees at the parochial and diocesan levels.

⁹⁷ See L.A. THARMARAJ, "Sending and Sharing of Pastoral Agents with Reference to the Roman Rite Church of India," in PCPCMIP, *The Second Consultation for the Pastoral Care of Migrants in Asia*, Manila, Philippines, May 13-18, 1996, Vatican City, PCPCMIP, 1997, pp. 285-286.

4.4.6.3 – Regional Commission for Refugees/Migrants in the Tamil Nadu Bishops' Council (TNBC)

There are various commissions at the regional level to help the Church in Tamil Nadu, such as: Commission for Bible Study, for Liturgy, for Priests and Religious, for Catechetics, for Vocations, for Youth, for Family, etc.⁹⁸ These commissions coordinate and organize various programmes in their respective areas to build up the Church in Tamil Nadu.

So far, no commission has been established separately for ministry for refugees and migrants, but the responsibility for their pastoral care has been allocated to the Commission for Peace, Justice and Integrated Development. Therefore, the Bishops in Tamil Nadu could consider establishing a separate Commission for Refugees/Migrants with specific responsibilities like, coordinating the pastoral ministry undertaken by various diocesan directors of pastoral work for refugees, chaplains and other pastoral agents and groups at the regional level; organizing programmes such as, formation of chaplains and other pastoral agents for refugees/migrants; coordinating the work of *Caritas-India* in Tamil Nadu; coordinating the pastoral ministry of Tamil-speaking priests to Tamil-speaking communities in larger cities, like Mumbai, New Delhi, etc; coordinating the pastoral ministry to Tamil refugees and migrants living in other countries; acting as a direct link between the Church in Tamil Nadu and those countries where there are Tamil refugees and migrants; coordinating the ecumenical and inter-religious efforts on behalf of refugees at the regional level; organizing programmes which offer

⁹⁸ For information on various commissions at the regional level in Tamil Nadu, see TNBC, *Goals and Programmes of the Catholic Church in Tamil Nadu = Thamizhaga Thiruchchabain Latcchiyamum Seyaldhittamum* (in Tamil language), Chennai, Secretariat of the Tamil Nadu Bishops' Council, 2005, pp. 30-32.

continuing formation of chaplains, pastoral agents and other persons involved in ministry to refugees and migrants. This is only a nominal list of a few of the tasks the Regional Commission of Refugees/Migrants in the TNBC could assume and carry out on behalf of refugees and migrants.

4.4.6.4 – National Commission for Refugees

The Instruction, *Erga migrantes*, prescribes that the Episcopal Conferences and the competent hierarchical structures of the Eastern Catholic Churches shall set up a special national commission for migrants/refugees. Its secretary will take on the office of national director for migration. The Catholic Bishops' Conference of India (CBCI) is comprised of three structures and three rites: the Conference of Catholic Bishops in India (CCBI) for Latin rite, the Synod for the Syro-Malabar Church, and the Syro-Malankara Church Council.

The Catholic Bishops' Conference of India has national commissions for various pastoral programmes. It established the Commission for Labour in 1971 in response to the recommendation of the National Seminar "Church in India Today" (1969) and the deliberations of the Roman Synod (1971) "Justice in the world." This Commission is given the responsibility for 'people on the move' in India. Therefore, the pastoral care of refugees comes under it. The following could be some of the duties of this Commission for refugee care at the national level:

- gather information on the refugee/migration situation in the country and pass on useful data to the diocesan/eparchial bishops, also to be in contact with the centres for migration studies;
- inspire the proper regional and diocesan commissions on human mobility;
- provide good training at the national level for people working with refugees;

- receive requests for chaplains/missionaries from the bishops of dioceses/eparchies in which there are immigrants and introduce to them the presbyters proposed for this ministry;
- propose to the Episcopal Conference and the corresponding hierarchical structures of the Eastern Catholic Churches, when necessary, the appointment of a national coordinator for chaplains/missionaries;
- establish timely contacts with the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and pass on information received from the Council to the regional bishops' council, and to the diocesan/eparchial bishops;
- send annual report on the situation of the pastoral care of refugees/migrants to the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, to the Episcopal Conference, to the corresponding hierarchical structures of the Eastern Catholic Churches, to the regional bishops' council, and also to the diocesan/eparchial bishops;⁹⁹
- together with other agencies for refugees and migrants, convince governments to accept and implement the UN Convention, protecting refugees and migrant workers;
- encourage and assist Ecumenical and Inter-Religious groups at the national level to work for refugees and migrants; challenge, lobby and use the commercial media or look into alternative media in support of the refugee issues;
- advocate, in collaboration with governments, enactment of just laws to protect refugees;
- team up with human rights organisations to counter the myths perpetrated by governments and work with UNHCR in advocacy and non-material issues at the national level.

⁹⁹ See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 820, art. 20; English trans. in *People on the Move*, 95 (2004), p. 170.

4.4.7 – Formal Offices

There are several ecclesiastical offices in the Church, which could be used in the pastoral care of refugees/migrants. The 1983 Code provides for two such offices, these are the office of Chaplain for refugees/migrants (cc. 564-572) and that of Episcopal Vicar (cc. 475-481; *CCEO* cc. 245-249, 224, §1, 251). The office of Episcopal Vicar with the functions, rights and obligations entailed in it are already explained in the previous chapter. Therefore, we focus here only on the office of chaplain which could be more effective in offering immediate pastoral care to Tamil refugees living in the camps in Tamil Nadu. The Instruction, *Erga migrantes* makes specific mention of this office and qualifies it by the adjective “missionaries.”

4.4.7.1 – The Chaplain for the “Mission with Care of Souls”

There are nine canons in the 1983 Code (cc. 564-572), of which canons 564-567, 569-572 apply to chaplains in general and canon 568 refers directly to the chaplain for refugees.

Canon 564 describes the office of chaplain as follows: “A chaplain is a priest to whom is entrusted in a stable manner the pastoral care, at least in part, of some community or particular group of the Christian faithful, which is to be exercised according to the norm of universal and particular law.” The Instruction, *Erga migrantes*, in its Juridical Pastoral regulations, states:

Presbyters, who have been given the mandate by the competent ecclesiastical authority to provide spiritual assistance in a stable way to migrants [refugees] of the same language or nation, or belonging to the same Church *sui iuris*, are called chaplains/missionaries for migrants [refugees]; in virtue of their office they are endowed with the faculties described in c. 566 §1 of the *CIC* (art. 4 §1).

The Code and the Instruction stress that canonically a chaplain is a priest¹⁰⁰ and

the focus of the chaplain's office is the *coetus christifidelium*, a community or special group of the faithful. Because of this, pastoral care becomes an essential element. However, canon 564 does not restrict the pastoral care to a particular grouping of the faithful, the canon is open-ended.¹⁰¹

The Code also mentions clearly that pastoral care requires an element of stability which entails the establishment of an ecclesiastical office (c. 145, *CCEO* c. 936, §§ 1, 2). Further, the Code specifically alludes to the possibility of a chaplain for refugees: "As far as possible, chaplains are to be appointed for those who are not able to avail themselves of the ordinary care of pastors because of the condition of their lives, such as migrants, exiles, refugees, nomads, sailors" (c. 568). This canon makes the local Ordinary responsible for providing due pastoral care for refugees by constituting a chaplain.

Further, *Erga migrantes* states: "The chaplain entrusted with a *missio cum cura animarum*, always observing due distinctions, is juridically equivalent to a parish priest and performs his functions together with the local parish priest."¹⁰² The purpose of the office is definitely the spiritual welfare and ultimately the salvation of the souls (c. 1752) of refugees who cannot avail themselves of ordinary parochial ministry due to the

¹⁰⁰ The Instruction, *Ecclesiae de mysterio*, states in paragraph 3: "It is unlawful for the non-ordained faithful to assume titles such as 'pastor', 'chaplain', 'coordinator', 'moderator', or other such similar titles which can confuse their role and that of the pastor, who is always a bishop or a priest." (CONGREGATION FOR THE CLERGY, AND OTHERS, Instruction, *Ecclesiae de mysterio*, 15 August 1997, in *AAS*, 91 (1997), pp. 852-877). Also see F.G. MORRISEY, "Chaplains: Canon 564, Canonical Theory and Current Practices," in CLSA, *Proceedings*, 61 (1999), pp. 267-281.

¹⁰¹ MORRISEY, "Chaplains: Canon 564, Canonical Theory and Current Practices," p. 275.

¹⁰² "Juridical Pastoral Regulations," in *Erga migrantes*, p. 815, art. 7, §2; English trans. in *People on the Move*, 95 (2004), p. 165.

extraordinary circumstances in which they live. Velasio De Paolis notes that the appointment of a chaplain for refugees is a useful solution provided by the Code.¹⁰³

4.4.7.1.1 – The Competence and Functions of Chaplains for Refugees

The primary duty of a chaplain for refugees is the pastoral care of the community entrusted to him. This task requires of him competence to perform legitimately the duties and functions entailed in the office and properly offer the necessary ministry to the community. The Instruction, *De pastorali migratorum cura*, and the document, *Pro materna*, detail the particular dimensions of the office of chaplain for refugees/migrants.¹⁰⁴ The present Code grants him competence in accordance with the universal and particular law (c. 564). Canon 566 stipulates that he can acquire faculties through a special delegation. Thus, the chaplain acquires competence either from the universal law which has created the office, from the particular law that guides and regulates his assigned functions, or from the special delegation of the local Ordinary who appoints him to the office.

The Code grants the chaplain specific faculties “by virtue of office” (c. 566). Among such faculties are the following: 1) the faculty to hear confessions of the faithful who are entrusted to his care; 2) the faculty to preach the word of God; 3) the faculty to administer *Viaticum* and anointing of the sick, and 4) the faculty to confer the sacrament of confirmation to those who are in danger of death. The faculties given to chaplains by

¹⁰³ See DE PAOLIS, “The Pastoral Care of Migrants,” p. 138.

¹⁰⁴ See *De pastorali migratorum*, pp. 614-643, nn. 35-51; English trans. in SCB, *On the Pastoral Care of People*, pp. 24-29. PCSCMIT, *Pro materna*, 19 March 1982, in *AAS*, 74 (1982), pp. 742-745; English trans. in *On the Move*, 34 (1982), pp. 77-81.

universal law are very similar to those of parish priests (c. 566, §1).¹⁰⁵ Particular law or special delegation may grant additional faculties when needed. Among such would be the authorisation to perform solemn baptism, to assist at marriages, and conduct funerals (c. 530).¹⁰⁶ The chaplain has also the faculty to assist at the celebration of a marriage when one of the spouses is a migrant/refugee belonging to his mission.¹⁰⁷

With regard to the sacrament of Reconciliation, a chaplain with faculties could hear confessions anywhere by virtue of his office¹⁰⁸ and in accordance with c. 967, §2 (CCEO c. 722, §4):

Those who possess the faculty of hearing confessions habitually whether by virtue of their office or by virtue of the grant of an ordinary of the place of incardination or of the place in which they have a domicile can exercise that faculty everywhere unless the local Ordinary has denied it in a particular case, without prejudice to the prescript of can. 974, §§ 2 and 3.

Canon 566, §2 grants the faculty to chaplains to absolve from certain *latae sententiae* censures in hospitals, prisons, and on ocean voyages under ordinary circumstances above and beyond danger-of-death situations. By analogy, this faculty should also be given to the chaplains assigned to the refugee camps. These *latae sententiae* censures are those that are neither reserved nor declared, without prejudice to c. 976. The chaplain's faculty in these situations is even more extensive than that of the

¹⁰⁵ See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 815, art. 7, §2; English trans. in *People on the Move*, 95 (2004), p. 165. Canon 530, (CCEO cc. 290, §2; 677, §1; 739, §2) gives in detail the various faculties of a parish priest. Cf. J.M. HUELS, *The Pastoral Companion: A Canon Law Handbook for Catholic Ministry*, Fourth updated Edition, Montréal, Wilson & Lafleur Ltée, 2009, p. 394.

¹⁰⁶ See B.F. GRIFFIN, Commentary on cc. 564-572," in *New Commentary*, p. 738.

¹⁰⁷ See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 815, art. 7, §2. English trans. in *People on the Move*, 95 (2004), p. 165.

¹⁰⁸ See F.R. MCMANUS, Commentary on cc. 959-997," in *New Commentary*, pp. 1154-1155.

canon penitentiary, insofar as it is not restricted to the sacramental forum (see c. 508, §1).¹⁰⁹ Canon 571 states that “in the exercise of his pastoral function, a chaplain is to preserve a fitting relationship with the pastor.” It is hoped that there is a cordial and an amicable relationship between the parish priest and the chaplain so that they can coordinate their pastoral activities and avoid conflicts, which may cause misunderstanding among their members and between themselves.¹¹⁰

The chaplain has the obligation to look after the spiritual welfare and the psycho-spiritual well being of refugees. Spiritual welfare would consist of:

the Sacramental life; the proclamation of the Word of God; the building up of community prayer groups – Small Christian Communities; witnessing Gospel values in daily life: compassion for the forgotten and vulnerable ones among the refugees; activities fostering forgiveness, reconciliation, justice and peace; pastoral visiting and leadership training.¹¹¹

It is in this regard that he could be specifically entrusted with the implementation of the pastoral strategy.

In order to deal effectively with their psycho-spiritual welfare, the chaplain should live with the refugees in order to understand their problems and help them overcome the distress related to loneliness or the loss of/or separation from family members. He needs to address their past by providing individual and group counselling, by himself if he were an expert in counselling or with the assistance of other experts, and provide a suitable climate for psycho-spiritual healing growth through

¹⁰⁹ See *The Canon Law: Letter & Spirit*, 1995, p. 311.

¹¹⁰ See “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 816, art. 8, §2; English trans. in *People on the Move*, 95 (2004), p. 166.

¹¹¹ BALLEIS, *The Pastoral Dimension of the JRS*, p. 5.

facing the past and accepting the truth; telling their stories; providing opportunities for people to express their suffering/loss as well as their joys and hopes in rituals, using songs, dances, poetries, para-liturgies, etc.; appreciating their language, culture and traditions; recognising their survival skills; rebuilding self-esteem; exploring the Scriptures and other sacred texts; breaking the cycle of hatred through forgiveness and love of enemies; using and teaching skills for conflict resolution and transformation, and fostering realistic links with their home country.¹¹²

He should visit them and, in solidarity, may accompany them to social service agencies or to courts when there is such a need. He must foster a relationship of mutual trust with them, with the aim to help them stand free of dependency. He must also show them that he cares for them and that they are loved. It is important that the chaplain sees them more as resourceful persons rather than as objects of pity. One of the main ministries of the chaplain would be as God's healing agent. He must be present to them and listen to them.¹¹³ Listening is the primary role of a chaplain. His presence amidst them is vital because it assures them that he is there to support them; they should feel that they are not alone, they are supported.

The chaplains, as any other clerics, enjoy all the rights and duties provided by the Code in canons 273-289.¹¹⁴ While their duties and functions are discussed above, here some of their rights are noted: 1) the right to be united with others in the bond of brotherhood and prayer to fulfil their mission (c. 275, *CCEO* cc. 379, 381, §3); 2) for secular clerics, the right of association with others for the achievement of purposes befitting their clerical state (c. 278, §1, *CCEO* c. 391); 3) the right to ongoing formation

¹¹² Ibid., pp. 5-6.

¹¹³ See RAPER and VALCÁRCEL, *Refugees and Forcibly Displaced People*, p. 77.

¹¹⁴ The corresponding canons of *CCEO*: c. 273, (*CCEO* c. 370); c. 274, (*CCEO* c. 371 §2); c. 275, (*CCEO* cc. 379, 381 §3); c. 276, (*CCEO* cc. 368, 369, 377, 378); c. 277, (*CCEO* cc. 373, 374); c. 278, (*CCEO* c. 391); c. 279, (*CCEO* c. 372); c. 280, (*CCEO* c. 376); c. 281, (*CCEO* c. 390).

(c. 279, *CCEO* c. 372); 4) the right to a reasonable remuneration, taking into account both the nature of their office and the conditions of time and place (c. 281, *CCEO* c. 390). These rights, which are common to all clerics, also pertain to chaplains.¹¹⁵

4.4.7.1.2 – The Appointment and Removal of Chaplains for Refugees

Chaplains for refugees are appointed in the same way as chaplains for Migrants. For the appointment of the latter, the regulations laid down by the Instruction, *De pastoralis migratorum cura*, nn. 35-44, would apply. However, since “the pastoral care, at least in part, of some community or particular group of the Christian faithful” (c. 564), is the main function of the chaplain, they are equivalent to pastors.¹¹⁶ Canon 527 (*CCEO* c. 288) provides for the taking possession of the parish by a parish priest, and this seems to be applicable with the proper adaptations, to the juridical act of canonical possession of the office in the case of a chaplain.

Furthermore, c. 833 (*CCEO* c. 187 §2) mentions those ecclesiastical offices whose title-holders are to make the profession of faith before assuming office. The office of chaplain is not included in the canon, although no. 6° of c. 866 mentions the office of parish priest. Therefore, because a chaplain is equivalent to a parish priest, it is logical that before assuming the office, he would also have to make the profession of faith and take the oath of fidelity in the presence of the local Ordinary or his delegate.

¹¹⁵ Cf. “Juridical Pastoral Regulations,” in *Erga migrantes*, p. 816, art. 9; English trans. in *People on the Move*, 95 (2004), p. 166.

¹¹⁶ See *De pastoralis migratorum cura*, p. 633, n. 39, §1; English trans. in SCB, *On the Pastoral Care of People*, p. 25.

The termination of a chaplain's service, just like any other office, takes place in accordance with the provisions of canons 184-196.¹¹⁷ That is to say: "an ecclesiastical office is lost [by death], by the lapse of a predetermined time, by reaching the age determined by law, by resignation, by transfer, by removal, and by privation" (c. 184 §1, *CCEO* c. 965 § 1). Canon 572 says "in regard to the removal of a chaplain, the provision of canon 563 (*CCEO* c. 310) is to be observed."

Regarding the chaplain who is a member of a religious institute, c. 682, §2 (*CCEO* c. 1391, §2) must be followed. This states that even if the local Ordinary who appoints the chaplain has the right to remove a religious from the office of chaplain, he must notify the competent Superior prior to such a removal. The proper Superior of the religious, who appointed him as chaplain may remove him from office, only after notifying the local Ordinary of the removal. However, consent of either party is not required.¹¹⁸

CONCLUSION

In this chapter, we focused on the pastoral care of Sri Lankan Tamil refugees in the government refugee camps in Tamil Nadu. Most of the Tamil refugees arrived in four phases beginning in July 1983. Some have been there for 26 years now and the camp life has almost become a way of life for them. The prolonged life in the camps has generally

¹¹⁷ Parallel canons in *CCEO* are the following: c. 184, (*CCEO* c. 965, §§ 1, 2); c.185 (*CCEO* c. 965, §4); c. 186 (*CCEO* c. 965, §3); c. 187 (*CCEO* c. 967); c. 188 (*CCEO* c. 968); c. 189 (*CCEO* cc. 969, 970, 971); c. 190 (*CCEO* c. 972); c. 191 (*CCEO* c. 973); c. 192 (*CCEO* c. 974, §1); c. 193 (*CCEO* cc. 974, §2, 975); c. 194 *CCEO* c. 976.

¹¹⁸ See "Juridical Pastoral Regulations," in *Erga migrantes*, p. 816, art. 10; English trans. in *People on the Move*, 95 (2004), p. 166.

affected them in all spheres of life. On the whole, their life in the camps is a hand-to-mouth existence. Living conditions have forced them to come closer to each other. Their health condition is not satisfactory because many of them have contracted local diseases. Camp life has hardened them to withstand any given situation. In their life in the camps, they faced serious social, economic, psychological and spiritual problems. The regional, caste and religious differences have compounded their difficult living conditions. Lack of privacy and control over their lives have added intensity to hardships.

Their relationship with the local Tamils was very cordial prior to the assassination of Rajiv Gandhi. The media responded positively, and the political tone during this time was favourable to them. During the 1990s, however, the situation changed radically. After the assassination of Rajiv Gandhi in 1991, the Tamil refugees overnight became unwelcome. They faced hostility from the government and the local Tamils. The refugees' condition challenged the Church to develop a special system of pastoral care for them.

Many governmental and non-governmental agencies were involved in the care of refugees. India does not have a clear-cut policy on determining refugee status, and there is no basic legal framework for providing protection for refugees. Its policy is based on the mutual working relationship between India and the country from which refugees originate. Both the State Government and the Central Government of India provided them with basic infrastructure facilities. However, it was not sufficient. The United Nation High Commission for Refugees became involved in monitoring the forced repatriation of refugees. Many non-governmental agencies, such as OfERR, JRS, *Caritas*-India and DMSSS served the refugees in the camps.

The Catholic Church is mindful that Jesus Christ himself was a refugee; that as a child, he was in exile in Egypt with his parents. In every age, the Church feels itself called to help refugees. Since July 1983, the bishops, parish priests, religious and Christian faithful, as well as other Church-based NGOs helped the Tamil refugees. It promoted a spirit of welcome and organised emergency relief and other projects through *Caritas-India* and DMSSS. Between July 1983 and May 1991, the Church offered Sri Lankan Tamil refugees good pastoral care. Being with them and praying with them brought much healing and hope to them.

During the period from June 1991 to 2000, the Church had to face many difficulties for the pastoral care of Tamil refugees. The assassination of Rajiv Gandhi in 1991 affected its involvement with the refugees. The Central and State Governments took serious measures for political and security reasons and therefore banned all the NGOs from operating among refugees, including the Church-based institutions, except OfERR and JRS. In the context of government policy towards Sri Lankan Tamil refugees, the Catholic Church had to fulfil the pastoral care of refugees who suffered enormously during this period (1991-2000) and who wanted accompaniment, listening, counselling and the physical presence of the Church as well as spiritual nourishment from the Word of God and the Eucharist.

During this period, the Catholic Church in Tamil Nadu had a difficult time to be Mother and Teacher to refugees. However difficult and challenging the situation was, there were zealous parish priests who continued their pastoral ministry among refugees, giving them hope and joy amidst hardships and challenges. And Catholic agencies like, *Caritas-India*, Diocesan Multipurpose Social Societies and the Jesuit Refugee Service

have contributed to refugees in building up of their lives in the alien land. These agencies operated many material and developmental projects among refugees. Also, in spite of the government's strict policy, the Ceylon Pentecostal Mission (CPM) from Sri Lanka and many other Pentecostal Churches were involved in the camps during this period, and they too accompanied and gave hope to Tamil refugees.

This analysis of the pastoral care of the Sri Lankan Tamil refugees exposed the refugees' physical, economic, social, cultural, and spiritual needs. However, their spiritual needs remained a dominant one which ought to have been addressed by the Church. The analysis calls for its own pastoral vision and strategy, pastoral care requirements and programmes, as well as pastoral structures for refugee ministry.

Our pastoral vision and strategy is based on the foundational experience of Jesus, as mentioned in Mark's Gospel: 1:9-12. From this we draw our guiding principles, namely, 4S: "Seeing, Searching, Surrendering and Sacrificing" — these make up our pastoral vision and strategy for refugee ministry. This leads us to explore pastoral care programmes and structures which would enhance pastoral care.

We envisioned concrete programmes for proper pastoral care of refugees at the parish level. They are: inner healing of persons, spiritual sponsorship programmes, and psycho-spiritual-medical healing. We referred to informal pastoral structures that would strengthen the Sri Lankan Tamil refugee community, such as "Basic Christian Communities, the Saint Vincent de Paul Society, Bible study groups, liturgical groups, Catholic Women's Movement, youth groups, ecumenical and inter-religious dialogue groups. We also envisioned certain formal pastoral structures suitable for their pastoral care: "a Mission with care of souls, a refugee camp as mission of a local parish, a quasi-

parish, personal parish, personal prelature, a Refugee Outreach Committee at the parish level — all these structures would be definitely at the service of refugees for better pastoral care. Bishops could establish “Missions with care of souls” and entrust them to priests who may be appointed as chaplains. Thus, we envisioned that chaplaincy for refugees would be a suitable office for Tamil refugees in Tamil Nadu. A chaplain is a priest and juridically he is equivalent to a parish priest and performs his functions together with the local parish priest (c. 566; c. 530, *CCEO* cc. 290, §2; 677, §1; 739, 2).

At the diocesan level, a “Diocesan Pastoral Commission for Refugees” could be established, and if it is opportune, the bishop could join it with other commissions. It could coordinate refugee ministry in the diocese and study various issues relating to them. At the regional level, the Tamil Nadu Bishops’ Council could establish a “Regional Pastoral Commission for Refugees/Migrants.” This commission would be responsible for the refugees within the temporary as well as for Tamil emigrants worldwide. At the national level, the Commission for Refugees/Migrants would coordinate the entire pastoral care of refugees in the country. In this way, the Church would be really a Mother and a Teacher to the refugees and fulfil its mission and the supreme law: “*salus animarum* — the salvation of souls” (c.1752).

GENERAL CONCLUSION

Every Catholic, by virtue of his or her baptism, has the right to draw from the spiritual treasures of the Church whatever is necessary for salvation (c. 213). This includes the possibility of worshiping God, receiving the Sacraments and the pastoral care of the Church within one's own social, political, religious, and cultural context. Therefore, the Church has the moral obligation to provide, as far as possible, the necessary means for each person's salvation (c. 1752). This entails making it possible for all the Christian faithful to receive appropriate pastoral care in a given situation. The Church recognizes this responsibility and has tried to make provisions for its members to receive it, no matter the situation in which they find themselves. The maternal solicitude of the Church has been noteworthy with regard to the care of refugees and other groups of "people on the move," especially in our times.

The primary aim of this study has been the pastoral care of Sri Lankan Tamil refugees who, due to ethnic conflicts and other reasons, now find themselves outside their native land, with particular reference to those now residing in the State of Tamil Nadu, India. In the pursuit of our inquiry, we found it necessary to answer some important questions related to the following issues: a) the historical origins of the Sri Lankan Tamils; b) reasons for the unprecedented refugee flight to Tamil Nadu, India; c) the content of the magisterial and canonical documents on the refugee issue; d) the rights of the refugees as "Christ's Faithful" in the Church; e) the possible pastoral structures the Church's legal system provides for their pastoral care; f) the role of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People in implementing the Church's

teaching on refugees; g) some possible pastoral structures for the better pastoral care of Tamil refugees in Tamil Nadu.

Our inquiry into the various issues related to the Sri Lankan Tamil refugees' pastoral care in Tamil Nadu has enabled us to gain some valuable insights into their situation and their needs, as well as to propose some constructive and practical suggestions for providing pastoral care suitable to the situation they presently experience. We will present the results of our inquiry in a thematic order.

1. Factors Precipitating the Sri Lankan Tamil Refugee Exodus

Sri Lanka is geographically very close to India. This proximity, particularly to southern India, has had a major impact on the political, social, economic, religious and cultural development of Sri Lanka. The Tamils and the Sinhalese evolved as two dominant peoples, shaping the destiny of the island. Tamils, the descendants of 'Dravidians', originated in South India. They are predominantly Saivite Hindus, and speakers of the Tamil language of the Dravidian family, widely spoken in the South Indian State of Tamil Nadu. The Sinhalese, on the other hand, consider their descent to be from 'Aryan'- North Indian origin. They speak the Sinhala language and are predominantly Theravada Buddhists.

The Tamils, inhabiting the dry Northern and Eastern Provinces of Sri Lanka, stand in geographic, racial, linguistic, and religious contrast to the Sinhalese. The Sinhalese, on the other hand, inhabit the wet-zone of the Southwest region. Both groups had passed through various historical stages in developing their own ethnic identities. Since the 13th century, the Tamils lived in the North East and the Sinhalese resided in the

rest of the island. Until the arrival of the European colonisers, these two groups did not have much interaction between them.

However, the colonial era had a considerable impact on the Sinhalese. The decline of Buddhism and Sinhala culture, Christian proselytising and socio-politico-economic factors contributed to the growth of many Sinhalese movements. The Sinhala-Buddhist resurgence with the Buddhist revival element became the most important of all and it promoted a multifaceted nationalism unleashing the ideology of millenarian political Buddhism and which erupted eventually into ethnic violence.

When the ethnic conflicts accelerated and violence broke out, thousands of Tamils left their homeland and went to India to save their lives. Today there are about 75,000 Tamils as refugees in 103 government-run camps spread throughout Tamil Nadu. They have been there for 26 years now and the camp life has almost become a way of life for them. The prolonged life in the camps has affected them in all spheres of life. They have faced serious social, economic, psychological and spiritual problems. Lack of privacy and control over their lives has added intensively to their hardships. They are the poor with their many faces and they challenge the Church's commitment to refugees and show the need for creative structures for their pastoral care.

2. The Church's Solicitude towards Refugees

A brief analysis of Catholic teaching on refugees reveals the fact that the central core of the Church's Magisterium is the dignity of the human person created in the image of God without any distinction. From human dignity spring the universal and irrevocable rights which are:

the right to dwell freely in one's own country, to have a homeland, to move within it and to emigrate abroad, to settle in a new place for legitimate reasons, to

live with one's own family anywhere, to have at one's disposal the goods necessary for life, to preserve and develop one's own ethnic, cultural and linguistic patrimony, to profess one's own religion publicly, to be recognised and treated in accordance with one's dignity as a person under all circumstances, and to be the focus of fraternal solidarity and preferential option.¹

The Church's Magisterium advocates a very broad definition of a refugee, to include all those who flee life-threatening situations. It reveals the Catholic Church's growing involvement in the refugee problem and other international justice issues raised by this phenomenon. Its solicitude shows how it has constantly tried to defend these people and offer them proper pastoral care.

The 1983 Code is pastoral in nature and promotes the salvation of all human beings. The Church embraces within its pastoral ministry the duty to care for all refugees, even the non-baptised, because of the mandate it has received from its Founder, Jesus Christ himself (cf. Mt. 25:35, 40; 28:19-20; Lk. 10:33-35). In addition, the fleeing Holy Family of Nazareth in Scripture morally compels the Church to embrace non-Christian refugees into its compassionate pastoral care. This disposition of the Church is obvious in the Code: "[...] the salvation of souls [...] must always be the supreme law in the Church" (c. 1752).

The Church's special concern for refugees reflects the fact that baptized refugees are Christian faithful, and therefore, persons in the Church with duties and rights. As baptized persons, they have the right to express their needs, desires, and opinions to Church authorities; the right to hear the word of God; the right to receive the Sacraments; the right to pastoral care; the right to liturgy in their own rite; the right to Christian

¹ PCPCMT, Circular Letter to the Episcopal Conferences *Chiesa e mobilità umana*, 26 May 1978, in *AAS*, 70 (1978), pp. 366, n. 17; English trans. in *CLD*, 9 (1978-1981), pp. 133-134.

education; the right to form and direct associations, and the right to ministries suitable to their state and condition.

3. Structures and Ministries for the Pastoral Care of Refugees

The teachings of the Councils and of the popes concerning the proper pastoral care of the Christian faithful have been incorporated into the Church's legislation found in the two Codes and in the Apostolic Constitution, *Pastor bonus*. This *corpus* of legislation makes it clear that the local Ordinaries bear the responsibility for organising appropriate pastoral care for those living in their local Churches. No doubt, refugees form part of the Christian faithful who reside there either temporarily or permanently. The presbyters as collaborators with the diocesan bishop in the diocese have a moral obligation to meet the pastoral needs of refugees (c. 529, *CCEO* c. 289, §3; *CCEO* c. 381, §1).

The Church's teachings make note of various pastoral entities involved in refugee ministry. Among these are: the Pontifical Council for the Pastoral Care of Migrants and Itinerant People which stimulates, promotes and animates programmes for refugee ministry globally through the Episcopal Conferences and the corresponding Episcopal structures in the Eastern Catholic Churches. The Pontifical Council *Cor Unum*, the Catholic Migration Commission and various *Caritas* organisations are available for their service. The local Churches of departure and arrival of refugees are to collaborate with one another for a better co-ordination of the various ministries directed to the well-being of refugees. Church law also provides various pastoral structures suitable for refugee ministry as well as allowing individual bishops to be creative in establishing structures to suit particular refugee situations. Thus, the Church's legislation reflects the fundamental

doctrine that “in the innate universality of the Church’s organisation, no one can be considered a stranger or just a guest, or in any way on the fringe of things.”²

In response to canonical obligations placed on Church leaders by the Second Vatican Council and by the two Codes, the local ordinaries in Tamil Nadu are to encourage and promote special ministries for refugee care. There is a felt need for qualified and trained priests to work. It is the duty of the bishop to train at least certain priests, religious and lay men and women for this ministry. It is important to give the faithful the proper understanding and awareness of who the refugees are and of the struggles and problems they face.

4. Possible Structures and Ministries for the Pastoral Care of Refugees in Tamil Nadu

We feel that there is a very urgent need for establishing a multilateral working relationship between the Church in Tamil Nadu and other churches, faith-based organisations and like-minded agencies, as well as with government agents who are in charge of the Sri Lankan Tamil refugees in the camps. This will pave the way for better cooperation and collaboration towards greater service for refugees, as well as help remove prejudices against the Church and allow easier for access to work with refugees.

For a better refugee ministry, the Church in Tamil Nadu must have a pastoral vision and strategy based on the very foundational experience of Jesus. The Church can explore new pastoral care programmes and structures which would enhance pastoral care. These programmes, such as those ordered towards the healing and reconstruction of persons, spiritual sponsorship, psycho-spiritual-medical care, annual retreats/charismatic

² PCPCMT, *Chiesa e mobilità umana*, p. 372, n. 29; English trans. in *CLD*, 9 (1978-1981), p. 141.

healing retreats can help refugees feel that they are part of the Church community. Their dignity as human persons would be restored and they would be assured of friendship and accompaniment in resolving at least some of their problems.

The Church in Tamil Nadu could establish various associations among the Tamil refugees in the camps, such as Basic Christian Communities, the Catholic Women's League, the Saint Vincent de Paul Society, Bible based groups, Women's Self-Help groups (*Madhar Sangam*), youth groups, ecumenical and inter-religious dialogue groups, whose establishment among Tamil refugees would empower them as persons and members in the Catholic Church. It would help them to form a strong, active and viable community.

The Church in Tamil Nadu has been generous in its service to Sri Lankan Tamil refugees. It has voiced their cause and supported children's education by giving them preferential place in its educational institutions. The Church can improve its ministry for refugees further if there is a deeper commitment towards them. Importantly, this ministry would be strengthened by establishing special chaplaincies, missions for the care of souls, refugee outreach committees in parishes and a diocesan pastoral commission for refugees. Also, where appropriate, quasi-parishes or even parishes might be established.

The Church's pastoral agents (pastors, religious, lay men and women) must be advocates of conversion, forgiveness and reconciliation among the refugees in the camps. They should be forces for justice, solidarity, non-violence and peace. They should also enable the refugee communities to face their past and show them the way to peace through justice and forgiveness. Our faith can and must become a constructive force for justice, equality, reconciliation and peace in the given situations of ethnic conflicts.

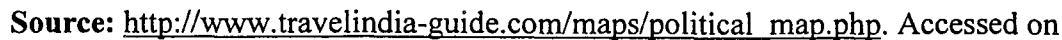
The role of the Church in Tamil Nadu, besides promoting the good of souls, is to encourage and to help the Sri Lankan Tamil refugees in camps to regain their positive identity, which would result in tolerance and acceptance of the 'other'. As M. Volf summarises:

We need the grand vision of life filled with the Spirit of God. We need reminders that the impossible is possible: we can and we will communicate with one another while we each speak our own languages; submerged voices will prophesy boldly and closed eyes will be opened to see visions; the needs of all will be met because none of us will call our things only our own. But along with the grand visions we need stories of small successful steps of learning to live together even when we do not quite understand each other's language, even when we suppress each other's voices, and even when we still cling too much to our own possessions and rob the possessions of others. The grand vision and the small steps will together keep us on a journey toward genuine justice between cultures. As we make space in ourselves for the perspective of the other on this journey, in a sense we have already arrived at the place where the Spirit was poured out on all flesh. And as we desire to embrace the other while we remain true to ourselves and to the crucified Messiah, in a sense we already are where we will be when the home of God is established among mortals.³

We began our study with the hope of subjecting to a critical inquiry the existing Church's teaching on the refugee issue and the pastoral provisions made available for the pastoral care of refugees in general and, in particular, of the Sri Lankan Tamil refugees in the Indian State of Tamil Nadu where thousands are still living in the refugee camps. The journey we undertook has enabled us to understand, in the first place, the multifaceted ethnic issues facing the Sri Lankan Tamil people; to appreciate the Church's staunch solidarity with refugees and its clear Magisterial teaching on refugees; the various pastoral provisions for refugee ministry and the practical problems the Church in Tamil Nadu has faced and continues to face in attending to this enormous task. We have come to one final conclusion for our study: much more can be done for the effective pastoral

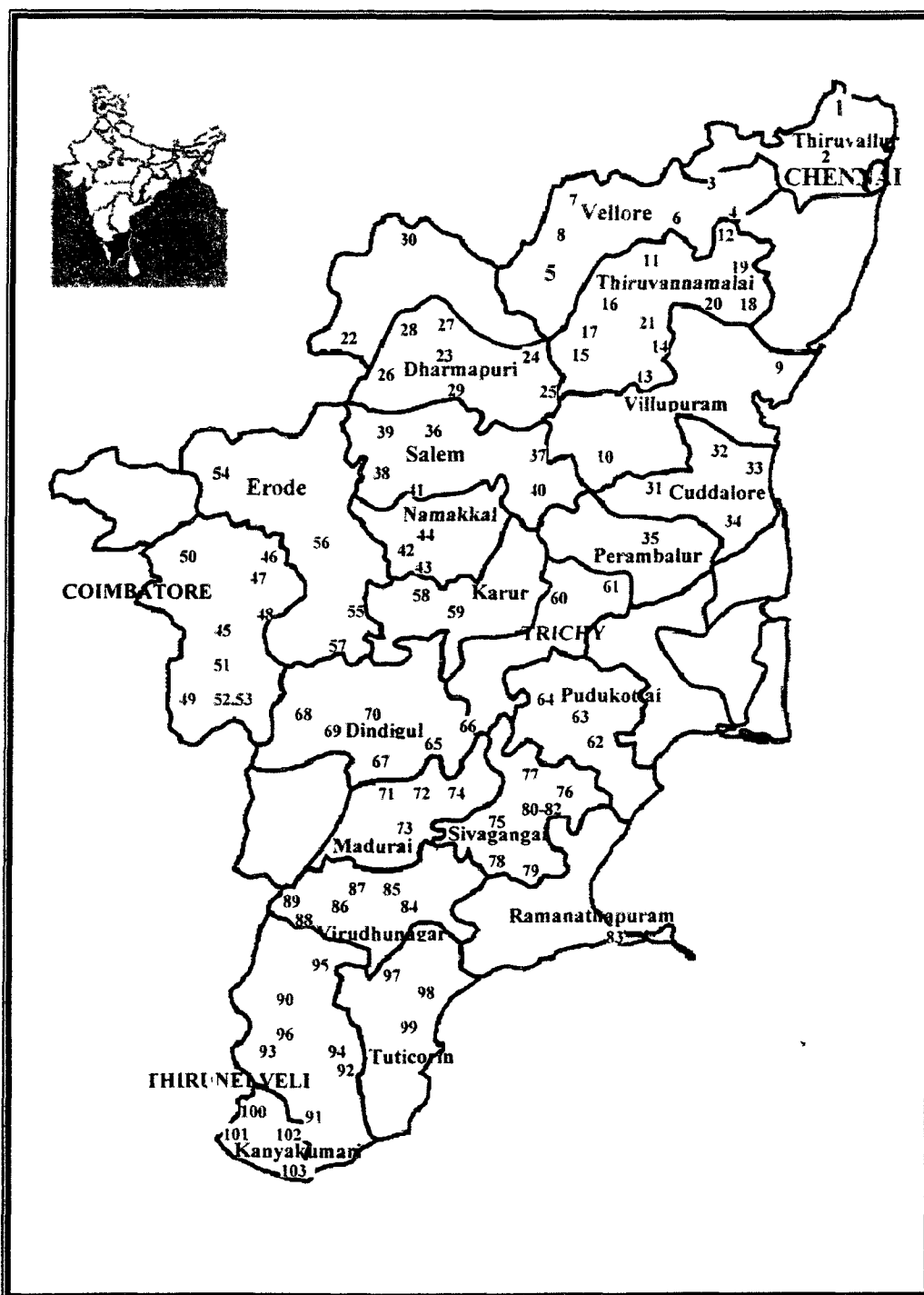
³ M. VOLF, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation*, Nashville, TN, Abingdon Press, 1996, pp. 230-231.

care of the Sri Lankan Tamil refugees still living in Tamil Nadu, and our hope is that all pastors who have a vested interest and commitment to the well-being of their flock will cultivate a genuine and keener interest in proving themselves to be caring and compassionate shepherds of souls. Such an attitude on the part of all concerned, we believe, is absolutely necessary for the success of any pastoral programme designed to promote and foster the spiritual development of all refugees.



APPENDIX II

TAMIL NADU REFUGEE CAMP MAP



Source: AROCKIAM, *A Study on Social Consequences*, pp. 141-142.

Thiruvallur Dt.

1. Gummidipoondi
2. Puzhal

Vellore Dt.

3. Banavaram
4. Abdullapuram
5. Chinnapallikuppom
6. Palaranaicut
7. Gudiyatham
8. Minnor

Villupuram Dt.

9. Keelpudupet
10. Chinnaselam
- Thiruvannamalai Dt.
11. Thavasi
12. Arani
13. Adiyannamalai
14. Kasthambadi
15. Athiyanthai
16. Thenpallipattu
17. Kondam
18. Osur
19. Velapadi
20. Papanthangal
21. Vilvarani

Dharmapuri Dt.

22. Thumballahalli Dam
23. Nagavathi Dam
24. New Pambar Dam
25. Old Pambar Dam
26. Yarrtyar Dam
27. Kesarkuli Dam
28. Sinnardam
29. Thoppaiyar Dam
30. Kelavarapalli Dam

Cuddalore Dt.

31. Viruthachalam
32. Kurinjipadi
33. Kullanchavadi
34. Kattumannarkoil

Perambalur Dt.

35. Thuraimangalam

Salem Dt.

36. Sentharaipatti
37. Pavalathanoo Erri
38. Athikattanoor
39. Nagiyampatti
40. Kurukkupatti
41. Sitherkoilkeel

Namakkal Dt.

42. Paramathi
43. Erumaipatti
44. Mettupatti

Coimbatore Dt.

45. Pooluvapatty
46. Perumanallur
47. Avinasi
48. Paruvai
49. Aliyar Nagar
50. Vedarcolony
51. Kottur
52. Thirumoorthy Nagar-1
53. Thirumoorthy Nagar-2

Erode Dt.

54. Bhavanisagar
55. Arachalur
56. Enjampalli
57. Kangeyam

Karur Dt.

58. Irumpoorthipatti
59. Rayanoor

Trichy Dt.

60. Valavanthankottai
61. Kottapattu

Pudukottai Dt.

62. Aliyanilai
63. Thoppukollai
64. Lenavilakku

Dindigul Dt.

65. Adiyanoothu
66. Thotanoothu
67. Batalagundu
68. Puliyampatti
69. Sivagiripatti

70. Virupachi

Madurai Dt.

71. Anaiyur
72. Koodalnagar
73. Uchapatti
74. Thiruvathavoor

Sivagangai Dt.

75. Okkur
76. Thalaisyur
77. Kanyur
78. Moongiloorani
79. Thayamangalam
80. Natarasankotta-i I
81. Natarasankotta-i 2
82. Natarasankotta-i 3

Ramanathapuram Dt.

83. Mandapam Camp

Virudhunagar Dt.

84. Mallanginaru
85. Kullur Santhai
86. Annaikootam
87. Sevalur
88. Vembakottai
89. Mottamalai

Thirunelveli Dt.

90. Boganallur
91. Sanmugarengapuram
92. Perumalpuram
93. Gopalasamudram
94. Thalaisyuthu
95. Naranammalpuram
96. Chettimedu

Tuticorin Dt.

97. Thapaththi
98. Kulathuvaipatti
99. Thalamuthunasar

Kanyakumari Dt.

100. Perumalpuram
101. Pazhavilai
102. Kozhivilai
103. Gnaramvilai

SELECTED BIBLIOGRAPHY

I. CANONICAL

SOURCES

Acta synodalia Sacrosancti Concilii oecumenici Vaticani II, cura et studio archivi Concilii oecumenici Vaticani II, (In Civitate Vaticana), Typis polyglottis Vaticanis, 1970-2001, 6 vols, 35 parts.

Acta et documenta Concilio oecumenico Vaticano II apparando, Città del Vaticano, Libreria editrice Vaticana, 1960-1995, 8 vols, 27 parts.

Annuario Pontificio 2008, Città del Vaticano, Libreria editrice Vaticana, 2008.

BENEDICT XV, Letter to Bishop John G. Shaw, *In summa animi*, 25 November 1914, in *AAS*, 6 (1914), pp. 667-668.

_____, Letter to the Bishops in America, *Certiores quotidie*, 17 March 1915, in *AAS*, 7 (1915), 168-169.

_____, Apostolic Letter, *Dopo gli ultimi*, 8 November 1918, in *AAS*, 10 (1918), pp. 478-479.

BENEDICT XVI, [various talks of Benedict XVI on refugees and migrants were collected and published] in *People on the Move*, 97 (2005), pp. 5-6, and *People on the Move*, 102 (2006), pp. 7-37.

_____, La Comunità Internazionale si impegni per diritti dei rifugiati, *Angelus Domini*, Sunday, 20 June 2004, in *People on the Move*, 97 (2005), p. 5.

_____, Message to the New Ambassador of Canada, (n.d.), in *People on the Move*, 97 (2005), pp. 5-6.

_____, Pontifical Message for the 93rd World Day of Migrants and Refugees: "The Migrant Family," 18 October 2006, in *People on the Move*, 102 (2006), pp. 45-47.

_____, After the *Angelus Domini*, St. Peter's Square, 3rd Sunday of Advent, 17 December 2006, in *People on the Move*, 102 (2006), p. 31.

_____, *Angelus Domini*, Sunday, 24 December 2006, in *People on the Move*, 102 (2006), p. 32.

_____, *Urbi et Orbi* Message, Christmas 2006, in *People on the Move*, 102 (2006), pp. 36-37.

_____, Encyclical Letter on Integral Development in Charity and Truth, *Caritas in veritate*, 29 June 2009, Vatican City, Libreria editrice Vaticana, 2009, published by Canadian Conference of Catholic Bishops, Ottawa, CCCB Publications Service, 2009.

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, 25 January 1983, In Civitate Vaticana, Typis polyglottis Vaticanis, 1983.

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus, Libreria editrice Vaticana, 1989; English trans. *Code of Canon Law*, Latin-English Edition, New English Translation, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 1999.

Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus, In Civitate Vaticana, Typis polyglottis Vaticanis, 1990; English trans. *Code of Canons of the Eastern Churches*, Latin-English Edition, New English Translation, Prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 2001.

Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV, auctoritate promulgatus, Romae, Typis polyglottis Vaticanis, 1917; English trans. E.N. PETERS (curator), *The 1917 or Pio-Benedictine Code of Canon Law*, in English translation with extensive scholarly apparatus, foreword by J.J. MYERS, San Francisco, Ignatius Press, 2001.

CONGREGATION FOR BISHOPS, Instruction, *De pastoralis migratorum cura*, 22 August 1969, in *AAS*, 61 (1969), pp. 614-643; English trans. in SCB, Instruction, *On the Pastoral Care of People Who Migrate*, Washington, DC, United States Catholic Conference, 1969, pp. 5-39.

CONGREGATION FOR BISHOPS, Directory on the Pastoral Ministry of Bishops, *Apostolorum successores*, Città del Vaticano, Libreria editrice Vaticana, 2004; English trans. *Directory for the Pastoral Ministry of Bishops*, Ottawa, Conference of Canadian Catholic Bishops Publications, 2004.

CONGREGATION FOR CATHOLIC EDUCATION, Circular Letter on the Pastoral Care of People on the Move in the Formation of Future Priests, *Il fenomeno della mobilità*, 25 January 1986, in *Enchiridion Vaticanum* (= *EV*), Documenti ufficiale della Santa Sede, testo ufficiale e versione italiana, 10 (1986-1987), Bologna, Edizioni Dehoniane, 1989, pp. 8-15; English trans. in NATIONAL CONFERENCE OF CATHOLIC BISHOPS-USA (= NCCB-USA), *People on the Move: A Compendium of Church Documents on the Pastoral Concern for Migrants and Refugees*, Bishops' Committee on Priestly Formation, Bishops' Committee on Migration, National Conference of Catholic Bishops, Washington, DC, United States Catholic Conference, 1988.

CONGREGATION FOR THE CLERGY, Directorium Generale pro ministerio pastoralis quoad "Turismum," *Peregrinans in terra*, 27 March 1969, in *AAS*, 61 (1969), pp. 361-384.

CONGREGATION FOR CLERGY et al., Instruction, *Ecclesiae de mysterio*, 15 August 1997, in *AAS*, 89 (1997), pp. 852-877; English trans. in *Origins*, 27 (1997-1998), pp. 397-409.

CONGREGATION FOR CLERGY, Instruction, "The Priest, Pastor and Leader of the Parish Community," 4 August 2002, in *Origins*, 32 (2002-2003), pp. 373, 375-390.

CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND FOR SOCIETIES OF APOSTOLIC LIFE – PONTIFICAL COMMISSION FOR THE PASTORAL CARE OF MIGRATIONS AND TOURISM (= PCPCMT), Joint Letter to all Religious, 25 March 1987, in *People on the Move*, 48 (1987), pp. 163-166.

CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND FOR SOCIETIES OF APOSTOLIC LIFE – PONTIFICAL COMMISSION FOR THE PASTORAL CARE OF MIGRATIONS AND TOURISM, Joint Instruction to all Major Superiors of Religious Institutes and of Societies of Apostolic Life, "Impegno pastorale per i migranti e i rifugiati" [Pastoral Commitment for Migrants and Refugees], (n.d.), in *Informationes SCRIS*, 14 (1988), pp. 205-212; English trans. in *Consecrated Life*, 14 (1989), pp. 288-293.

CONGREGATION FOR THE ORIENTAL CHURCHES, Decretum, "De spirituali administratione Ordinariatuum Graeco-Ruthenorum in foederatis civitatibus Americae Septentrionalis," 1 March 1929, in *AAS*, 21 (1929), pp. 152-159.

_____, Decretum, "De administratione Ordinariatus Graeco-Rutheni in regione Canadensi," 24 May 1930, in *AAS*, 22 (1930), pp. 346-354.

_____, Decretum, "Ordinariatus in Brasilia constituitur pro fidelibus rituum orientalium," 14 November 1951, in *AAS*, 44 (1952), pp. 382-383.

_____, Decretum, "Ordinariatus pro omnibus christifidelibus ritus orientalis in Gallia degentibus instituitur," 27 July 1954, in *AAS*, 47 (1955), pp. 612-613.

_____, Decretum, "Ordinariatus pro fidelibus ritus orientalis in Argentina erigitur," 19 February 1959, in *AAS*, 54 (1962), pp. 49-50.

CONGREGATION FOR THE PROPAGATION OF THE FAITH, Littere, "Delegati Apostolici Statuum Foederatorum quoad dubia parochialitatis apud quasi paroecias erectas pro populo diversae linguae," 26 April 1897, in *ASS*, 30 (1897-1898), p. 256.

_____, Decretum, "De spirituali adsistentia fidelium Graeco-Rutheni ritus in regionibus Americae meridionalis immigrantium," 27 March 1916, in *AAS*, 8 (1916), pp. 105-107.

_____, Instructio, "Circa erectionem quasi-paroeciarum in Vicariatibus et Praefecturis Apostolicis," 25 July 1920, in *AAS*, 12 (1920), pp. 331-333; English trans. in *CLD*, 1 (1917-1933), pp. 147-148.

CONGRESSO MONDIALE DELLA PASTORALE PER I MIGRANTI E I RIFUGIATI, *Solidarietà per le nuove migrazioni: atti del III Congresso mondiale della pastorale per i migranti e i rifugiati*, 30 September-5 October 1991, Città del Vaticano, Pontificio Consiglio della Pastorale per i Migranti e gli Itineranti, 1992.

FONDAZIONE MIGRANTES DELLA CONFERENZA ITALIANA (= FMCEI), *Enchiridion della Chiesa per le migrazioni: Documenti magisteriali ed ecumenici sulla pastorale della mobilità umana 1887-2000*, a cura di Giovanni Graziano Tassello con la collaborazione di Luisa Deponti e Mariella Guidotti, Bologna, EDB, 2001.

GASPARRI, P., Letter from the Secretary of State, 22 December 1914, in *AAS*, 6 (1914), pp. 711-712.

- INTERNATIONAL CATHOLIC MIGRATION CONGRESS (= ICMC), *Third International Catholic Migration Congress* Organized by the International Catholic Migration Commission, in Cooperation with the Giunta Cattolica Italiana per l'Emigrazione, Roma & in Consultation with the International Catholic Institute for Social Research, Geneva, Assisi, Italy, 22-28 September 1957, Geneva, Courier, 1957.
- INTERNATIONAL CATHOLIC MIGRATION CONGRESS, *Fourth International Catholic Migration Congress*, Organized by the International Catholic Migration Commission in Cooperation with Catholic Immigrant Services Canada, Ottawa, Canada, 21-25 August 1960, Geneva, Switzerland, ICNC, 1960.
- JOHN XXIII, Radio Address on behalf of the World Refugee Year: Plight of the Refugees, *Nous apprenons*, 28 June 1959, in *AAS*, 51 (1959), pp. 481-483; English trans. in *The Pope Speaks*, 6 (1959-1960), pp. 34-36.
- _____, Encyclical Letter, *Ad Petri Cathedram*, 29 June 1959, in *AAS*, 51 (1959), pp. 497-531; English trans. in *The Pope Speaks*, 5 (1959), pp. 359-383.
- _____, Encyclical Letter, *Mater et magistra*, 15 May 1961, in *AAS*, 53 (1961), pp. 401-464; English trans. in D.J. O' BRIEN and T.A. SHANNON (eds.), *Catholic Social Thought. The Documentary Heritage* (= O' BRIEN, *Catholic Social Thought*), Maryknoll, NY, Orbis Books, 1992, pp. 82-128.
- _____, Address to the Members of the Supreme Council of Emigration, 20 October 1961, in *AAS*, 53 (1961), pp. 717-719.
- _____, Encyclical Letter, *Pacem in terris*, 11 April 1963, in *AAS*, 55 (1963), pp. 257-304; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 129-162.
- JOHN PAUL II, Per la Giornata nazionale del migrante: "Dovunque vi troviate nel mondo perserverate nella fede," 19 November 1978, in *Insegnamenti di Giovanni Paolo II*, I (1979), Città del Vaticano, Libreria editrice Vaticana, 1979, pp. 180-181.
- _____, Discorso ai partecipanti al Congresso Mondiale in corso in Vaticano. "Migrazioni: l'impegno della Chiesa," 15 March 1979, in *Insegnamenti di Giovanni Paolo II*, II (1979), Città del Vaticano, Libreria editrice Vaticana, 1979, pp. 661-664.
- _____, Appello per i rifugiati Indocinesi, 20 June 1979, in *Insegnamenti di Giovanni Paolo II*, II (1979), pp. 1595-1596.
- _____, Discorso con i rifugiati Indocinesi, 29 July 1979, in *Insegnamenti di Giovanni Paolo II*, II, 2 (1979), Città del Vaticano, Libreria editrice Vaticana, 1980, pp. 95-96.
- _____, Messaggio per la Giornata del migrante, 1 December 1979, in *Insegnamenti di Giovanni Paolo II*, II, 2 (1979), pp. 1305-1309.
- _____, In occasione di una tavola rotonda su "il bambino rifugiato": "Lettera del Segretario di Stato Cardinale Casaroli all'alto Commissario delle Nazioni Unite per i rifugiati," 29 October 1980, in *Insegnamenti di Giovanni Paolo II*, III, 2 (1980), Città del Vaticano, Libreria editrice Vaticana, 1980, pp. 1020-1022.
- _____, Address to Refugees in Exile at Morong, Philippines, 21 February 1981, in *AAS*, 73 (1981), pp. 388-391.

- JOHN PAUL II, Lettera del Cardinale Segretario di Stato per la Giornata del migrante: "Rispettare e incrementare l'identità culturale dei migranti," 21 September 1981, in *Insegnamenti di Giovanni Paolo II*, IV, 2 (1981), Città del Vaticano, Libreria editrice Vaticana, 1982, pp. 287-294.
- _____, Corresponsabilità e condivisione dei Cristiani per i problemi che angustiano gli emigranti, 15 November 1981, in *Insegnamenti di Giovanni Paolo II*, IV, 2 (1981), pp. 643-645.
- _____, Ai vescovi della Basilicata e della Puglia in visita *Ad limina*: "Difendere l'inviolabilità della famiglia per l'elevazione delle genti del sud," 28 November 1981, in *Insegnamenti di Giovanni Paolo II*, IV, 2 (1981), pp. 774-780.
- _____, Discorso ai Vescovi della Calabria in visita "*Ad limina*," "Impegno della Chiesa locale nella cura pastorale dei migranti," 10 December 1981, in *Insegnamenti di Giovanni Paolo II*, IV, 2 (1981), pp. 896-900; English trans. in *On the Move*, 40 (1984), pp. 94-97.
- _____, Al corpo Diplomatico nella consueta udienza di inizio d'anno, 16 January 1982, in *Insegnamenti di Giovanni Paolo II*, V, 1 (1982), Città del Vaticano, Libreria editrice Vaticana, 1982, pp. 108-128, (on Refugees: pp. 116-118).
- _____, Ai rifugiati dall'Afganistan, 24 March 1982, in *Insegnamenti di Giovanni Paolo II*, V, 1 (1982), p. 984.
- _____, "Réfugiés... une des plaies terribles dont souffre notre monde actuel," in L'incontro con il corpo Diplomatico a Lisbona: "Preparate vie sempre più umane per risolvere le controversie internazionali," 13 May 1982, in *Insegnamenti di Giovanni Paolo II*, V, 2 (1982), Città del Vaticano, Libreria editrice Vaticana, 1982, pp. 1625-1632, (on Refugees, pp. 1628-1629, 1631-1632); English trans. in *On the Move*, 40 (1984), pp. 175-176.
- _____, All'alto Commissario per i rifugiati: "La 'piaga' dei rifugiati una vergogna per la nostra epoca," 25 June 1982, in *Insegnamenti di Giovanni Paolo II*, V, 2 (1982), pp. 2398-2401.
- _____, Ad emigranti africani e asiatici: "Questa sera ho incontrato Cristo in ciascuno di voi," 13 August 1982, in *Insegnamenti di Giovanni Paolo II*, V, 3 (1982), Città del Vaticano, Libreria editrice Vaticana, 1982, pp. 216-218.
- _____, Apostolic Constitution, *Sacrae disciplinae leges*, 25 January 1983, in *AAS*, (Special Issue), 75 (1983), pp. vii-xiv; English trans. in *The Code of Canon Law*, prepared by THE CANON LAW SOCIETY OF GREAT BRITAIN AND IRELAND IN ASSOCIATION WITH THE CANON LAW SOCIETY OF AUSTRALIA AND NEW ZEALAND AND THE CANADIAN CANON LAW SOCIETY, Bangalore, Published by Collins for Theological Publications in India, 2001, pp. xi-xv.
- _____, Messaggio per la Giornata del migrante: "La condizione dei migranti è una sfida alla vocazione del Cristiano," 11 August 1983, in *Insegnamenti di Giovanni Paolo II*, VI, 2 (1983), Città del Vaticano, Libreria editrice Vaticana, 1983, pp. 180-184.
- JOHN PAUL II, Ai Superiori Maggiori d'Europa: "Emarginati, migranti, rifugiati nel piano di evangelizzazione," 17 November 1983, in *Insegnamenti di Giovanni Paolo II*, VI, 2 (1983), pp. 1100-1105.

- _____, Message on Refugees from 1979 to 1983, in *On the Move*, 40 (1984), pp. 157-183.
- _____, Il discorso dopo la visita *Ad limina*: "Solidarietà ai Vescovi di Sri Lanka impegnati a promuovere pace ed unità," 5 July 1984, in *Insegnamenti di Giovanni Paolo II*, VII, 2 (1984), Città del Vaticano, Libreria editrice Vaticana, 1984, pp. 21-25 (English).
- _____, Messaggio alla Conferenza di Ginevra: "Offrite ai rifugiati la speranza, non solo la protezione," 5 July 1984, in *Insegnamenti di Giovanni Paolo II*, VII, 2 (1984), pp. 26-28.
- _____, Messaggio per la Giornata del migrante: "È ancora grave il dramma dei rifugiati e dei clandestini," 30 August 1984, in *Insegnamenti di Giovanni Paolo II*, VII, 2 (1984), pp. 295-299.
- _____, Messaggio per la Giornata mondiale dell'emigrazione: "Il diritto dei fedeli migranti alla libera integrazione ecclesiale," 16 July 1985, in *Insegnamenti di Giovanni Paolo II*, VIII, 2 (1985), Città del Vaticano, Libreria editrice Vaticana, 1985, pp. 129-133.
- _____, Address to the Participants of the Second World Congress on the Pastoral [Care] of Emigration, "The Church and Migrants," 17 October 1985, in *The Pope Speaks*, 30 (1985), pp. 347-350; also in *On the Move*, 46 (1985), pp. 7-12.
- _____, Ai vescovi della Thailandia in visita *Ad limina*: "Cresca nel mondo l'attenzione per le necessità dei rifugiati," 14 November 1985, in *Insegnamenti di Giovanni Paolo II*, VIII, 2 (1985), pp. 1252-1258.
- _____, Messaggio per la Giornata mondiale del migrante: "Gravi, dolorose e complesse le condizioni delle famiglie coinvolte nella dura situazione dell'emigrazione," 15 August 1986, in *Insegnamenti di Giovanni Paolo II*, IX, 2 (1986), Città del Vaticano, Libreria editrice Vaticana, 1986, pp. 382-390.
- _____, Le credenziali del nuovo Ambasciatore degli Stati Uniti d'America: "Impegno di solidarietà per alleviare le sofferenze dei più deboli e dei rifugiati," 8 January 1987, in *Insegnamenti di Giovanni Paolo II*, X, 1 (1987), Città del Vaticano, Libreria editrice Vaticana, 1988, pp. 56-59.
- _____, Messaggio per la Giornata mondiale del migrante sul tema 'i laici cattolici e le migrazioni': "Le sofferenze, le umiliazioni e la povertà dei migranti chiamano in causa tutta la Chiesa ma in primo luogo i laici," 5 August 1987, in *Insegnamenti di Giovanni Paolo II*, X, 3 (1987), Città del Vaticano, Libreria editrice Vaticana, 1988, pp. 173-180.
- _____, Homily for Tamiami Park, 15 September 1987, in *Origins*, 17 (1987-1988), pp. 243-245.
- _____, Ethnic Universality of the Church, 15 October 1987, in *Origins*, 17 (1987-1988), pp. 305, 307-309.
- JOHN PAUL II, The Hart Plaza Address: Human Solidarity, 18 October 1987, in *Origins*, 17 (1987-1988), pp. 329-333.

- _____, All'assemblea plenaria di "*Cor Unum*": "L'amore preferenziale di Dio per i rifugiati é reso concreto dalla "Diaconia della carità," 21 November 1987, in *Insegnamenti di Giovanni Paolo II*, X, 3 (1987), pp. 1171-1173.
- _____, Encyclical Letter, *Sollicitudo rei socialis*, 30 December 1987, in *AAS*, 80 (1988), pp. 513-586; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 393-436.
- _____, Encyclical Letter on the 20th Anniversary of *Populorum progressio*, "*Sollicitudo rei socialis*," 30 December 1987, in *AAS*, 80 (1988), pp. 935-956; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 437-488.
- _____, Apostolic Constitution, *Pastor bonus*, 28 June 1988, in *AAS*, 80 (1988), pp. 841-924; English trans. in E. CAPARROS, M. THÉRIAULT and J. THORN (eds.), *Code of Canon Law Annotated*, Prepared under the Responsibility of the Instituto Martin de Azpilcueta, Second edition revised and updated of the 6th Spanish language edition, edited by E. CAPARROS et al., Montréal, Wilson & Lafleur Limitée, 2004, pp. 1422-1551.
- _____, Messaggio in occasione della Giornata mondiale del migrante: "Affido a Maria la difficile situazione personale dei migranti," 4 October 1988, in *Insegnamenti di Giovanni Paolo II*, XI, 3 (1988), Città del Vaticano, Libreria editrice Vaticana, 1991, pp. 1024-1030.
- _____, Discorso alla plenaria della Commissione "migrazione e turismo": "L'unica fede deve essere vissuta e innestata nelle diverse culture," 25 October 1988, in *Insegnamenti di Giovanni Paolo II*, XI, 3 (1988), pp. 1327-1329.
- _____, Discorso ai partecipanti alla seconda conferenza nazionale dell'emigrazione: "La società umana deve diventare veramente una sola grande famiglia," 3 December 1988, in *Insegnamenti di Giovanni Paolo II*, XI, 4 (1988), Città del Vaticano, Libreria editrice Vaticana, 1991, pp. 1717-1721.
- _____, World Day of Peace Message 1989, "Per costruire la pace, rispettare le minoranze," 8 December 1988, in *AAS*, 81 (1989), pp. 95-103; English trans. "To Build Peace, Respect Minorities," in *Origins*, 18 (1988-89), pp. 465, 467-469.
- _____, Nella XXII Giornata mondiale della pace: "Auguriamo che sia l'anno della pace, della giustizia, della solidarietà, della sollecitudine sociale per tutti," 1 January 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 1 (1989), Città del Vaticano, Libreria editrice Vaticana, 1991, pp. 6-11.
- _____, Lusaka: L'incontro con i membri del corpo Diplomatico nel centro Congressi "Mulungushi Hall": "Il problema del debito internazionale e il flagello di milioni di rifugiati esigono una coraggiosa solidarietà," 3 May 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 1 (1989), pp. 1108-1113.
- _____, Blantyre: Il saluto al Malawi durante la cerimonia di benvenuto all'aeroporto: "Grazie per la vostra solidarietà verso i rifugiati," 4 May 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 1 (1989), pp. 1137-1139.
- JOHN PAUL II, Ai vescovi dello Sri Lanka in visita *Ad limina*: "Solidarietà con il popolo dello Sri Lanka provato dalla violenza e dal terrorismo," 7 July 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 1 (1989), pp. 45-50.

- _____, Messaggio per la Quaresima 1990. Profughi e rifugiati: "Il nostro prossimo più prossimo," 8 September 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 2 (1989), Città del Vaticano, Libreria editrice Vaticana, 1991, pp. 476-480; English trans. Message for Lent 1990: "Refugees are Neighbours," in *The Pope Speaks*, 35 (1990), pp. 161-163.
- _____, Messaggio per la Giornata mondiale del migrante: "Le migrazioni veicolo di fede di fraternità per un mondo sempre più interdependente e solidale," 10 September 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 2 (1989), pp. 490-495; English trans. "World Migrants' Day 1989," in *The Pope Speaks*, 35 (1990), pp. 33-36.
- _____, Alla plenaria del Pontificio Consiglio della Pastorale per i Migranti e gli Itineranti: "Una nuova evangelizzazione per arginare il proselitismo delle Sette tra i migranti," 26 October 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 2 (1989), pp. 1033-1037; English trans. "Counteracting Proselytism of Migrants," in *The Pope Speaks*, 35 (1990), pp. 113-116.
- _____, All' "Angelus" accordato appello per la sorte dei "Boat People": "Una soluzione rispettosa della dignità dell'uomo per il grave problema dei rifugiati Vietnamiti," 17 December 1989, in *Insegnamenti di Giovanni Paolo II*, XII, 2 (1989), pp. 1557-1558.
- _____, Messaggio in occasione della Giornata mondiale delle migrazioni: "Una sapiente azione pastorale per salvaguardare i migranti dal proselitismo religioso," 25 July 1990, in *Insegnamenti di Giovanni Paolo II*, XIII, 2 (1990), Città del Vaticano, Libreria editrice Vaticana, 1992, pp. 145-151.
- _____, Alla plenaria del Pontificio Consiglio della Pastorale per i Migranti e gli Itineranti: "La nuova ondata di masse in fuga impone agli stati di programmare con realismo e generosità l'accoglienza," 11 April 1991, in *Insegnamenti di Giovanni Paolo II*, XIV, 1 (1991), Città del Vaticano, Libreria editrice Vaticana, 1993, pp. 741-744.
- _____, Encyclical Letter for the 100 years of *Rerum novarum*, "Centesimus annus," 1 May 1991, in *Insegnamenti di Giovanni Paolo II*, XIV, 1 (1991), pp. 953-1083; English trans. in O' BRIEN, *Catholic Social Thought*, pp. 437-488.
- _____, Ai vescovi della Thailandia in visita *Ad limina*: "La tragedia umana dei rifugiati e dei profughi è una sfida per l'intera comunità internazionale," 24 May 1991, in *Insegnamenti di Giovanni Paolo II*, XIV, 1 (1991), pp. 1321-1327.
- _____, Ai partecipanti al III Congresso mondiale della pastorale per i migranti ed i rifugiati svoltosi in questi giorni in Vaticano: "Una costruttiva politica di accoglienza per i migranti perchè siano rispettati nella loro dignità di persone," 5 October 1991, in *Insegnamenti di Giovanni Paolo II*, XIV, 2 (1991), Città del Vaticano, Libreria editrice Vaticana, 1993, pp. 741-744.
- _____, M'Banza Congo: Appello durante la celebrazione della parola sulla spianata della cattedrale: "La guerra civile ha costretto i rifugiati a fuggire. La pace si costruisce anche con il loro ritorno," 8 June 1992, in *Insegnamenti di Giovanni Paolo II*, XV, 1 (1992), Città del Vaticano, Libreria editrice Vaticana, 1994, pp. 1783-1788.

- JOHN PAUL II, Messaggio per la Giornata mondiale del migrante 1992: "Accogliere lo straniero con l'atteggiamento gioioso di chi sa riconoscere in lui il volto di Cristo," 31 July 1992, in *Insegnamenti di Giovanni Paolo II*, XV, 2 (1992), Città del Vaticano, Libreria editrice Vaticana, 1994, pp. 80-84.
- _____, Le credenziali del nuovo Ambasciatore di Slovenia: "Con la solidarietà tipica dell'animo slavo alleviate le sofferenze dei profughi," 14 November 1992, in *Insegnamenti di Giovanni Paolo II*, XV, 2 (1992), pp. 575-578.
- _____, All'Ambasciatore Mongbe in previsione dell'incontro promosso dalla Santa Sede presso le Nazioni Unite: "I rifugiati: Una sfida alla solidarietà," 5 March 1993, in *Insegnamenti di Giovanni Paolo II*, XVI, 1 (1993), Città del Vaticano, Libreria editrice Vaticana, 1995, pp. 568-571.
- _____, Le credenziali del nuovo Ambasciatore di Romania: "Il dialogo è la sola via rispettosa dell'uomo, dei popoli e delle minoranze etniche," 8 June 1993, in *Insegnamenti di Giovanni Paolo II*, XVI, 1 (1993), pp. 1444-1447.
- _____, Messaggio in occasione della celebrazione della Giornata mondiale del migrante 1993-1994: "Lo stato difenda le famiglie degli immigrati dal razzismo e dall'emarginazione," 6 August 1993, in *Insegnamenti di Giovanni Paolo II*, XVI, 2 (1993), Città del Vaticano, Libreria editrice Vaticana, 1995, pp. 150-155.
- _____, Ai partecipanti alla riunione plenaria del Pontificio Consiglio della Pastorale per i Migranti e gli Itineranti: "Accogliere quanti sono coinvolti nella mobilità umana significa aiutarli a diventare costruttori di solidarietà," 21 October 1993, in *Insegnamenti di Giovanni Paolo II*, XVI, 2 (1993), pp. 1073-1077.
- _____, Messaggio per la Giornata mondiale del migrante 1995: "Solidarietà, accoglienza, tutela da abusi e protezione a favore della donna," 10 August 1994, in *Insegnamenti di Giovanni Paolo II*, XVII, 2 (1994), Città del Vaticano, Libreria editrice Vaticana, 1996, pp. 116-120.
- _____, Le credenziali del nuovo Ambasciatore di Thailandia: "Il vostro e gli altri paesi del sud-est asiatico rispondono con solidarietà al dramma dei rifugiati," 25 March 1995, in *Insegnamenti di Giovanni Paolo II*, XVIII, 1 (1995), Città del Vaticano, Libreria editrice Vaticana, 1997, pp. 847-849.
- _____, Messaggio in occasione della Giornata mondiale del migrante e rifugiato 1996: "Nella Chiesa nessuno è straniero e la Chiesa non è straniera a nessun uomo e in nessun luogo," 25 July 1995, in *Insegnamenti di Giovanni Paolo II*, XVIII, 2 (1995), Città del Vaticano, Libreria editrice Vaticana, 1998, pp. 130-134; English trans. in *The Pope Speaks*, 41 (1996), pp. 8-11.
- _____, Nairobi: Le parole al termine della Santa Messa: "Cari rifugiati del Rwanda e del Burundi: Sappiate che non siete soli e che il Papa e la Chiesa sono con voi," 19 September 1995, in *Insegnamenti di Giovanni Paolo II*, XVIII, 2 (1995), pp. 609-610.
- _____, Ai vescovi della Tanzania in visita *Ad limina*: "Vi chiedo di continuare a dimostrare compassione e generosità verso gli oltre 700,000 rifugiati dal Rwanda e dal Burundi," 20 February 1996, in *Insegnamenti di Giovanni Paolo II*, XIX, 1 (1996), Città del Vaticano, Libreria editrice Vaticana, 1998, pp. 376-383.

- JOHN PAUL II, Ai Presuli della Conferenza Episcopale del Mali in visita *Ad limina*: “State attenti alle divisioni che possono ostacolare la pace e sappiate richiamare il dovere di giustizia per i rifugiati,” 8 March 1996, in *Insegnamenti di Giovanni Paolo II*, XIX, 1 (1996), pp. 526-531.
- _____, Messaggio in occasione della Giornata mondiale del migrante e rifugiato 1997: “Individuare le esigenze prioritarie ed elaborare risposte più consone al rispetto della dignità delle persone e al dovere dell’accoglienza,” 21 August 1996, in *Insegnamenti di Giovanni Paolo II*, XIX, 2 (1996), Città del Vaticano, Libreria editrice Vaticana, 1998, pp. 205-211; English trans. “Concern for Migrants and Refugees,” in *The Pope Speaks*, 42 (1997), pp. 12-16.
- _____, Messaggio per la celebrazione della 84 Giornata mondiale del migrante e del rifugiato 1998: “Sia rispettata ogni persona e siano bandite le discriminazioni che umiliano la dignità umana,” 9 November 1997, in *Insegnamenti di Giovanni Paolo II*, XX, 2 (1997), Città del Vaticano, Libreria editrice Vaticana, 2000, pp. 769-775; English trans. “Solidarity with the Stranger,” in *The Pope Speaks*, 43 (1998), pp. 140-143.
- _____, Le credenziali del nuovo Ambasciatore dello Swaziland: “In Africa è necessario porre fine ai conflitti e garantire assistenza alla moltitudine dei rifugiati,” 28 May 1998, in *Insegnamenti di Giovanni Paolo II*, XXI, 1 (1998), Città del Vaticano, Libreria editrice Vaticana, 2000, pp. 1068-1071.
- _____, Messaggio per L’85 Giornata mondiale del migrante: “Per la parrocchia l’accoglienza e l’integrazione dello straniero non sono attività facoltative ma un dovere istituzionale,” 2 February 1999, in *Insegnamenti di Giovanni Paolo II*, XXII, 1 (1999), Città del Vaticano, Libreria editrice Vaticana, 2002, pp. 304-312.
- _____, “Messaggi del Papa in occasione della Giornata Mondiale dei Migranti 1986-1999,” in FONDAZIONE MIGRANTES DELLA CONFERENZA EPISCOPALE ITALIANA (= EMCEI), *Quaderni di Servizio Migranti*, nr. 27, Roma, Fondazione Migrantes, 1999, pp. 89-154.
- _____, Dheisheh: “La visita al campo profughi. Maggiore solidarietà internazionale e volontà politica per affrontare la sfida posta dalle condizioni dei profughi,” 22 March 2000, in *Insegnamenti di Giovanni Paolo II*, XXIII, 1 (2000), Città del Vaticano, Libreria editrice Vaticana, 2002, pp. 414-416.
- _____, Il Giubileo dei Migranti e degli Itineranti: “Al centro dei fenomeni di mobilità porre sempre l’uomo e il rispetto dei suoi diritti,” 2 June 2000, in *Insegnamenti di Giovanni Paolo II*, XXIII, 1 (2000), pp. 1007-1010.
- _____, Messaggio alla Signora Sadako Ogata in occasione della celebrazione del 50 anniversario dell’Alto Commissariato delle Nazioni Unite per i Rifugiati (ACNUR): “La tutela dei rifugiati, la difesa e la promozione della loro dignità sono anche al centro della missione della Santa Sede,” 22 November 2000, in *Insegnamenti di Giovanni Paolo II*, XXIII, 2 (2000), Città del Vaticano, Libreria editrice Vaticana, 2002, pp. 942-944.
- _____, Messaggio per la Giornata mondiale delle migrazioni 2001: “La pastorale per i migranti, via per l’adempimento della missione della Chiesa oggi,” 2 February 2001, in *Insegnamenti di Giovanni Paolo II*, XXIV, 1 (2001), Città del Vaticano, Libreria editrice Vaticana, 2003, pp. 286-294.

- JOHN PAUL II, Messaggio per la Giornata mondiale del migrante e del rifugiato 2002: "Un fecondo dialogo interreligioso basato sulla centralità della persona è l'unica via per allontanare lo spettro delle guerre di religione," 25 July 2001, in *Insegnamenti di Giovanni Paolo II*, XXIV, 2 (2001), Città del Vaticano, Libreria editrice Vaticana, 2003, pp. 105-109; English trans. in *The Pope Speaks*, 47 (2002), pp. 133-136.
- _____, Ai membri della "International Catholic Migration Commission": "Nel grande compito di promuovere la solidarietà non stancatevi mai di ricercare nuove modalità di cooperazione ecumenica e interreligiosa," 12 November 2001, in *Insegnamenti di Giovanni Paolo II*, XXIV, 2 (2001), pp. 711-713.
- _____, Messaggio per la 89 Giornata mondiale del migrante e del rifugiato 2003: "Per un impegno a vincere ogni razzismo, xenofobia e nazionalismo esasperato," 24 October 2002, in *Insegnamenti di Giovanni Paolo II*, XXV, 2 (2002), Città del Vaticano, Libreria editrice Vaticana, 2003, pp. 606-609.
- _____, Post-synodal Apostolic Exhortation, *Pastores gregis*, 16 October 2003, in *AAS*, 96 (2004), pp. 920-; English trans. in Post-synodal Apostolic Exhortation *Pastores gregis*, Ottawa, CCCB Publication, 2003.
- _____, Message for the 90th World Day of Migration and Refugees 2004: "Migration with a View to Peace," in *The Pope Speaks*, 48 (2004), pp. 229-231.
- _____, Messaggi del Papa nella Giornata Mondiale del Migrante e del Refugito 1986-2005, in FONDAZIONE MIGRANTES DELLA CONFERENZA EPISCOPALE ITALIANA, *Quaderno di Servizio Migranti*, nr. 49, Rome, Fondazione Migrantes, 2005, pp.5-139.
- LEO XIII, Letter to the Bishop of Piacenza Mons. Giovanni Battista Scalabrini, *Libenter agnovimus*, 25 November 1887, in *ASS*, 20 (1887), p. 305.
- LEO XIII, Apostolic Letter to Archbishops and Bishops of America Concerning the Italian Migrants, *Quam aerumnos*, 10 December 1888, in *ASS*, 21 (1888), pp. 258-260.
- _____, Encyclical Letter, *Rerum novarum*, 15 May 1891, in *ASS*, 23 (1890-1910), pp. 641-670; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 14-39.
- _____, *The Great Encyclical Letters of Pope Leo XIII*, Translations from the approved sources, with preface by John J. Wynne, New York/Cincinnati/Chicago, Benziger Brothers, 1903.
- Migrazioni e diritto ecclesiale: La pastorale della mobilità nel nuovo Codice di diritto canonico*, Pontificio Consiglio della Pastorale per i Migranti e gli Itineranti, Padova, Edizione Messaggero, 1992.
- NATIONAL CONFERENCE OF CATHOLIC BISHOPS-USA, "Resolution on the Pastoral Concern of the Church for People on the Move," in *On the Move*, 17 (1977), pp. 54-57.
- _____, *Brothers and Sisters to Us*, Washington, DC, United States Catholic Conference (= USCC), 1978.
- _____, "Report After Visiting Refugee Situations in Southeast Asia, 1983," in *On the Move*, 42 (1984), pp. 105-132.

- NATIONAL CONFERENCE OF CATHOLIC BISHOPS-USA, "Resolution on the Pastoral Concern of the Church for People on the Move," in *Pastoral Letters of the United States Catholic Bishops, 1792-1983*, vol. 4, Washington, DC, USCC, 1984, pp. 167-169.
- _____, "Statement on Small Boat Refugees in Southeast Asia," in *Pastoral Letters of the United States Catholic Bishops, 1792-1983*, vol. 4, Washington, DC, USCC, 1984, pp. 241-242.
- _____, *Together, A New People: Pastoral Statement on Migrants and Refugees*, Washington, DC, USCC, 1986.
- _____, *Directory of Pastoral Care of Migrants, Refugees and People on the Move*, Washington, DC, Bishops' Committee on Migration, 1987.
- _____, "Political Responsibility: Choices for the Future," in *Origins*, 17 (1987-88), pp. 369, 371-375.
- _____, *Today's Immigrants and Refugees: A Christian Understanding*, Washington, DC, USCC, 1988.
- _____, *People on the Move: A Compendium of Church Documents on the Pastoral Concern for Migrants and Refugees*, Bishops' Committee on Priestly Formation, Bishops' Committee on Migration, National Conference of Catholic Bishops, Washington, DC, USCC, 1988.
- _____, *Who are My Sisters and Brothers? Reflections on Understanding and Welcoming Immigrants and Refugees*, Washington, DC, USCC, 1996.
- PAUL VI, Speech to the participants of the General Assembly of the Association for the Study of the World Refugee Problem, 3 October 1963, in *Insegnamenti di Paolo VI*, I (1963), Città del Vaticano, Tipografia poliglotta Vaticana, 1965, pp. 189-190.
- _____, Radio Address for Migration Day, 24 November 1963, in *Insegnamenti di Paolo VI*, I (1963), pp. 346-348.
- _____, *Motu proprio, Pastorale munus*, 30 November 1963, in *AAS*, 56 (1964), pp. 5-12; English trans. "Faculties and Privileges Granted to Local Ordinaries," in *CLD*, 6 (1963-1967), pp. 370-378.
- _____, Address to the Participants of the 12th Session of the Executive Committee for the Programme of the United Nations High Commissioner for Refugees, 30 October 1964, in *Insegnamenti di Paolo VI*, II (1964), Città del Vaticano, Tipografia poliglotta Vaticana, 1965, pp. 621-623.
- _____, *De Ecclesia*, 21 November 1964, in *AAS*, 56 (1965), pp. 1007-1018; English trans. in *CLD*, 6 (1963-1967), pp. 380-384.
- _____, Allocution to the Pontifical Commission for the Revision of the Code of Canon Law, 20 November 1965, in *AAS*, 57 (1965), pp. 985-989; English trans. in *The Jurist*, 26 (1966), pp. 35-40.

- PAUL VI, *Motu proprio, Ecclesiae sanctae*, 6 August 1966, in *AAS*, 58 (1966), pp. 757-787; English trans. in A. FLANNERY (gen. ed.), *Vatican Council II. Post Conciliar Documents* (= FLANNERY I), New Revised Edition, The Vatican Collection, vol. 1, Northport, NY, Costello Publishing Company/Dublin, Ireland, Dominican Publications, 2004, pp. 591-610.
- _____, *Motu proprio, De Episcoporum muneribus*, 15 June 1966, in *AAS*, 58 (1966), pp. 467-472; English trans. in *CLD*, 6 (1963-1967), pp. 394-400.
- _____, Encyclical Letter, *Populorum progressio*, 26 March 1967, in *AAS*, 59 (1967), pp. 257-299; English trans. in D.J. O' BRIEN and T.A. SHANNON (eds.), *Renewing the Earth: Catholic Documents on Peace, Justice and Liberation*, Garden City, NY, Image Books: A Division of Doubleday & Co., 1977, pp. 307-346.
- _____, Apostolic Constitution, *Regimini Ecclesiae universae*, 15 August 1967, in *AAS*, 59 (1967), pp. 885-928; English trans. in *CLD*, 6 (1963-1967), pp. 324-357.
- _____, "Canon Law and Church Renewal," 25 May 1968, in *The Pope Speaks*, 13 (1968), pp. 219-223.
- _____, "The Bishop: Teacher, Witness, Custodian of God's Truth," 6 January 1969, in *The Pope Speaks*, 14 (1969), pp. 54-60.
- _____, Allocution to the Roman Rota, 27 January 1969, in *AAS*, 61 (1969), pp. 174-178; English trans. in W.H. WOESTMAN (ed.), *Papal Allocutions to the Roman Rota 1939-2002*, Ottawa, Saint Paul University, 2002, pp. 94-97.
- _____, World Events and the Apostolic Ministry-1969: "Address to the College of Cardinals," 23 June 1969, in *The Pope Speaks*, 14 (1969), pp. 120-127.
- _____, *Motu proprio, Pastoralis migratorum cura*, 15 August 1969, in *AAS*, 61 (1969), pp. 601-603; English trans. in *New Norms for the Care of Migrants*, Washington, DC, United States Catholic Conference, 1969, pp. 1-3.
- _____, *Motu proprio, Apostolicae caritatis*, 19 March 1970, in *AAS*, 62 (1970), pp. 193-197; English trans. "Pontifical Commission Established for the Spiritual Care of Migrants and Travellers," in *CLD*, 7 (1968-1972), pp. 220-223.
- _____, Allocution "Delegatis Conferentiarum Episcopaliū qui quarto internationali Coetui interfuerunt, favente Pontificia Commissione 'De spirituali migratorum atque intinerantium cura'," 7 November 1970, in *AAS*, 62 (1970), pp. 771-773.
- _____, Apostolic Letter, *Octogesima adveniens*, 14 May 1971, in *AAS*, 63 (1971), pp. 401-441, nn. 1-52; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 263-286.
- _____, Allocution "Iis qui interfuerunt Coetui, Romae habito a v.d. 'International Catholic Migration Commission', vigesimo exacto anno ex quo eadem Commissio constituta est atque primo volvente saeculo a condita Associatione v. 'St. Raphael-Verein'," 29 September 1971, in *AAS*, 63 (1971), pp. 768-769; also in *Insegnamenti Paolo VI*, IX (1971), Città del Vaticano, Tipografia poliglotta Vaticana, 1972, pp. 825-827.

- PAUL VI, Allocution to the Roman Rota, 28 January 1972, in *AAS*, 64 (1972), pp. 202-205; English trans.in WOESTMAN, *Papal Allocutions*, pp. 112-114.
- _____, Allocution, *Apostolatus maris*, 13 September 1972, in *AAS*, 64 (1972), pp. 599-604.
- _____, Allocution to the Roman Rota, 8 February 1973, in *AAS*, 65 (1973), pp. 95-103; English trans.in WOESTMAN, *Papal Allocutions*, pp. 115-122.
- _____, Apostolic Exhortation, *Evangelii nuntiandi*, 8 December 1975, in *AAS*, 68 (1976), pp. 5-76; English trans. in Apostolic Exhortation *Evangelisation in the Modern World*, Bangalore, National Biblical Catechetical and Liturgical Centre, 1980.
- PIUS X, *Motu proprio*, *Cum omnes catholicos* concerning the Emigration of Catholics to Foreign Lands, 15 August 1912, in *AAS*, 4 (1912), pp. 526-527.
- PIUS XI, Encyclical Letter, *Ubi arcano*, 23 December 1922, in *AAS*, 14 (1922), pp. 673-700; English trans. in *The Encyclicals of Pius XI*, Introduction and Translation by J.H. Ryan, London, B. Herder Book Co., 1927, pp. 3-46.
- _____, Letter to the Rev. William Gier, Superior General of the Society of the Divine Word, concerning the seminary for Negroes shortly to be inaugurated, *Admodum gaudemus*, 5 April 1923, in *AAS*, 15 (1923), pp. 216-218.
- _____, Encyclical Letter, *Quadragesimo anno*, 15 May 1931, in *AAS*, 23 (1931), pp. 177-228; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 40-79.
- _____, Sermon at Castel Gandolfo to Bishops, Priests, Religious and Faithful, Refugees from Spain, *La vostra presenza*, 14 September 1936, in *AAS*, 28 (1936), pp. 373-381.
- PIUS XII, Radio Address, *In questa solennità*, 29 June 1941, in *AAS*, 33 (1941), pp. 319-325.
- _____, Radio Address, *Con sempre nuova freschezza*, 24 December 1942, in *AAS*, 35 (1943), pp. 9-24.
- _____, Radio Address, *Ancora una quinta volta*, 24 December 1943, in *AAS*, 36 (1944), pp. 11-24.
- _____, Radio Address, *Oggi, al compiersi del quinto anno*, 1 September 1944, in *AAS*, 36 (1944), pp. 249-258.
- _____, Allocution to the newly appointed Cardinals, *La elevatezza e la nobiltà dei sentimenti*, 20 February 1946, in *AAS*, 38 (1946), p. 141-151.
- _____, Allocution to the Diplomatic Representatives after the Consistory, *L'élévation des pensées*, 25 February 1946, in *AAS*, 38 (1946), pp. 152-155.
- _____, Radio Address, *Stretto il cuore da intima angoscia*, 4 April 1946, in *AAS*, 38 (1946), pp.165-169.
- _____, Radio Address, *Our Loving Greetings to You*, 19 February 1947, in *AAS*, 39 (1947), pp. 127-129.

- PIUS XII, Radio Address to the Faithful of the United States Collecting Aid for Needy Nations, *Another Winter is Approaching*, 23 November 1947, in *AAS*, 39 (1947), pp. 630-632.
- _____, Radio Message to the Clergy and People of the Republic of Argentina on their Outstanding Aid to Needy Nations, *Una vez más voz*, 1 February 1948, in *AAS*, 40 (1948), pp. 85-87.
- _____, Letter to the Bishops in Germany, *Disertae admodum litterae*, 20 December 1948, in *AAS*, 41 (1949), pp. 216-218.
- _____, Letter to Archbishop John T. McNicholas of Cincinnati and others for the aid providentially given to immigrants and other unfortunates, *In fratres caritas*, 24 December 1948, in *AAS*, 41 (1949), pp. 69-70.
- _____, Radio Address, *Dear Children*, 2 March 1949, in *AAS*, 41 (1949), pp. 179-181.
- _____, Encyclical Letter, *Redemptoris nostri*, 15 April 1949, in *AAS*, 41 (1949), pp. 162-164.
- _____, Proclamation of the Holy Year 1950, *Iubilaeum maximum*, 26 May 1949, in *AAS*, 41 (1949), pp. 257-261.
- _____, Encyclical Letter on promoting Catholic Missions, *Evangelii praecones*, 2 June 1951, in *AAS*, 43 (1951), pp. 497-528.
- _____, Apostolic Constitution, *Exsul familia*, 1 August 1952, in *AAS*, 44 (1952), pp. 649-704; English trans. in TESSAROLO, G. (ed.), *Exsul familia: The Church's Magna Charta for Migrants*, Staten Island, NY, St. Charles Seminary, 1962, pp. 21-100.
- _____, Allocution to the Missionaries for Italian Migrants in Europe, *Vi diamo di gran cuore il benvenuto*, 6 August 1952, in *AAS*, 44 (1952), pp. 773-775.
- PONTIFICAL COUNCIL "COR UNUM," *Camps de réfugiés au voisinage des frontières*, 25 October 1986, in *Enchiridion Vaticanum: Documenti ufficiali della Santa Sede*, 10 (1986-1987), Bologna, Edizioni Dehoniane Bologna, 1990, pp. 706-739.
- PONTIFICAL COUNCIL "COR UNUM" and PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE, *Refugees: A Challenge to Solidarity*, Joint Document, Vatican City, Libreria editrice Vaticana, 1992.
- PONTIFICAL COUNCIL FOR CULTURE, "Towards a Pastoral Approach to Culture," 23 May 1999, in *The Pope Speaks*, 44 (1999), pp. 334-367.
- PONTIFICAL COUNCIL FOR PEACE AND JUSTICE, *Compendium of the Social Doctrine of the Church*, Strathefield, St. Pauls, 2005.
- PONTIFICIA COMMISSIO DE SPIRITUALI MIGRATORUM ATQUE ITINERANTIUM CURA, Decree on the Pastoral Care of Seamen and Seafarers, *Apostolatus maris*, 24 September 1977, in *AAS*, 69 (1977), pp. 737-746; English trans. in *On the Move*, 19 (1977), pp. 17-30.
- PONTIFICIA COMMISSIO DE SPIRITUALI MIGRATORUM ATQUE ITINERANTIUM CURA, Circular Letter to the Episcopal Conferences, *Chiesa e mobilità umana*, 26 May 1978, in *AAS*, 70 (1978), pp. 357-378; English trans. in NCCB-USA, *People on the Move*:

A Compendium of Church Documents on the Pastoral Concern for Migrants and Refugees, Bishops' Committee on Priestly Formation, Bishops' Committee on Migration, Washington, DC, USCC, 1988, pp. 22-32.

PONTIFICIA COMMISSIO DE SPIRITUALI MIGRATORUM ATQUE ITINERANTIUM CURA, 'Final Document' of the First World Pastoral Congress on Emigration, 12-17 March 1979, Vatican, in *On the Move*, 26 (1979), pp. 148-168.

_____, *Decretum de specialibus concedendis tum facultatibus pro Capellanis, tum privilegiis pro Christifidelibus variis in provinciis quod ad homines sedem mutantes attinet*, 19 March 1982, in *ASS*, 74 (1982), pp. 742-745; English trans. in *On the Move*, 34 (1982), pp. 77-81.

PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONE E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, Documenti della Santa Sede dal 1883 al 1983 a cura di G. Tassello e L. Favero, Introduzione di G. Rosoli e V. De Paolis, Roma, Centro Studi Emigrazione, 1985.

PONTIFICAL COMMISSION FOR THE PASTORAL [CARE] OF MIGRANTS AND ITINERANT PEOPLES (= PCPMIP), *Migrations*, Interdisciplinary Studies, vol.1, Vatican City, PCPMIP, 1985.

_____, *Migrazioni*, Studi interdisciplinari, vol. 2, [Beyer – Semeraro], Roma, Centro Studi Emigrazioni Roma, 1985.

PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONE E DEL TURISMO, "Per una Pastorale dei Rifugiati," 14 February 1983, in *Enchiridion Vaticanum* (= *EV*), Documenti ufficiali della Santa Sede, Testo ufficiale e versione italiana, vol. 9 (1983-1985), Bologna, Edizioni Dehoniane, 1987, pp. 100-112, nos. 136-158; English trans. in *On the Move*, 36 (1983), pp. 137-150.

_____, *L'epoca patristica e la pastorale della mobilità umana: Saggio*, Padova, Edizioni Messaggero Padova, 1989.

PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE (= PCPCMIP), *Solidarity in Favour of New Migration: Proceedings of the 3rd World Congress for the Pastoral Care of Migrants and Refugees*, Vatican City, 30 September-5 October 1991, Rome, Peristegraf, 1992.

_____, *Migrazioni e diritto ecclesiale: La pastorale della mobilità umana nel nuovo Codice di diritto canonico*, Padova, Edizioni messaggero padova, 1992.

_____, *Pastoral Care of Refugees in Eastern, Central and Southern Africa*, A Consultative Meeting, Proceedings, Lusaka, Zambia, 5-9 January 1993, Vatican City, PCPCMIP, 1993.

_____, *Pastoral Care of Refugees, Displaced People and Migrants in Western and Northern Africa*, A Consultative Meeting, Proceedings, Yopougon, Cote D'Ivoire, 17-21 January 1994, Vatican City, PCPCMIP, 1994.

_____, *The Mission of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People Toward Today's Growing Human Mobility*, XII Plenary Meeting, Vatican City, 19-21 October 1993, Vatican City, PCPCMIP, 1995.

- PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE, *Vulnerable Persons in Human Mobility: Pastoral Implications*, Proceedings of the XIII Plenary Meeting, Vatican, 24-27 October 1995, Vatican City, PCPCMIP, 1996.
- _____, *The Second Consultation for the Pastoral Care of Migrants in Asia*, Manila, Philippines, 13-18 May 1997, Vatican City, PCPCMIP, 1997.
- _____, Instruction *Erga migrantes caritas Christi* – The Love of Christ Towards Migrants, 14 May 2004, in *AAS* 96 (2004), pp. 762-822; English trans. in *The Pope Speaks*, 49 (2004), pp. 347-393, and in *People on the Move*, 95 (2004), pp. 105-172.
- _____, *La sollecitudine della Chiesa verso I migranti: Commenti all'Istruzione Erga migrantes Caritas Christi*, I Parte, Quaderni Universitari, Città del Vaticano, Libreria editrice Vaticana, 2005.
- _____, *Migranti e pastorale d'accoglienza: Commenti all'Istruzione Erga migrantes caritas Christi*, II Parte, Quaderni Univiersitari, Città del Vaticano, Libreria editrice Vaticana, 2006.
- PONTIFICAL JUSTICE AND PEACE COMMISSION, "The Church and Human Rights," in *Origins*, 5, (1975-1976), pp. 161, 163-170.
- _____, "The Church and Racism: Toward a More Fraternal Society," in *Origins*, 18 (1988-1989), pp. 613, 615-626.
- SACRA CONGREGATIO INQUISITIONIS, *Dubium quoad promulgationem decreti "Tametsi,"* 14 November 1883, in *ASS*, 17 (1884), pp. 351-352.
- SACRA CONGREGATIO RITUUM, Decree, *De usu linguae Slavonicae in sacra Liturgia*, 18 December 1906, in *ASS*, 40 (1907), pp. 54-58.
- _____, Decree, *B. Maria Laurantana Aeronautarum Patrona declartur*, 24 March 1920, in *AAS*, 12 (1920), p. 175.
- SACRED CONGREGATION FOR BISHOPS (= SCB), Instruction, *De pastorali migratorum cura*, 22 August 1969, in *AAS*, 61 (1969), pp. 614-643; English trans. in SCB, Instruction, *On the Pastoral Care of People Who Migrate*, Washington, DC, USCC, 1969, pp. 5-39.
- _____, *Directorium de pastorali ministerio Episcoporum, Ecclesiae imago*, 22 February 1973, Città del Vaticano, Tipografia poliglotta Vatican, 1973; English trans.in Directory on the Pastoral Ministry of Bishops, *Ecclesiae imago*, Ottawa, CCCB, 1974.
- SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS, On the Care of Prisoners to be Furnished by Priests, 21 December 1914, in *AAS*, 6 (1914), pp. 710-711, and 22 December 1914, in *AAS*, 6 (1914), pp. 711-712.
- SACRED CONGREGATION FOR THE ORIENTAL CHURCH, Decree, *De Seminario pro pueris Italo-Graecis in Monasterio Cryptoferratensi instituendo*, 10 July 1917, in *AAS*, 10 (1917), p. 419.
- _____, Decree, *Cum data fuerit*, 1 March 1929, in *AAS*, 21 (1929), pp. 152-159.

- SACRED CONGREGATION FOR THE ORIENTAL CHURCH, Decree, *Graeci-Rutheni Ritus*, 24 May 1930, in *AAS*, 22 (1930), pp. 346-354.
- SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH FOR THE AFFAIRS OF THE ORIENTAL RITE, *Cum sat numerosiores*, 27 March 1916, in *AAS*, 8 (1916), pp. 105-107.
- SACRED CONSISTORIAL CONGREGATION, Decree for One Common Ordinary on Behalf of All Refugees in Italy, *Considerando che i Sacerdoti*, 3 September 1918, in *AAS*, 10 (1918), pp. 415-416.
- _____, Declaratio "Circa naturam quasi-paroeciarum vel missionum dioecesium quarundam post Codicis iuris canonici promulgationem," 1 August 1919, in *AAS*, 11 (1919), pp. 346-347.
- _____, Notification on the Institution of a Prelate for Italian Emigration, *Esistono in Italia*, 23 October 1920, in *AAS*, 12 (1920), pp. 534-535.
- _____, Declaratio "De Missionariorum emigrantium officiis," 7 October 1953, in *AAS*, 45 (1953), pp. 758-761.
- SECOND VATICAN COUNCIL, Constitution on the Sacred Liturgy, *Sacrosanctum concilium*, 4 December 1963, in *AAS*, 56 (1964), pp. 97-138; English trans. in A. FLANNERY (gen. ed.), *Vatican Council II. The Conciliar and Post Conciliar Documents* (= FLANNERY I), New Revised Edition, The Vatican Collection, vol. I, Northport, NY, Costello Publishing Company/Dublin, Ireland, Dominican Publications, 2004, pp. 1-36.
- _____, Dogmatic Constitution on the Church, *Lumen gentium*, 21 November 1964, in *AAS*, 57 (1965), pp. 1-71; English trans. in FLANNERY I, pp. 350-426.
- _____, Decree on the Catholic Eastern Churches, *Orientalium Ecclesiarum*, 21 November 1964, in *AAS*, 57 (1965), pp. 76-89; English trans. in FLANNERY I, pp. 441-451.
- _____, Decree on Ecumenism, *Unitatis redintegratio*, 21 November 1964, in *AAS*, 57 (1965), pp. 90-112; English trans. in FLANNERY I, pp. 452-470.
- _____, Decree on the Pastoral Office of the Bishops in Church, *Christus Dominus*, 28 October 1965, in *AAS*, 58 (1966), pp. 673-701; English trans. in FLANNERY I, pp. 564-590.
- _____, Decree on the Up-to-date Renewal of Religious Life, *Perfectae caritatis*, 28 October 1965, in *AAS*, 58 (1966), pp. 702-712; English trans. in FLANNERY I, pp. 611-623.
- _____, Decree on Priestly Formation, *Optatam totius*, 28 October 1965, in *AAS*, 58 (1966), pp. 713-727; English trans. in FLANNERY I, pp. 707-724.
- _____, Declaration on the Relation of the Church to Non-Christian Religions, *Nostra aetate*, 28 October 1965, in *AAS*, 58 (1966), pp. 740-744; English trans. in FLANNERY I, pp. 738-742.
- _____, The Apostolate of the Laity, *Apostolicam actuositatem*, 18 November 1965, in *AAS*, 58 (1966), pp. 837-864; English trans. in FLANNERY I, pp. 766-798.

- SECOND VATICAN COUNCIL, Declaration on the Religious Liberty, *Dignitatis humanae*, 7 December 1965, in *AAS*, 58 (1966), pp. 929-946; English trans. in FLANNERY I, pp. 799-812.
- _____, Decree on the Church's Missionary Activity, *Ad gentes*, 7 December 1965, in *AAS*, 58 (1966), pp. 947-990; English trans. in FLANNERY I, pp. 813-856.
- _____, Decree on the Ministry and Life of Priests, *Presbyterorum ordinis*, 7 December 1965, in *AAS*, 58 (1965), pp. 991-1024; English trans. in FLANNERY I, pp. 863-902.
- _____, Pastoral Constitution of the Church in the Modern World, *Gaudium et spes*, 7 December 1965, in *AAS*, 58 (1966), pp. 1025-1120; English trans. in FLANNERY I, pp. 903-1001.
- SECRETARIAT OF STATE, Epistola, "Ad Italiae ordinarios, de operariis ex Italia in exteras nationes migrantibus," 8 September 1911, in *AAS*, 3 (1911), pp. 513-518.
- SOUTH AFRICAN CATHOLIC BISHOPS' CONFERENCE, "Pastoral Ministry to Immigrants," in *People on the Move*, 51 (1988), pp. 502-506.
- SYNOD OF BISHOPS 1971, Documenta Synodi Episcoporum, "De iustitia in mundo," 30 November 1971, in *AAS*, 63 (1971), pp. 923-930; English trans. in O'BRIEN, *Catholic Social Thought*, pp. 287-300.
- TAMIL NADU BISHOPS' COUNCIL (= TNBC), *Goals and Programmes of the Catholic Church in Tamil Nadu = Thamizhaga Thiruchchabain Latcchiyamum Seyaldhittamum* (in Tamil language), Chennai, Secretariat of the Tamil Nadu Bishops' Council, 2005.
- THE GENERAL SECRETARIAT OF THE INTERNATIONAL CATHOLIC MIGRATION COMMISSION, *Anthology of Pontifical Documents on Migrations*, Geneva, ICMC, 1985.

BOOKS

- ABEGUNRIN, G., *Parish Organization in Conciliar Documents and in the Code of Canon Law: With Special Reference to Oyo Diocese in Nigeria*, Doctoral diss., Rome, Urbaniana Pontifical University, 1988.
- ABAYASEKERA, J., *The Role of the Churches: A Historical Perspective*, Colombo, Marga Institute, 2001.
- AMALRAJ, C. (ed.), *Jesuit Refugee Service: Accompanying the Refugees – JRS Source Documents*, Bangalore, JRS South Asia, 1999.
- ANCEL, A., *The Theology of the Local Church in Relation to Migration*, New York, Centre for Migration Studies, 1974.
- ARAMPULICKAL, J., *The Pastoral Care of the Syro-Malabar Catholic Migrants*, Doctoral diss., Rome, Urbaniana Pontifical University, 1993.
- ASBECK, B.F.M.V (ed.), *The Universal Declaration of Human Rights and Its Predecessors (1679-1948)*, Leiden, E.J. Brill, 1949.
- AZZONI, L., *Diritto dei rifugiati dalla A alla Zeta*, Roma, Edizioni, 2004.
- BACHOFEN, C., *Rights and Duties of Ordinaries According to the Code and Apostolic Faculties*, Saint Louis, MO, Herder, 1924.
- BALLEIS, P., *The Pastoral Dimension of the Jesuit Refugees Service (JRS): Pastoral Consultation of JRS Workers*, Harare, JRS/Southern African Region. 1998.
- BARBERINI, G. (ed.), *Raccolta di fonti normative di diritto ecclesiastico*, Torino, G. Giappichelli, 1995.
- BATTISTELLA, G., *La Missione viene a noi in margine all'Istruzione Erga migrantes caritas, Christi*, Quaderni SIMI-3, Vatican City, Urbaniana University Press, 2005.
- BAUSCH, W., *The Christian Parish: Whispers of the Risen Christ*, Notre Dame, IN, Fides/Claretian, 1980.
- _____, *The Parish of the Next Millennium*, Mystic, CO, Twenty-Third Publications, 1997.
- BEAL, J.P., J.A. CORIDEN and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*, Commissioned by the Canon Law Society of America, New York, NY/ Mahwah, NJ, Paulist Press, 2000.
- BORRAS, A., *Les communautés paroissiales: Droit canonique et perspectives pastorales*, Paris, Les éditions du Cerf, 1996.
- BOUSCAREN, T.L., A.C. ELLIS and F.N. KORTH (eds.), *Canon Law: A Text and Commentary*, 4th revised edition, Milwaukee, The Bruce Publishing Company, 1966.
- BUONOMO, V. and A. D'AMICO (eds.), *People and Rights: The Findings of a Research, Popoli e diritti: l'idea di una ricerca*, Rome, Lateran Pontifical University, Mursia, 1998.

- BUTALID, T., *Basic Christian Communities: Catalysts for Liberation*, part. 1, Quezon City, Claretian Publications, 1987.
- CALVEZ, J. and J. PERRIN, *The Church and Social Justice: The Social Teachings of the Popes from Leo XIII to Pius XII*, trans. by R.J. KIRWIN, London, Burns and Oates, 1961.
- CANON LAW SOCIETY OF AMERICA, *Protection of Rights of Persons in the Church*, Revised Report of The Canon Law Society of America on the Subject of Due Process, Washington, DC, The Catholic University of America, 1991.
- CANOSA, J. (ed.), *I principi per la revisione del Codice di diritto canonico: La ricezione giuridica del Concilio Vaticano II*, Milano, Giuffrè editore, 2000.
- CAPARROS, E., M. THÉRIAULT and J. THORN (eds.), *Code of Canon Law Annotated*, Prepared under the Responsibility of the Instituto Martin de Azpilcueta, Second edition revised and updated of the 6th Spanish language edition, edited by E. CAPARROS et al., Montréal, Wilson & Lafleur Limitée, 2004,
- CARRIER, H., *Gospel Culture and Human Culture. From Leo XIII to John Paul II*, Pittsburgh, Duquesne University Press, 1989.
- CENTRE FOR MIGRATION STUDIES, *Migrations in Light of Vatican II*, New York, Centre for Migration Studies, 1967.
- CHANDRAKANTHAN, A.J.V., *The Sri Lankan Bishops' Attempt at Contextualization of the Church in Sri Lanka: A Study of the Official Documents of the Catholic Bishops' Conference of Sri Lanka 1965-1985*, Ottawa, ON, Saint Paul University, 1988.
- _____, *An Exodus sans destination: Refugees and Internally Displaced in Sri Lanka*, London, Sunco International Publishers; Colombo, Centre for Society and Religion, Centre for Peace and Development Studies, 1994.
- _____, *Catholic Revival in Post-Colonial Sri Lanka: A Critique of Ecclesial Contextualization*, Colombo, Social and Economic Development Centre, 1995.
- CIESLUK, J.E., *National Parishes in the United States*, Canon Law Studies, No. 190, Washington, DC, The Catholic University of America Press, 1944.
- CLARKE, T., *Parish Societies*, Canon Law Studies, No. 176, Washington, DC, The Catholic University of America Press, 1943.
- CLAUDE, R.P. and B.H. WESTON (eds.), *Human Rights in the World Community*, Philadelphia, University of Pennsylvania Press, 1989.
- COCCOPALMERIO, F., *De paroecia*, Roma, Editrice Pontificia Università Gregoriana, 1991.
- COLEMAN, J.A. (ed.), *One Hundred Years of Catholic Social Teaching*, New York, Orbis Books, 1991.
- COLLANGE, Y., *Théologie des droits de l'homme*, Paris, Cerf, 1989.
- CONNOLLY, N., *The Canonical Erection of Parishes: A Historical Synopsis and Commentary*, Canon Law Studies, No. 114, Washington, DC, Catholic University of America, 1938.

- CORECCO, E., *Canon Law and Communio: Writings on the Constitutional Law of the Church*, Città del Vaticano, Libreria editrice Vaticana, 1999.
- CORIDEN, J. A., *An Introduction to Canon Law*, Revised, New York, Paulist Press, 2004.
- _____, *The Rights of Catholics in the Church*, New York/Mahwah, NJ, Paulist Press, 2007.
- COSTELLO, J., *Domicile and Quasi-Domicile*, Canon Law Studies, No. 60, Washington, DC, Catholic University of America, 1930.
- COURTOIS, G. (ed.), *The States of Perfection: Papal Documents from Leo XIII to Pius XII*, Dublin, M. H. Gill and Son Ltd., 1961.
- CURRAN, C.E., *Catholic Social Teaching, 1891 – Present: A Historical, Theological and Ethical Analysis*, Washington, DC, Georgetown University Press, 2002.
- CUSACK, B.A. and T.G. SULLIVAN, *Pastoral Care in Parishes Without a Pastor, Applications of Canon 517 §2*, Washington, DC, Canon Law Society of America, 1995.
- DANESI, G. and S. GAROFALO, *Migrazioni e accoglienza nella Scrittura*, Padova, Edizioni Messaggero, 1987.
- DAYTON, E.R. and S. WILSON (eds.), *The Refugees Among Us: Unreached Peoples '83*, Monrovia, CA, Missions Advanced Research and Communication Center, (n.d).
- DE LUBAC, H., *Les Églises particulières dans l'Église universelle*, Paris, Aubier Montaigne, 1971.
- DE PAOLIS, V., *Chiesa e migrazioni*, scritti raccolti da Luigi Sabbarese, Quaderni SIMI 2, Roma, Urbaniana University Press, 2005.
- DE PAOLIS, V., G. GHIRLANDA and C.C. SALVADOR (eds.), *Nuovo dizionario di diritto canonico*, 2° ed. aggiornata, Milano, San Paolo, 1996.
- DESROCHERS, J (ed.), *The Social Teaching of the Church in India*, Bangalore, India, NBCLC/CSA, 2006.
- DORR, D., *Option for the Poor: A Hundred Years of Vatican Social Teaching*, Revised Edition, Dublin, Gill and Macmillan Ltd., 1992.
- DOYLE, T.P., *Rights and Responsibilities: A Catholic's Guide to the New Code of Canon Law*, New York, Pueblo Publishing Company, 1983.
- D'SOUZA, V.G (ed.), *In the Service of Truth and Justice: Festschrift in Honour of Prof. Augustine Mendonça, Professor Emeritus*, Bangalore, India, St. Peter's Pontifical Institute, 2008.
- DVORNIK, F., *National Churches and the Church Universal*, Westminster, Dacre Press, 1944.
- EILERS, F.J., *Communicating Between Cultures*, Rome, Editrice Pontificia Università Gregoriana, 1990.

- ELVEY, F.M., *Justice for Refugees: Circumscribing State Sovereignty from a Catholic Perspective*, a Dissertation for the Degree of Doctor of Philosophy at Boston College, Boston, Department of Theology, 1998.
- EMMANUEL, S.J., *Inapprotchaiyum Ilangaith Thiruchchabaiyum (Ethnic Problem and the Church in Sri Lanka)*, Chennai, India, Agira Communications, 2000.
- ERDO, P. and P. SZABO (eds.), *Territoriality and Personality in Canon Law and Ecclesiastical Law: Canon Law Faces the Third Millennium*, Proceedings of the 11th International Congress of Canon Law and of the 15th International Congress of the Society for the Law of the Eastern Churches, Budapest, Szent Istvan Tarsulat, 2002.
- FAUX, J.M., *Réfugiés et nouvelles migrations: une interpellation pour la conscience chrétienne*, Bruxelles, Editions de l'Institut d'Etudes Théologiques, 1993.
- FERRETTO, G., *L'integrazione degli immigrati cattolici secondo la Costituzione Apostolica "Exsul familia" e gli insegnamenti dei Sommi Pontefici*. Prolusione al IV Congresso Cattolico Internazionale sulle Migrazioni, Ottawa, 21-25 August 1960, Roma, GCIE, 1960.
- FLORISTAN, C., *The Parish: Eucharistic Community*, English trans. by J. BYRNE, London, Sheed & Ward, 1987.
- FOX, J.E., *The Personal Prelature of the Second Vatican Council: An Historical Canonical Study*, Doctoral diss., Romae, Pontificia Studiorum Universitas A. S. Thomae Aq. in Urbe, 1987.
- FUMAGALLI-CARULLI, O. (ed.), *Il governo universale della Chiesa e i diritti della persona*, Milano, Vita e Pensiero, 2003.
- GRATSCH, E.J., *The Holy See and the United Nations 1945-1995*, New York, Vantage Press, 1997.
- GREELEY, A. M., *The Church, The National Parish and Immigration: Same Old Mistakes*, New York, Centre for Migration Studies, 1972.
- GREEN, T.J., *A Manual for Bishops: Rights and Responsibilities of Diocesan Bishops in the Revised Code of Canon Law*, rev.ed., Washington, DC, USCC, 1992.
- GREMILLION, J. (ed.), *The Gospel of Peace and Justice: Catholic Social Teaching Since Pope John*, Maryknoll, Orbis, 1976.
- HANSON, E.O., *Catholic Church in World Politics*, Princeton, NJ, Princeton University Press, 1987.
- HEBBLETHWAITE, P., *The Next Pope: An Enquiry*, London, Fount-An Imprint of Harper Collins Publishers, 1995.
- HOLKENBRINK, G., *Die Rechtlichen Strukturen für eine Migrantenpastoral: Eine rechtshistorische und rechtssystematische Untersuchung*, Vatikan, Papstlicher Rat der Seelsorge für die Migranten und Menschen unterwegs, 1995.

- HORNSBY-SMITH, M., *The Changing Parish: A Study of Parishes, Priests, and Parishioners After Vatican II*, London/New York, Routledge, 1989.
- HUELS, J.M., *The Pastoral Companion: A Canon Law Handbook for Catholic Ministry*, Fourth Updated Edition, Montréal, Wilson & Lafleur Ltée, 2009.
- JESUIT REFUGEE SERVICE, *The Pastoral Dimension of the JRS: Pastoral Consultation of JRS Workers*, Harare, September 1998, Harare, JRS-Southern African Region, 1998.
- JESUIT REFUGEE SERVICE, *Everybody's Challenge: Essential Documents of Jesuit Refugee Service 1980-2000*, Roma Prati, Italy, Jesuit Refugee Service, 2000.
- JESUIT REFUGEE SERVICE/SOUTH ASIA, *Guidelines of JRS/Tamil Nadu*, Bangalore, JRS/South Asia, 2004.
- KEREKES, L., *Ecclesiastical Law and Ethnic Minorities with Particular Reference to Hungarian Minorities in East-Central Europe*, Doctoral diss., Ottawa, Saint Paul University, 2003.
- KING, M.C., *The Palestinians and the Churches*, vol. I, Geneva, Commission on Inter-Church Aid, Refugee and World Service, World Council of Churches, 1981.
- KINNEY, J.F., *The Juridic Condition of the People of God: Their Fundamental Rights and Obligations in the Church*, Roma, Catholic Book Agency, 1972.
- KLOPPENBURG, B., *The Ecclesiology of Vatican II*, trans. by M.J. O'CONNELL, Chicago, Illinois, Franciscan Herald Press, 1974.
- KOENIG, H.C. (ed.), *Principles for Peace: Selections From Papal Documents Leo XIII to Pius XII*, edited for the Bishop's Committee on the Pope's Peace Points, with a Preface by S.A. STRITCH, Washington, DC, National Catholic Welfare Conference, 1943.
- KOENIG, J., *New Testament Hospitality: Partnership With Strangers as Promise and Mission*, Philadelphia, Fortress Press, 1985.
- LACHAGA, J.M., *Église particulière et minorités ethniques: jalons pour l'évangélisation des peuples minoritaires*, Paris, Centurion, 1978.
- LACOQUE, A.M. and F.R. VASQUEZ, *The Newcomer and the Bible*, New York, Centre for Migration Studies, 1967.
- L'Epoca patristica e la pastorale della Mobilità umana: Saggio*, (Quaderni universitari/Pontificium Consilium de spiritali migrantium atque itinerantium cura), Padova, Edizioni Messaggero Padova, 1989.
- LIPTAK, D. (ed.), *A Church of Many Cultures: Selected Historical Essays on Ethnic American Catholicism*, New York, NY, Garland Publishers, 1988.
- LIPTAK, D., *Immigrants and Their Church*, New York, NY, Macmillan, 1989.
- Liturgia e mobilità umana*, Padova, Edizioni Messaggero, 1987.

- MAGNIN, E., *Pastors and People: A Summary of the Canon Law Affecting Parish Priests, Curates and the Laity*; English trans. by J. SCANLAN, Saint Louis, MO, B. Herder Book Co., 1929.
- MARCHETTO, R., *The Catholic Church and the Phenomenon of Migration: An Overview*, New York, Centre for Migration Studies, 1989.
- MARYGROVE COLLEGE, *The Eternal Stranger: The Church and Christ in the Traveller, the Emigrant, the Exile, and the Refugee*, Detroit, Marygrove College, 1959.
- MARZOA, Á. et al. (eds.), *Exegetical Commentary on The Code of Canon Law*, vols. I-V, Prepared under the responsibility of the Martin de Azpilcueta Institute, Faculty of Canon Law, University of Navarre, Montréal, Wilson & Lafleur/Chicago, Midwest Theological Forum, 2004.
- MECHAN, F., *The Church and Migrants, 1946-1987*, Haberfield, St. Joan of Arc Press, 1991.
- MENDONÇA, A., *Persons in General and Juridic Acts*, (DCA 5202a, Class Notes for the Private Use of the Students), Ottawa, Saint Paul University, 1995-1996.
- MENEZES, V.M., *The Executive Power of the Diocesan Bishop According to the 1983 Code of Canon Law*, Doctoral diss., Ottawa, Saint Paul University, 2003.
- MICHAEL ANTHONY, E., *An Analysis of U.N. Refugee Policy in the Light of Roman Catholic Social Teaching and the Phenomena Creating Refugees*, A Dissertation for the Degree of Doctor of Philosophy, Department of Theology, Berkeley, California, 1991.
- Migration: Challenge to Religious Identity I, Forum Mission*, 4 (2008), Published for the Association for the Promotion of Mission Studies, Luzern, Switzerland, Brunner Verlag, 2008.
- NGUYEN, H.M., *Personal Parishes in the 1983 Code of Canon Law and the Pastoral Care of Migrants*, Doctoral diss., Roma, Pontificia studiorum Universitas a S. Thoma Aq. in Urbe, 1994.
- NGUYEN, H.M., *Personal Parishes in the 1983 Code of Canon Law and the Pastoral Care of Migrants*, Doctoral diss., Faculty of Canon Law, Rome, Pontificia studiorum Universitas a S. Thoma Aq. In Urbe, 1994.
- O'CONNELL, P.T., *The Concept of the Parish in the Light of the Second Vatican Council*, Washington, DC, The Catholic University of America, 1969.
- ODANAT, J., *Migrants: A Pilgrim People in New Evangelization: A Study on Evangelization Through Migration Based on Church Documents and Its Prospects in the Context of India*, Doctoral diss., Faculty of Theology, Rome, Urbaniana Pontifical University, 2000.
- OPALALIC, A.T., *The Filipino Communities in Rome: A Study Undertaken in the Context of the Ecclesiastical Organization for the Pastoral Care of Migrants*, Doctoral diss., Faculty of Canon Law, Rome, Pontifical Academy of Holy Cross, 1996.

- O'SULLIVAN, A.D., *The Pastoral Care of Migrants Applied to the Archdiocese of Wellington with Particular Reference to the Samoan and Maori Communities*, Doctoral diss., Faculty of Canon Law, Ottawa, Saint Paul University, 1999.
- OTADUY, J., E. TEJERO, and A. VIANA (eds.), *Migraciones, Iglesia y derecho. Actas del V Simposio del Instituto Martín de Azpilcueta sobre "Movimientos migratorios y acción de la Iglesia. Aspectos sociales, religiosos y canónicos," Pamplona, 16 y 17. IX. 2002*, Pamplona, Navarra Gráfica ediciones, 2003.
- PAGANONI, A., *Migrations and the Church*, Manila, Scalabrini Migration Centre, 1988.
- PANLICAN, O., *The Pastoral Care of Migrants in the Teachings and Directives of the Church*, (an unpublished work on Filipino communities in Rome submitted in March 1987 to the Pontifical Lateran University in fulfilment of the requirements for a licentiate degree in Pastoral Theology), Rome, Pontifical Lateran University, 1987.
- PAPROCKI, T., "Rights of Christians in the Local Church: Canon Law Procedures in Light of Civil Law Principles of Administrative Justice," in *Studia canonica*, 24 (1990), pp. 427-442.
- Per una pastorale dei migranti: Contributi in occasione del 75° della morte di mons. G.B. Scalabrini*, Roma, Direzione Generale dei Missionari Scalabriniani, 1980.
- PHAN VAN HIEN, P., *The Rights of Refugees With Special Reference to Vietnamese Boat People*, Doctoral diss., Faculty of Canon Law, Rome, Pontifical Academy Alphonsona, 1994.
- PICCIRILLO, M., *The Journey of the Jubilee to the Origins of Our Faith and of Our Church: Joannes Paulus II*, Gorle, BG, Italy, Publisher Custody of the Holy Land, 2002.
- PINTO, P. (ed.), *Commento al Codice di diritto canonico*, 2a ed., Città del Vaticano, Libreria editrice Vaticana, 2001.
- RAPACZ, J., *Personalità e soggettività nell'ordinamento canonico. Analisi storico-canonica dei cc. 96, 11 del CIC 1983*, Doctoral diss., Faculty of Canon Law, Rome, Pontifical Academy of Holy Cross, 1995.
- RAPER, M and A. VALCARCEL, *Refugees and Forcibly Displaced People*, Dublin, Ireland, TROCAIRE, VERITAS/London, CAFOD/Glasgow, SCIAF, 2000.
- SACCO, U.C., *John Paul II and World Politics: Twenty Years of Search for a New Approach 1978-1998*, Leuven, Peeters, 1999.
- SCHILLEBEECKX, E., *Christ the Sacrament of Encounter with God*, New York, Sheed & Ward, 1963.
- SHEEHY, G. et al. (eds.), *The Canon Law: Letter and Spirit*, prepared by THE CANON LAW SOCIETY OF GREAT BRITAIN AND IRELAND in association with THE CANADIAN CANON LAW SOCIETY, Collegeville, MN, The Liturgical Press, 1995.
- SIX, J. F., *Church and Human Rights*, Middlegreen, St. Paul Publications, 1992.

- SPIAZZI, R., *I documenti sociali della Chiesa: da Pio XI a Giovanni Paolo II (1864-1988)*, Milano, Massimo, 1988.
- STEPHENS, S., *The Prophetic Mission of Churches in Response to Forced Displacement of People – A Global Ecumenical Consultation*, 6-11 November 1995, Addis Ababa, Ethiopia, Co-Sponsored by Caritas Internationalis, Lutheran World Federation/World Service and the World Council of Churches, 1996 (no place of publication mentioned).
- TESSAROLO, G. (ed.), *Exsul familia: The Church's Magna Charta for Migrants*, Staten Island, NY, St. Charles Seminary, 1962.
- TOMASI, S., *The Pastoral Challenges of the New Immigration*, New York, Centre for Migration Studies, 1990.
- TOMASI, S and G. ROSOLI (eds.), *Scalabrini e le migrazioni moderne: Scritti e carteggi*, Turin, Società editrice Internazionale, 1997.
- VELLA, D., *Everybody's Challenge: Essential Documents of Jesuit Refugee Service 1980-2000*, Roma Prati, Jesuit Refugee Service, 2000.
- VORGRIMLER, H. (gen. ed.), *Commentary on the Documents of Vatican II*, New York, Herder & Herder, 1967-1969.
- WERCKMEISTER, J., *Petit dictionnaire de droit canonique*, Paris, Editions du Cerf, 1993.
- WICKRAMASINGHE, R.K., *An Analysis of the Definition of a Refugee from the Point of View of Catholic Social Teaching*, Doctoral Thesis in Moral Theology, Rome, Academia Alfonsiana, 2001.
- WINTER, M., *Blueprint for a Working Church: A Study in New Pastoral Structures*, St. Meinrad, IN, Abbey Press, 1973.
- WOESTMAN, W.H (ed.), *Papal Allocutions to the Roman Rota 1939-2002*, Ottawa, Saint Paul University, 2002.
- WOZNICKI, A.N., *Journey to the Unknown: Catholic Doctrine on Ethnicity and Migration*, San Francisco, Golden Phoenix Press, 1982,
- WORLD COUNCIL OF CHURCHES (=WCC), *Statement on Uprooted People: A Moment to Choose. Risking to be with Uprooted People*, Geneva, WCC, 1995.
- _____, *A Moment to Choose: Risking to be with Uprooted People*, A Resource Book, Geneva, WCC, 1996.

ARTICLES

- ACHACOSO, J.B., "The Hierarchical Nature of Personal Prelatures. A Study of the Foundational Charism of *Opus Dei* and Its Canonical Configuration as Personal Prelature," in *Philippine Canonical Forum*, 8 (2006), pp. 29-64.
- ALESANDRO, J.A., "The Revision of the Code of Canon Law: A Background Study," in *Studia canonica*, 24 (1990), pp. 91-146.
- ALULE, C., "The Experience of Priestly Formation in the IDP Context at the Uganda Martyrs National Major Seminary, Alokolum, Gulu, Uganda," in *People on the Move*, 109 (2009), pp. 177-183.
- ANCEL, A., "La catéchèse des enfants de migrants," in *On the Move*, 18 (1977), pp. 53-66.
- ARBUCKLE, G.A., "Racial and Cultural Prejudice: A Call to Pastoral Action," in *On the Move*, 42 (1984), pp. 232-247.
- _____, "Migrants and Pastoral Care," in *The Jurist*, 46 (1986), pp. 452-473.
- ASZÓDI, L. and F. GEORGIUS, "De profundis – Religion as the Support of Minorities," in *Concilium*, 6 (1995), pp. 77-86.
- AYMANS, W., "Ecclesiological Implications of the New Legislation," in *Studia canonica*, 17 (1983), pp. 63-93.
- BAGGIO, A., "Hints for the Understanding of the Ethnic, Social and Religious Background of the Italian Migrants," in *The Australasian Catholic Record*, 56 (1979), pp. 11-21.
- BEAL, J.P., "The Rights Stuff: Canon Law and the Rights of the Faithful," in *New Theology Review*, 7, (1994), no. 3, pp. 6-22.
- BENGUEREL, T., "L'intégration pastorale des immigrants," in *Relations*, 574 (1991), pp. 245-247.
- BEVILACQUA, A., "The Pastoral Response of the Local Church to People on the Move," in *On the Move*, 27 (1979), pp. 117-142.
- _____, "Refugee Situation in Africa," in *On the Move*, 42 (1984), pp. 70-75.
- _____, "Ministry to the World's Uprooted People," in *Origins*, 14 (1984-1985), pp. 517-522.
- _____, "The Catholic Church in the United States: Pastoral Care of Immigrants and Refugees," in *On the Move*, 44 (1985), pp. 78-101.
- _____, "The Pastoral Experience With Immigrants of the Catholic Church in the United States," in *On the Move*, 46 (1985), pp. 64-83.
- BEYER, J., "Ecclesial Foundations of the Pastoral Care of Migration," in *On the Move*, 27 (1979), pp. 85-116.
- _____, "Subsidiarity in the Church," in *Theology Digest*, 35 (1988), pp. 233-238.

- BEYER, J., "The New Code of Canon Law and Pastoral Care for People on the Move," in *On the Move*, 39 (1983), pp. 3-28.
- _____, "Charisms, Religious Institutes and Particular Churches," in *Consecrated Life*, 15 (1990), pp. 315-329.
- BONNET, P.A., "The Fundamental Duty-Right of the Faithful Migrant," in *On the Move*, 39 (1983), pp. 66-115.
- BROM, R., "Bridging the Gap: Welcoming New Immigrants," in *Origins*, 21 (1991-1992), pp. 780-781.
- CARRARO, F.R. and HAILO, M., "The Friars Minor Capuchins and Refugees," in *On the Move*, 42 (1984), pp. 192-193.
- CASTILLO LARA, R. J., "Some General Reflections on the Rights and Duties of the Christian Faithful," in *Studia canonica*, 20 (1986), pp. 7-32.
- CHELI, G., "La direttive della Santa Sede per la Pastorale delle Migrazioni e le Chiese di Immigrazione oggi," in *People on the Move*, 54 (1989), pp. 14-112.
- _____, "The Role of Religious in the Field of Migration," in *Consecrated Life*, 15 (1990), pp. 161-167.
- CHINESE CATHOLIC BISHOPS' CONFERENCE – COMMISSION FOR SOCIAL DEVELOPMENT, "The Church of Taiwan: A Haven for Refugees," in *People on the Move*, 53 (1989), pp. 48-52.
- CLARIZIO, E., "Nuova dimensione pastorale della odierna mobilità umana," in *On the Move*, 17 (1977), pp. 11-23.
- _____, "Catechesi della mobilità umana," in *On the Move*, 18 (1977), pp. 11-22.
- _____, "Relazione preliminare. Il volto dell'emigrazione nell'attuale momento storico," in *On the Move*, 26 (1979), pp. 30-54.
- CLAVER, F., "Philippine Migrant Labor: The Challenge to Their Religious Identity," in *Forum Mission*, 5 (2009), pp. 58-67.
- CLEMENS, J., "I fedeli laici nell'Istruzione 'Erga migrantes caritas Christi'," in *People on the Move*, 98 (2005), pp. 85-96.
- COCCOPALMERIO, F., "De paroecia ut communitate christifidelium," in *Periodica*, 80 (1991), pp.19-44.
- COOKE, T., "The Pastoral Concern of Bishops for People on the Move," in *On the Move*, 30 (1980), pp. 49-51.
- CORECCO, E., "Ecclesiological Bases of the Code," trans. by P. BURNS, in *Concilium*, 185 (1986), no. 3, pp. 3-13.
- CRUSEMANN, F., "'You Know the Heart of a Stranger' (Exodus 23.9). A Recollection of the Torah in the Face of New Nationalism and Xenophobia," trans. by J. BOWDEN, in *Concilium*, 4 (1993), pp. 95-109.

- CRUZ, G.T., "Singing the Lord's Song in a Strange Land: Religious Identity in the Context of Migration," in *Forum Mission*, 4 (2008), pp. 60-87.
- CUNNINGHAM, R. G., "The Principles Guiding the Revision of the Code of Canon Law," in *The Jurist*, 30 (1970), pp. 447-455.
- DANESI, G., "Towards a Theology of Migration," in *On the Move*, 27 (1979), pp. 3-85.
- _____, "The Essential Lineaments of Religious Life [and] the Basis of the Most Enlightened Testimony in the Spiritual Crisis of Migrants," in *Consecrated Life*, 15 (1990), pp. 173-204.
- D'AGOSTINO, A., "Pastoral Care of Refugees in Eastern Africa," in *On the Move*, 42 (1984), pp. 53-60.
- DE PAOLIS, V., "De cura pastorali migratorum," in *Periodica*, 70 (1981), pp. 141-176.
- _____, "Migrazione e chiesa: Principali documenti," in *On the Move*, 33 (1981), pp. 26-34.
- _____, "La cura pastorale dei migranti: aspetti canonici," in *On the Move*, 33 (1981), pp. 65-68.
- _____, "The Pastoral of Human Mobility in Theological Formation in Universities and Seminaries," in *On the Move*, 39 (1983), pp. 29-38.
- _____, "The Missionary for Migrants, Charism, Duties and Preparations," in *On the Move*, 39 (1983), pp. 116-182.
- _____, "La mobilità umana e il nuovo Codice di diritto canonico," in *On the Move*, 45 (1985), pp. 37-58.
- _____, "The Integration of Immigrants into the Church as the Exercising of a Right to Freedom in the Canonical Legislation of the Church," in *On the Move*, 46 (1985), pp. 125-154.
- _____, "Pastoral Activity on Behalf of Migrants According to the Documents of the Council," in *Consecrated Life*, 15 (1990), pp. 205-224.
- _____, "The Communitarian dimension in the Experience of Faith in Context of People on the Move," in *People on the Move*, 58 (1991), pp. 37-60.
- DEL PORTILLO, A., "Dinamicidad y funcionalidad de las estructuras pastorales," in *Ius canonicum*, 9 (1969), pp. 305-329.
- DI GIOVANNI, S.M., "Historical and Canonical Aspects of the Pastoral Care of Immigrants in Late Nineteenth Century America," in *On the Move*, 39 (1983), pp. 39-65.
- DIMARZIO, N., "Aspects of Culture in Migrations in 'Erga migrantes caritas Christi'," in *People on the Move*, 98 (2005), pp. 39-43.
- DOE, N., "Pour une première analyse de la notion d'Église nationale," in *L'Année canonique*, 43 (2001), pp. 65-74.

- DOHENY, K., "Work Among Refugees," (unpublished article of the author who has worked for many years among refugees in the refugee camps for so long in many countries in Africa), Lusaka, Zambia, February 1981, pp. 1-36.
- _____, "Refugee Chaplains (Zambia)," in *On the Move*, 42 (1984), pp. 49-52.
- DORAN, T., "Rights and Duties of Pastors," in *CLSA Proceedings*, 45 (1983), pp. 182-192.
- FAGIOLO, V., "Religious, Migration and Human Mobility" in *Consecrated Life*, 15 (1990), pp. 155-160.
- FANTO, P., "Solicitude of the Church for Refugees," in *On the Move*, 16 (1976), pp. 41-46.
- _____, "Human Mobility and Specialised Apostolate," in *On the Move*, 33 (1981), pp. 14-25.
- _____, "The New Code of Canon Law and the Pastoral Care of People on the Move," in *On the Move*, 36 (1983), pp. 151-155.
- FLADER, J., "The Rights of the Faithful to the Spiritual Goods of the Church: Reflections on Canon 213," in *Apollinaris*, 65 (1992), nos. 1-2, pp. 375-398.
- FUS, E.A., "Priest Emigrants Under the Constitution 'Exsul familia'," in *The Jurist*, 16 (1956), pp. 359-386.
- GAUTHIER, A., "Juridical Persons in the Code of Canon Law," in *Studia canonica*, 25 (1991), pp. 77-92.
- GOLDIE, E., "Laity on the Move," in *On the Move*, 30 (1980), pp. 68-72.
- GONZÁLES, J., "Rights and Participation of the Laity in the Life of the Church," in *Philippine Canonical Forum*, 2 (2000), pp. 61-97.
- GREEN, T.J., "Rights and Duties of Diocesan Bishops," in *CLSA Proceedings*, 45 (1983), pp. 18-36.
- _____, "Canon 515: Establishment of a Parish That is Both Territorial and Personal," in *Roman Replies and CLSA Advisory Opinions*, edited by K.W. VANN and J.I. DONLON, Washington, DC, CLSA, 1994, pp. 102-108.
- _____, "Diocesan and Parish Structures: A Comparison of Selected Canons in the 'Codex iuris canonici and Codex canonum Ecclesiarum orientalium'," in *Studia canonica*, 33 (1999), pp. 349-397.
- _____, "The 2004 Directory on the Ministry of Bishops: Reflections on Episcopal Governance in Time of Crisis," in *Studia canonica*, 41 (2007), pp. 117-151.
- HAMAO, S.F and A. MARCHETTO, "Presentation (of *Erga migrantes caritas Christi*)," in *People on the Move*, 95 (2004), pp. 109-111.
- HARB, C., "Appeal on Behalf of Refugees in Lebanon," in *On the Move*, 26 (1979), pp. 146-147.

- HARRINGTON, P.J., "Kakuma Refugee Camp," in *People on the Move*, 109 (2009), pp. 75-77.
- HENGSBACH, F., "Treatment Given to Refugees is 'a Disgrace to our Civilised Society'," in *On the Move*, 42 (1984), pp. 153-158.
- HERRANZ, J., "Génesis del nuevo cuerpo legislativo de la Iglesia, (Del Código de 1917 al Código de 1983)," in *Ius canonicum*, 23 (1983), pp. 504-512.
- HIBAJENE, F., "Zambia: [Refugee Situation]," in *People on the Move*, 109 (2009), pp. 69-74.
- ICMC, "At the Service of Refugees: Extract From 1983 Annual Report of ICMC," in *On the Move*, 42 (1984), pp. 175-179.
- JULICH, V.A., "I Profughi nelle comunità parrocchiali," in *On the Move*, 42 (1984), pp. 159-172.
- KARAMBAI, S.S., "Protection of the Rights of the Laity," in *Canon Law Studies*, (1997), pp. 39-55.
- KASPER, W., "The Theological Foundations of Human Rights," in *The Jurist*, 50 (1990), pp. 148-166.
- KIGALI, G.B.M., "Refugees Present in Rwanda," in *On the Move*, 42 (1984), pp. 64-69.
- KOROMA, P.D., "Apostolate to Refugees and Internally Displaced Persons," in *People on the Move*, 109 (2009), pp. 163-170.
- LAPENNA, E., "De Facto Refugees – A New Problem for Europe," in *On the Move*, 35 (1982), pp. 44-55.
- _____, "Le réfugié et l'émigrant dans le cadre droits et libertés fondamentaux," in *On the Move*, 44 (1985), pp. 137-155.
- LABORIE, A. and M.S. GÓMEZ, "Information on the Refugee Situation in Mexico," in *On the Move*, 42 (1984), pp. 95-104.
- LANDMAN, C., "Religious Identity of Migrant Farm Workers in Hoedspruit, South Africa," *Forum Mission*, 5 (2009), pp. 171-185.
- LAPSLEY, D., "The Parish and Pastoral Care," in *The Furrow*, 36 (1985), pp. 416-417.
- LE TOURNEAU, D., "Quelle protection pour les droits et les devoirs fondamentaux des fidèles dans l'Église?," in *Studia canonica*, 28 (1994), pp. 59-84.
- LEFEUVRE, A., "Refugees: An Appeal and a Challenge to the Church," *On the Move*, 34 (1982), pp. 118-127.

- LOMBARDIA, P., "The Fundamental Rights of the Faithful," trans. by J.H. STEVENSON, in *Concilium*, 8 (1969), no. 5, pp. 42-46.
- LUCREZIO, G., "Catholic Organisations and Associations in Emigration," in *Consecrated Life*, pp. 279-287.
- LYNCH, J. E., "The Parochial Ministry in the New Code of Canon Law," in *The Jurist*, 42 (1982), pp. 383-421.
- MAJDANSKI, K., "Family Problems Implicit in the Phenomenon of Mobility," in *On the Move*, 32 (1981), pp. 130-135.
- MARCHETTO, A., "La famiglia degli emigranti," in *Familia et vita*, 14 (2009), no. 2-3, pp. 219-232.
- _____, "Marcher avec et vers Jésus Christ, présent dans Réfugiés: nouveaux itinéraires pastoraux," in *People on the Move*, 109 (2009), pp. 105-134.
- MCDONOUGH, E., "Rights in Religious Institutes," in *The Jurist*, 46 (1986), pp. 193-204.
- MCINTYRE, J.P., "Rights and Duties Revisited," in *The Jurist*, 56 (1996), pp. 111-127.
- _____, "The Rights of the Christian Faithful," in CANADIAN CANON LAW SOCIETY, 39th Annual Convention, Charlottetown, PEI, 18-21 October 2004, pp. 5-16.
- MENDONÇA, A., "Promotion and Protection of Rights in the Church," in *Philippine Canonical Forum*, 2 (2000), pp. 31-59.
- MORRISEY, F.G., "*Decimo anno* ... On the Tenth Anniversary of the Code of Canon Law," in *Studia canonica*, 28 (1994), pp. 99-122.
- _____, "Chaplains: Canon 564, Canonical Theory and Current Practice," in *CLSA Proceedings*, 61 (1999), pp. 267-281.
- MURPHY, J., "Joint Paper on Latin Rite Migrant Chaplains," in *The Australasian Catholic Record*, 65 (1988), no. 1, pp.13-21.
- NESTI, P. S., "'*Erga migrantes caritas Christi*'. Consacrati: uomini e donne del Vangelo alla frontiera dell'amore," in *People on the Move*, 98 (2005), pp. 77-84.
- NICOLINI, G., "Ecclesial Integration of Immigrants Seen in the Documents of the Church as the Exercising of the Right of Freedom," in *On the Move*, 46 (1985), pp. 44-63.
- O'LEARY, H., "Legislation on Migrant Care," in *The Australasian Catholic Record*, 48 (1971), pp. 127-151.
- _____, "Priestly Ministry to Migrants: The Options," in *Canon Law Society of Australia and New Zealand Newsletter*, (Spring 1989), pp. 53-80.

- O'REILLY, M., "Personal Prelatures and Ecclesial Communion," in *Studia canonica*, 18 (1984), pp. 439-456.
- PAGANONI, P.A., "The Role of the Pastoral Workers in the New Code of Canon Law According to the Mind of the Church," in *People on the Move*, 54 (1989), pp. 262-279.
- PENNA, J., "The Office of Episcopal Vicar," in *CLSA Proceedings*, 52 (1991), pp. 107-119.
- PERRAUDIN, A., "The Basic Problem of Refugees in Rwanda," in *On the Move*, 42 (1984), pp. 61-63.
- PESCHI, L., "Caritas Internationalis and Refugees," in *On the Move*, 42 (1984), pp. 180-184.
- PHAN, P.C., "Migration in the Early Church: Historical and Theological Reflections," in *Forum Mission*, 4 (2008), pp. 14-43.
- PITTARELLO, A., "Migrants and the Catholic Church in Australia," in *The Australasian Catholic Record*, 65 (1988), pp. 141-158.
- PITTARELLO, A., "Australian Immigration and the Church: New Perspectives," in *The Australasian Catholic Record*, 70 (1993), no. 3, pp. 305-313.
- PROVOST, J.H., "Promoting and Protecting the Rights of Christians: Some Implications for Church Structures," in *The Jurist*, 46 (1986), pp. 289-342.
- _____, "The Nature of Rights in the Church," in *CLSA Proceedings*, 53 (1992), pp. 1-18.
- RAMOUSSE, P.Y., "Khmer Refugees in the United States," in *On the Move*, 42 (1984), pp. 76-90.
- RAPER, M., "The Pastoral Care of Refugees in Asia and Africa," in *People on the Move*, 58 (1991), pp. 85-89.
- "Refugees: A Summary," – Report of the Thailand Catholic Office for Emergency Relief and Refugees, December 1982, in *On the Move*, 42 (1984), pp. 133-136.
- RENKEN, J., "The Parish: Community of the Christian Faithful Within the Particular Church," in *CLSA Proceedings*, 60 (1998), pp. 179-223.
- RHEINBERGER, J., "The Impact of the Social Teachings of Leo XIII and Pius XI in Their Historical Context," in *The Australasian Catholic Record*, 48 (1971), pp. 57-64.
- RINERE, E., "The Exercise of 'Cura animarum' Through the Twentieth Century and Beyond," in *The Jurist*, 65 (2005), pp. 31-54.
- ROCHA, P.R., "Problems Posed by Emigration to Liturgical Pastoral Care," in *On the Move*, 33, (1981), pp. 69-74.

- ROCHE, G.J., "The Poor and the Code of Canon Law: Some Relevant Issues in Book II," in *Studia canonica*, 30 (1996), pp. 177-219.
- ROSOLI, G., "The Commitment of Religious Institutes in the Pastoral Care of Human Mobility," in *Consecrated Life*, 15 (1990), pp. 255-268.
- ROSSI, S., "Religious and Catechesis in the Pastoral Care of Human Mobility," in *Consecrated Life*, 15 (1990), pp. 289-303.
- RUBIN, W., "Rapporti tra missionario e chiesa locale di immigrazione," in *On the Move*, 26 (1979), pp. 75-81.
- RUGAMBWA, N., "A Burning Issue: Migration and New Slaveries," in *People on the Move*, 109 (2009), pp. 135-144.
- RUZOKA, P.R. and S. AUGUSTIJNS, "Experience on the Pastoral Care of Refugees," in *People on the Move*, 109 (2009), pp. 147-161.
- SALVATIERRA, A., "The Immigrant and Stranger in the Bible," in *Theology Digest*, 42 (1995), no. 2, pp. 141-144.
- SANCHEZ, R., "Responding Pastorally to Sect Activity among Migrants," in *Origins*, 19 (1989-1990), pp. 526-529.
- "Scalabrini Fathers and the Refugees," in *On the Move*, 42 (1984), pp. 190-191.
- SCHAFERS, H-D., "Legal Advice for Foreign Refugees," in *On the Move*, 42 (1984), pp. 143-152.
- SCHNAPPER, D., "The Rights of Immigrants and National Integration," trans. by J. BOWDEN, in *Concilium*, 4 (1993), pp. 60-67.
- SCHOLZ, D.B., "The Jesuit Refugee Service," in *On the Move*, 42 (1984), pp. 185-189.
- _____, "The World Refugee Problem: Our Responsibility and Role," in *On the Move*, 42 (1984), pp. 215-231.
- _____, "The World Refugee Problem: Our Response as Religious," in *People on the Move*, 48 (1987), pp. 79-90.
- SCHREITER, R., "Spaces for Religion and Migrant Religious Identity," in *Forum Mission*, 5 (2009), pp. 155-170.
- SCHULTHEIS, M.J., "Refugees: The Structures of a Global Justice Issue," in *On the Move*, 42 (1984), pp. 199-214.
- SCICLUNA, C., "The Personal Parish and the Mission with the Care of Souls Confided to Religious," in *Consecrated Life*, 15 (1990), pp. 225-243.

- SIMON, B., "Language, Migration, Religion and Identity: Four Crucial Facets of Multilingualism in Congregations," in *Forum Mission*, 4 (2008), pp. 160-176.
- SIMONETTO, G., "Gli istituti di perfezione e l'emigrazione," in *On the Move*, 26 (1979), pp. 112-119.
- SOBCZAK, A., "Las parroquias para los emigrantes en el derecho canonico latino," in *Ius canonicum*, 34 (1994), pp. 227-278.
- SOLER, C., "Jurisdicción cumulativa," in *Ius canonicum*, 28 (1988), pp. 131-180.
- STETSON, W.H. and J. HERVADA, "Personal Prelatures from Vatican II to the New Code: An Hermeneutical Study of Canons 294-297," in *The Jurist*, 45 (1985), pp. 379-418.
- _____, "The Phenomenon of Human Mobility Today in Relation to Pastoral Care," in *Consecrated Life*, 15 (1990), pp. 245-254.
- TASSELLO, G., "Instruments of Social Communication in the Pastoral Care of Human Mobility," in *Consecrated Life*, 15 (1990), pp. 305-314.
- TAKAZA, S., "Experience on the Pastoral Care of Refugees, Imbisa Refugee Service," in *People on the Move*, 109 (2009), pp. 171-176.
- TERNYAK, C., "Il sacerdozio nell'Istruzione 'Erga migrantes caritas Christi'," in *People on the Move*, 98 (2005), pp. 65-75.
- TOMASI, S.M., "The Pastoral and Canonical Innovations of 'Pastoralis migratorum cura'," in *The Jurist*, 31 (1971), pp. 332-341.
- _____, "Religious Communities with a Specific Charism for Migrants," in *Consecrated Life*, 15 (1990), pp. 269-277.
- _____, "Pastoral Action and the New Immigrants," in *Origins*, 21 (1991-1992), pp. 580-584.
- VANHOYE, A., "I fondamenti biblici dell'Istruzione 'Erga migrantes caritas Christi'," in *People on the Move*, 98 (2005), pp. 31-38.
- VASIL, C., "Alcune considerazioni sull'Istruzione EMCC dal punto di vista del diritto delle Chiese Orientali Cattoliche," in *People on the Move*, 98 (2005), pp. 109-125.
- VERWEIJ, M.W., "Mission Among Migrants and Refugees," in *People on the Move*, 48 (1987), pp. 51-59.
- VILLOT, G., "La pastorale dei migranti e l'universalità della Chiesa," 2 December 1978, in *Insegnamenti di Giovanni Paolo II*, vol. I, Città del Vaticano, Libreria editrice Vaticana, 1979, pp. 265-270.
- WANDERA J.M., "Identity Transformation of Muslim: Somali Migrants in Nairobi, Kenya," in *Forum Mission*, 4 (2008), pp. 88-105.

WESOLY, S., "Cappellani dei migranti," in *People on the Move*, 54 (1989), pp. 147-179.

WINNINGER, A., "A Pastoral Canon Law," in *Concilium*, 8 (1969), no. 5, pp. 28-34.

YONG, G., "An Appeal on Behalf of the 'Boat-People' of Vietnam," in *On the Move*, 26 (1979), pp. 139-145.

ZAMAGNI, S., "The Migratory Question Today and the Role of the International Catholic Migration Commission (ICMC)," in *People on the Move*, 86 (2001), pp. 87-96.

ZAMAGNI, S., "Il fenomeno migratorio nella prospettiva della '*Erga migrantes caritas Christi*'," in *People on the Move*, 98 (2005), pp. 23-39.

II. LITERATURE ON REFUGEES

BOOKS

- AGER, A. (ed.), *Refugees. Perspectives on the Experience of Forced Migration*, London, Pinter/New York, Cassell, 1999.
- AITCHISON, J., *International Thesaurus of Refugee Terminology*, second edition, New York, United Nations, 1996.
- AMNESTY INTERNATIONAL, *Amnesty International Statement Updating Its Human Rights Concerns in Sri Lanka, July-September 1983, Including Amnesty International's Response to the Sri Lanka Government's Comments on the Report of an Amnesty International Mission to Sri Lanka, 31 January-9 February 1982, and the Recommendations Submitted by Amnesty International to the Government, (September 1983)*, London, Amnesty International, International Secretariat, 1983.
- ARAVANAN, K.P., *Eezham (Eelam): Thamizharin Thayagam = Eelam: The Homeland of Tamils*, Pondicherry, Thamizhk Kottam Publication, 2000 (Tamil language).
- AROCKIAM, K., *A Study on Social Consequences of Prolonged Camp Life of Sri Lankan Tamil Refugees in Tamil Nadu, India*, Doctoral dissertation submitted for the Doctor of Philosophy in the Department of Sociology, Tiruchirappalli, India, Bharathidasan University, 2007.
- BAILEY, S. D., *Ceylon*, London, Hutchinson's University Library, 1952.
- BALASURIYA, T. (ed.), *Race Relations in Sri Lanka*, Colombo, The Centre for Society and Religion, 1978.
- _____, *Communal Tensions and the Role of the Church. A Talk to the Presbyterium (Assembly of Priests) of the Archdiocese of Colombo, 15 November 1983*, Colombo, Centre for Society and Religion, 1983.
- _____, *Catastrophe July '83: Can Sri Lanka Survive?* Colombo, Centre for Society and Religion, 1984.
- BANERJEE, P. et al., *Internal Displacement in South Asia: The Relevance of the UN's Guiding Principles*, New Delhi, Sage Publications, 2005.
- BATTISTELLA, G., *The Human Rights of Migrants*, Quezon City, Philippines, Scalabrini Migration Centre, 2005.
- BEISER, M., *Strangers at the Gate. The 'Boat People's' First Ten Years in Canada*, Toronto/Buffalo/London, University of Toronto Press, 1999.
- BLYTH, M., *Statement on Uprooted People*, Geneva, World Council of Churches, 1995.
- BOSE, S., *States, Nations, Sovereignty-Sri Lanka, India and the Tamil Eelam Movement*, New Delhi, Sage Publications, 1994.

- BOSE, T.K and R. MANCHANDA (eds.), *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, Kathmandu, South Asia Forum for Human Rights, 1997.
- BROWN, M.E (ed.), *Nationalism and Ethnic Conflict*, Cambridge, MIT Press, 2001.
- BROWNLIE, I., *Basic Documents on Human Rights*, Second edition, Oxford, Clarendon Press, 1981.
- BUSH, K., *The Inter-group Dimensions of Ethnic Conflict in Sri Lanka: Learning to Read Between the Lines*, New York, Palgrave Macmillan, 2003.
- CAPOTORTI, F., *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, New York, United Nations, 1991.
- CARLIER, J.Y. et al. (eds.), *Who is a Refugee? A Comparative Case Law Study*, The Hague, Kluwer Law International, 1997.
- CASHMORE, E., *Dictionary of Race and Ethnic Relations*, London, Routledge, 1988.
- CENTRE FOR SOCIETY AND RELIGION, *Violence in Jaffna, June 1981*, Colombo, Centre for Society and Religion, 1981.
- CHATTOPADHYAYA, H.P., *Ethnic Unrest in Modern Sri Lanka: An Account of Tamil-Sinhalese Race Relations*, New Delhi, M.D. Publications, 1994.
- CHETAIL, V and V. GOWLLAND-DEBBAS, *Switzerland and the International Protection of Refugees: A Colloquium of the Graduate Institute of International Studies*, Geneva, in collaboration with the Office of the United Nations High Commissioner for Refugees, Hague/London, Kluwer Law International, 2002.
- COLOMBO STUDY CIRCLE, *Sri Lanka-Reign of Terror in Jaffna, May-June 19*, Colombo, Kumaran Press, 1981.
- COMMITTEE FOR RATIONAL DEVELOPMENT, *Sri Lanka. The Ethnic Conflict: Myths, Realities & Perspectives*, New Delhi, Navrang Publishers & Booksellers, 1984.
- COREA, E., *Sri Lanka. Beyond Conflict*, Colombo, Ministry of State, 1983.
- COURSIER, H., *The Geneva Conventions: Handbook Followed by an Outline of the Organization of the International Red Cross*, Geneva, International Committee of the Red Cross & League of Red Cross Societies, 1961.
- CUTTS, M., *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action*, Geneva, UNHCR; New York, Oxford University Press, 2000.
- DAS, S., *Refugee Management: Sri Lankan Refugees in Tamil Nadu: 1983-2000*, New Delhi, Mittal Publications, 2005.
- DEVOTTA, N., *Blowback: Linguistic Nationalism, Institutional Decay and Ethnic Conflict in Sri Lanka*, Stanford, Stanford University Press, 2004.
- DE FONTGALLAND, S.G., *Sri Lanka in Exile: Tamils Displaced*, Madras, Cerro Publications, 1986.

- DE FONTGALLAND, S.G., *Buddha Sinalavarum Sirupanmayinarum = Sinhalese Buddhists and the Minority groups*, Chennai, Cerro, 1987.
- DE SILVA, K.M. (ed.), *Sri Lanka: A Survey*, Hamburg, The Institute of Asian Affairs; London, C. Hurst, 1977.
- _____, *Managing Ethnic Tensions in the Multi-Ethnic Societies: Sri Lanka 1880-1985*, New York, London, University Press of America, 1986.
- _____, *The "Traditional Homelands" of the Tamils of Sri Lanka: A Historical Appraisal*, Colombo, International Centre for Ethnic Studies, 1987.
- _____, *A History of Sri Lanka*, New Delhi, Penguin Books India Pvt., 2005.
- DE VOS, G. and L. ROMANUCCI-ROSS (eds.), *Ethnic Identity; Cultural Continuities and Change*, Paolo Alto, CA, Mayfield Publishing Company, 1975.
- DISSANAYAKE, T.D.S.A., *The Agony of Sri Lanka. An in-depth Account of the Racial Riots of 1983*, Colombo, Swastika (Private) Ltd., 1983.
- DRAPER, T., *Human Rights*, New York, H. W. Wilson, 1982.
- EMBREE, A.T. (ed.), *Sources of Indian Tradition: From the Beginning to 1800*, vol.1, 2nd edition, New York, Columbia University Press, 1998.
- EMMANUEL, S.J., *Let My People Go: The Tamil Struggle for Survival and Self-determination in Sri Lanka*, Scarborough, ON, Federation of Association of Canadian Tamils, 1999.
- EMMANUEL, S.J., *Agonies & Aspirations of the Tamil Struggle*, Datteln, Germany, 2004.
- ERIKSEN, T.H., *Ethnicity and Nationalism: Anthropological Perspectives*, London, Pluto Press, 1993.
- FARMER, B.H., *Ceylon. A Divided Nation*, London, Oxford University Press, 1963.
- FERNANDO, T. and R. KEARNEY (eds.), *Modern Sri Lanka: A Society in Transition*, Syracuse, NY, Maxwell School of Citizenship and Public Affairs, 1979.
- FERRIS, E.G., *Refugees and World Politics*, Praeger Special Studies, New York, Praeger, 1985.
- _____, *Beyond Borders: Refugees, Migrants, and Human Rights in the Post-Cold War*, Geneva, WCC Publications, 1993.
- GEIGER, W (translator), *Mahavamsa or The Great Chronicle of Ceylon*, Dehiwela, Buddhist Centre, (reprinted), 2003.
- GOKHALE, N.A., *Sri Lanka From War to Peace*, New Delhi, Har-Anand Publications Pvt Ltd., 2009.
- GOONATILAKE, H.A.I., *Lanka: Their Lanka Cameos of Ceylon, Through Other Eyes*, New Delhi, Navarang Publishers, 1982.

- GREENSTREET, D., *Ethnic & Elective Problem of Sri Lanka*, London, Sasor Publishers, 1982.
- GUNASINGAM, M., *Sri Lankan Tamil Nationalism: A Study of Its Origin*, Sydney, MV Publications, 1999.
- GUNASEKERA, G (translator), *Rajavaliya*, Colombo, Govt. Press, 1960.
- HASTINGS, A., *The Construction of Nationhood: Ethnicity, Religion and Nationalism*, Cambridge, UK, Cambridge University Press, 1997.
- HENKEL, J., *The International Protection of Refugees and Displaced Persons: A Global Problem of Growing Complexity*, New York, USCR, 1985.
- HOLBORN, L.W. et al., *Refugees, A Problem of Our Time: The Work of the United Nations High Commissioner for Refugees, 1951-1972*, Metuchen, NJ, Scarecrow Press, 1975.
- HORVATH-LINDBERG, J. and D. MISEREZ, *Working With Refugees and Asylum Seekers: A Handbook for Red Cross & Red Crescent Staff and Volunteers*, Geneva, Switzerland, League of Red Cross and Red Crescent Societies, 1991.
- HOUTART, F., *Religion and Ideology in Sri Lanka*, Bangalore, St. Peter's Seminary, P.T.I.; Colombo, Hansa Publishers Ltd., 1974.
- HYNDMAN, P., *The Communal Violence in Sri Lanka, July 1983: LAWASIA Report to the Lawasia Human Rights Standing Committee*, Sydney, Lasasla, 1984.
- INDEPENDENT COMMISSION ON INTERNATIONAL HUMANITARIAN ISSUES, *Refugees: The Dynamics of Displacement*, London, Zed Books Ltd/New Jersey, Atlantic Highlands, 1986.
- INTERNATIONAL COMMITTEE OF THE RED CROSS and LEAGUE OF RED CROSS SOCIETIES, *Red Cross Action in Aid of Refugees: (Provisional Agenda, Item 8)*, Geneva, International Committee of the Red Cross and League of Red Cross Societies, 1983.
- _____, *The Movement and Refugees: (Item 5 on the Provisional Agenda of the Commission of Development, Relief and General Matters)*, Geneva, International Committee of the Red Cross, 1991.
- _____, *Guide for Planning Operations for Refugees, Displaced Persons and Returnees: From Emergency Responses to Solutions*, Geneva, International Committee of the Red Cross and League of Red Cross Societies, 1993.
- _____, *Strengthening Capacity to Assist and Protect the Most Vulnerable*, Geneva, International Committee of the Red Cross and League of Red Cross Societies, 1995.
- INTERNATIONAL COMMITTEE OF THE RED CROSS & LEAGUE OF RED CROSS SOCIETIES and INSTITUTE HENRY-DUNANT, *Psycho-Social Assistance for Children Affected by Armed Conflict*, Geneva, International Committee of the Red Cross and League of Red Cross Societies, 1999.

- INTERNATIONAL SECRETARIAT, *A Struggle for Justice*, London, Political Committee Liberation Tigers of Tamil Eelam, 1997.
- INTERNATIONAL TAMIL FOUNDATION, *Sri Lanka: The State Against the Tamils*, London, United Kingdom, International Tamil Foundation, 2000.
- ISLAM, N., *Tamil Separatism, Government Policies and Decentralization in Sri Lanka*, Ottawa, University of Ottawa, (University of Ottawa Working Paper 85-86), 1985.
- JACQUES, A., *The Stranger Within Your Gate: Uprooted People in the World Today*, Geneva, World Council of Churches, 1986.
- JAYASURIYA, D.C., *Law & Social Problems in Modern Sri Lanka*, New Delhi, Sterling Publishers, 1982.
- JAYAWARDNE, K., *Ethnic and Class Conflicts in Sri Lanka*, Colombo, Centre for Social Analysis, 1985.
- JAYEWARDENE, C.H.S and H. JAYEWARDENE., *Tea for Two: Ethnic Violence in Sri Lanka*, Ottawa, Crimcare Publication, 1984.
- JEAN-LUC, C., *Minorities and Prevention of Conflicts: The Role of National Red Cross and Red Crescent Societies*, Geneva, Henry Dunant Institute, 1993.
- JUPP, J., *Sri Lanka – Third World Democracy*, London, Frank Cass, 1978.
- KADIAN, R., *India's Sri Lanka Fiasco*, New Delhi, Vision Books, 1990.
- KANE, S. and INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES, *Working With Victims of Organized Violence from Different Cultures: A Red Cross and Red Crescent Guide*, Geneva, International Federation of Red Cross and Red Crescent Societies, 1995.
- KANGER, H., *Human Rights in the UN Declaration*, Uppsala, University of Uppsala Press, 1984.
- KARALASINGHAM, V., *The Way of the Tamil Speaking People, Including Postscripts*, 1977, Colombo, International Publishers, 1978.
- KARUNARATNE, V., *Lanka Samasamaja Party and the Tamil Speaking People*, Colombo, G.C.S.U. Press, 1979.
- KARTHIGESU, S., *Sri Lankan Tamil Society and Politics*, Madras, New Century Books House (P) Ltd., 1995.
- KEARNEY, R. N., *Communalism and Language in the Politics of Ceylon*, Durham, NC, Duke University Press, 1967.
- _____, *The Politics of Ceylon (Sri Lanka)*, Ithaca, NY, Cornell University Press, 1973.
- KELLY, C. M., *Global Refugee Policy: The Case for a Development-Oriented Strategy*, New York, The Population Council, 1981.

- KISMARIE, C., *Forced Out: The Agony of the Refugee in Our Time*, New York, Random House, 1989.
- KOHN, H., *The Idea of Nationalism: A Study in Its Origins and Background*, New York, NY, Macmillan, 1945.
- KRISHNA, S., *India's Role in Sri Lanka's Ethnic Conflict*, Colombo, Marga Institute, 2001.
- KRISHNARAJAH, S., *History of Sri Lanka: Up to the 15th A.D.*, Part. 1, Thirunelveli, Jaffna, Pirainila Publication Centre, 1999 (Tamil language).
- _____, *History of Sri Lanka: From 1505 to 1796 A.D.*, Thirunelveli, Jaffna, Pirainila Publication Centre, 2000 (Tamil language).
- KUGABALAN, K., *Yazhppana Idapp Peyarvu = The Uprooting of Jaffna People*, Jaffna, University of Jaffna, 1996 (Tamil language).
- KUNRASA, K., *Eelathavar Varalaru = History of Tamils*, Colombo, Bhubhalasingham Publishers, 1996 (Tamil language).
- KURUKULASURIYA, L., *Ethnic Violence and Terrorism 1956-1984: The Mounting Tally*, Colombo, Marga Institute, 1984.
- LAMBALLE, A., *Le problème Tamoul à Sri Lanka*, Paris, Université Aix-Marseille/Éditions L'Harmattan, 1985.
- LEAGUE OF RED CROSS AND RED CRESCENT SOCIETIES, *Handbook of the International Red Cross: Conventions, Statutes, and Regulations; Resolutions of the International Conference of the Red Cross and of the Board of Governors of the League of Red Cross Societies*, Geneva, International Committee of the Red Cross: League of Red Cross Societies, 1951.
- _____, *Activities of the League in Regard to Refugees, Asylum Seekers, Returnees and Displaced Persons in the 1980's*, Geneva, League of Red Cross and Red Crescent Societies, 1989.
- LEARY, V.A., *Ethnic Conflict and Violence in Sri Lanka. Report of a Mission to Sri Lanka in July-August 1981 on Behalf of the International Commission of Jurists*, Geneva, International Commission of Jurists, 1981.
- _____, *Ethnic Conflict and Violence in Sri Lanka. Report of a Mission to Sri Lanka in July-August 1981 on Behalf of the International Commission of Jurists, with a Supplement by the ICI Staff for the Period 1981-1983*, Geneva, International Commission of Jurists, 1983.
- LEDDY, M.J., *At the Border Called Hope: Where Refugees Are Neighbours*, Toronto, Canada, Harpers Collins Publishers Ltd., 1997.
- LOESCHER, G., *Calculated Kindness: Refugees and America's Half Open Door, 1945-Present*, New York, Free Press, 1986.

- LOESCHER, G., *Beyond Charity: International Cooperation and the Global Crisis*, New York, Oxford University Press, 1993.
- LOESCHER, G. and A.N. LOESCHER, *The Global Refugee Crisis: A Reference Handbook*, California, Santa Barbara, 1994.
- LOESCHER, G. and J.A. SCANLAN, *The Global Refugee Problem: U.S. and World Response*, Beverly Hills, Sage Publications, 1983.
- LOGANATHAN, K., *Sri Lanka: Lost Opportunities—Past Attempts at Resolving Ethnic Conflict*, Colombo, Sri Lanka, Centre for Policy Research and Analysis, 1996.
- LUDOWYK, E.F.C., *The Story of Ceylon*, London, Faber, 1962.
- _____, *The Modern History of Ceylon*, London, Werdenfeld & Nicolson, 1966.
- MACARTNEY, C.A., *National States and National Minorities*, New York, Russell and Russell, 1968.
- MAGANATHAN, E.M.V., *"Sinhalese only" and the Liquidation of the Minorities in Ceylon*, Colombo, National Liberation Fund, 1956.
- MAGGIE, B., C. HELEN and P. CELIA, *Children Separated by War: Family Tracing and Reunification*, London, Save the Children, 1995.
- MANOGARAN, C. and B. PFAFFENBERGER (eds.), *The Sri Lankan Tamils: Ethnicity & Identity*, Boulder, San Francisco, Oxford, Westview Press, 1994.
- MARTY, M.E and R.S. APPLEBY (eds.), *Fundamentalism Comprehended*, Sponsored by the American Academy of Arts and Sciences, Chicago, London, University of Chicago Press, 1995.
- MATHEW, C.C., *Diabolical Conspiracy*, Colombo, J. F. & I. Printers, 1983.
- _____, *Sri Lanka. An Appeal to UNESCO to Safeguard and Preserve the Cultural Property in Sri Lanka Endangered by Racial Prejudice, Unlawful Occupation or Willful Destruction*, Colombo, J. F. & I. Printers, 1983.
- MATTHIAS, A., *The Catholic Church in Jaffna 1875-1925 With Special Reference to the History of Fr. S. Gnana Pragasam, OMI*, Jaffna, Sri Lanka, Good Shepherd Centre, 1992.
- MAYNARD, K.A., *Healing Communities in Conflict: International Assistance in Complex Emergencies*, New York, Columbia University Press, 1999.
- MAYOTTE, J.A., *Disposable People? The Plight of Refugees*, Maryknoll, Orbis Books, 1992.
- MCDOWELL, C., *A Tamil Asylum Diaspora: Sri Lankan Migration, Settlement and Politics in Switzerland*, Providence/Oxford, Berghahu Books, 1996.
- MENDIS, G.C., *The Early History of Ceylon and Its Relations With India and Other Foreign Countries*, Calcutta, Y.M.C.A. Publishing House. (The Heritage and Life of India Series), 4th edition revised and published as: *The Early History of Ceylon or, The Indian Period of Ceylon History*, 1939; last reprint 1948. The latest available

print as: *Early History of Ceylon and Its Relations With India and Other Foreign Countries*, New Delhi, Chennai (Madras), Asian Educational Services (4th reprint), 2003.

MIRJE PUBLICATION, *Year of Racial Violence-1981*, Colombo, Mirje Publication, 1981.

MONTVILLE, J.V. (ed.), *Conflict and Peacemaking in Multiethnic Societies*, New York, Lexington Books/Toronto, Maxwell Macmillan International/Oxford, Singapore, Sydney, Maxwell Macmillan International, 1991.

MOORE, T.J., *Ethnic and Communal Violence: The Independence of the Judiciary: Protection of 'Fundamental Rights' and the Rule of Law in Sri Lanka – Fragile Freedoms? Report of a Mission to Sri Lanka in June 1983 on Behalf of the International Commission of Jurists*. Printed and Published by Australian Section, International Commission of Jurists, G.P.O. Box 173, Sydney, 2001 New South Wales, Australia, 1983.

MOUSSA, H.P. and A. TARANM, *A Moment to Choose: Risking to be with Uprooted People. A Resource Book*, Geneva, Refugee and Migration Service, 1996.

MUNI, S.D. and L. RAJ NARA (eds.), *Refugees and Regional Security in South Asia*, Delhi, Konark Publishers Pvt Ltd./Colombo, Regional Centre for Strategic Studies, 1996.

NESIAH, D., *A History of Ethnic Conflict in Sri Lanka: Recollection, Reinterpretation & Reconciliation – Tamil Nationalism*, Colombo, Marga Institute, 2001.

NEUDECK, R. and K. GERARD, *The Century of Refugees*, Cologne, Deutsches Komitee Not-Arzte, 1980.

NICHOLS, A., *Refugees, Religion, & Politics*, Canberra, Acorn Press for the Jesuit Refugee Service Asia Pacific, 1993.

NICHOLAS, C.W. and S. PARANAVITANA, *A Concise History of Ceylon: From the Earliest Times to the Arrival of the Portuguese in 1505*, Colombo, Ceylon University Press, 1961.

NORWEGIAN REFUGEE COUNCIL, *Rights Have no Borders: Worldwide Internal Displacement*, Oxford, The Norwegian Refugee Council/The Global IDP Survey/NRC, 1998.

NORWOOD, F.A., *Strangers and Exiles. A History of Religious Refugees*, Nashville, Abingdon Press, 1969, 2 vols.

NUBIN, W. (ed.), *Sri Lanka: Current Issues and Historical Background*, New York, Nova Science Publishers, Inc., 2002.

PARARAJASINGHM, A., *Sri Lanka: One Island, Two Nations*, London, International Federation of Tamils, 1997.

PERERA, S., *Stories of Survivors: Socio-political Context of Female Headed Households in Post-Terror Southern Sri Lanka*, vol. 1, In Association with Women's Education and Research Centre, Colombo, Vikas Publishing House Pvt Ltd., 1999.

- PERINBANAYAGAM, S.H., *Language in Government and in Education*, Chunnakam (Ceylon), Thana Lucksmey Book Depot, 1955.
- PIYADASA, L., *Sri Lanka: The Holocaust & After*, London, Marran Books, 1984.
- PONNAMBALAM, S., *Sri Lanka: The National Question and the Tamil Liberation Struggle*, London, Zed Book Ltd., 1983.
- PONNIAH, S., *Satyagraha and the Freedom Movement of the Tamils in Ceylon*, Valettithurai (Ceylon), A. Kandiah, 1963.
- PRATAP, A., *Island of Blood: Frontline Reports From Sri Lanka, Afghanistan, and Other South Asian Flashpoints*, New Delhi, Penguin Books India (P) Ltd., 2001.
- RAM, M., *Sri Lanka: The Fractured Island*, New Delhi, Penguin Books (India), 1989.
- REES, E., *The Refugees and the United Nations*, New York, Carnegie Endowment for International Peace, 1953.
- Reports on Refugees*, Department of Rehabilitation, Government of Tamil Nadu, Chennai (Madras), India, 1987.
- Reports on Refugees*, Public (Refugees) Rehabilitation Department, Government of Tamil Nadu, Chennai, India, 1 November 2005.
- Report of the Daily Arrival of Sri Lankan Refugees in Tamil Nadu, Letter No. Pdl. 389/H/2007, dated 27.12.2007*, by the Special Commissioner & Commissioner of Rehabilitation, Chepauk, Chennai.
- ROBERT, M (ed.), *Collective Identities: Nationalism and Protest in Modern Sri Lanka*, Colombo, Marga Institute, 1979.
- RUPEISINGHE, K. (ed.), *Conflict Transformation*, London, Macmillan Press, Ltd., 1995.
- RUPEISINGHE, K. and VERSTAPPEN, B., *Ethnic Conflict and Human Rights in Sri Lanka: An Annotated Bibliography*, Published for the International Peace Research Institute, Oslo/London/Munich/New York, Hans Zell Publishers, 1989.
- RUPEISINGHE, K. and K. MUMTAZ (eds.), *Internal Conflicts in South Asia*, New Delhi, India, Sage Publications India Pvt Ltd., 1996.
- RUSSELL, J., *Communal Politics Under the Donoughmore Constitution 1931-1947*, Colombo, Tissara Prakasakayo Ltd., 1982.
- SAFRA, J.A. et al. (eds.), *The New Encyclopaedia Britannica*, vol. 28, Chicago, Encyclopaedia Britannica, Inc., 1998.
- SANDERS, S.R., *Title of the Report: Relief and Rehabilitation for Ensuring the Human Dignity of the Sri Lankan Tamil Refugees in 9 Dioceses of Tamil Nadu, 25-02-2008*, Chennai, Caritas-India, 2008.
- SARKER, N.K., *The Demography of Ceylon*, Colombo, The University of Ceylon, 1957.

- SCHUTEIS, M., *Refugees: The Structure of a Global Justice Issue*, Washington, DC, Centre for Concern, 1983.
- SCHWARZ, W., *The Tamils of Sri Lanka*, rev. ed., London, Minority Rights Group, 1979.
- SEEVARATNAM, N. (ed.), *The Tamil National Question and the Indo-Sri Lanka Accord*, Delhi, Konark Publishers Pvt Ltd., 1989.
- SINCLAIR, A., *An Anatomy of Terror: A History of Terrorism*, London, Pan Books, 2004.
- SINGH, N., *The Role and Record of the UN High Commissioner for Refugees*, Delhi, India, Macmillan India, 1984.
- SIVANAYAGAM, S., *Tamil Eelam: A State of Mind*, Colombo, A Hot Spring Publication, 1999.
- _____, *The Pen and the Gun: Selected Writings 1977-2001*, London, Tamil Information Centre, 2001.
- _____, *Sri Lanka: Witness to History—A Journalist's Memoirs (1930-2004)*, London, Sivayogam, 2005.
- SIVATHAMBY, K., *Sri Lankan Tamil Society and Politics*, Madras, New Century Book House (P) Ltd., 1995.
- SOMASUNDARAM, D., *Sacred Minds. The Psychological Impact of War on Sri Lankan Tamils*, New Delhi, India Pvt Ltd./London, Sage Publications, 1998.
- SOCIAL SCIENTIST ASSOCIATION, *Ethnicity and Social Change in Sri Lanka*, Colombo, Social Scientist Association, 1979.
- SPENCER, J. (ed.), *Sri Lanka: History and the Roots of Conflict*, London, New York, Routledge, 1990.
- SRI LANKA: MINISTRY OF DEFENSE AND FOREIGN AFFAIRS, *Tamils in Sri Lanka*, Colombo, Dept. of Govt. Printing, Sri Lanka, 1976.
- SRI LANKA: DEPARTMENT OF INFORMATION, *The Minority Question in Sri Lanka*. Colombo, Dept. of Govt. Printing, Sri Lanka, 1978.
- STAVENHAGEN, R., *Ethnic Conflicts and the Nation-State*, New York, St. Martin's Press, 1996.
- STEINER, N. M. et al., *Problems of Protection: The UNHCR, Refugees, and Human Rights*, New York, Routledge, 2003.
- SUBRAHAMANIAN, N., *The Tamils: Their History, Culture and Civilization*, Madras, Institute of Asian Studies, 1996.
- SUNTHERALINGAM, C., *Ceylon: Beginnings of Freedom Struggle*, Colombo, Arasan Printers, 1967.
- SURYANARAYAN, V. (ed.), *Rehabilitation of Sri Lankan Repatriated: A Critical Appraisal*, Madras, Centre for South and Southeast Asian Studies, University of Madras, 1986.

- SURYANARAYAN, V. and V. SUDERSAN, *Between Fear and Hope: Sri Lankan Refugees in Tamil Nadu*, Chennai, T.R. Publications, 2000.
- TAMBIAH, H.W., *The Laws and Customs of the Tamils of Ceylon*, Colombo, Tamil Cultural Society of Ceylon, 1954.
- TAMBIAH, S.J., *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy*, Chicago, University of Chicago Press, 1986.
- , *Buddhism Betrayed? Religion, Politics, and Violence in Sri Lanka*, Chicago, London, University of Chicago Press, 1992.
- TARZIE, V., *Emergency 58: The Story of Ceylon Race Riots*, London, Andre Deutsch Ltd., 1958.
- THANINAYAGAM, X.S. (ed.), *Language and Liberty in Ceylon: A Symposium*, Colombo, Tamil University Movement, 1956.
- THIRUCHANDRAN, S., *The Other Victims of War: Emergence of Female Headed Households in Eastern Sri Lanka*, vol. 2, In Association with Women's Education and Research Centre, Colombo/New Delhi, Vikas Publishing House Pvt Ltd, 1999.
- THORNTON, E.M. and R. NITHTHYANATHAN, *Sri Lanka, Island of Terror: An Incitement*, London, Eelam Research Organization, 1984.
- TRIER, J., *United Nations High Commissioner for Refugees*, New York, New Discovery Books, 1994.
- UNIVERSITY OF CEYLON, *University of Ceylon: History of Ceylon*, vol. I, Pts. 1 & 2, edited by S. PARANAVITANA, Colombo, Ceylon University Press Board, 1959.
- , *University of Ceylon: History of Ceylon From the Beginning of the Nineteenth Century to 1948*, vol. III, edited by K. M. DE SILVA, Peradeniya, University of Ceylon, 1973.
- UNITED NATIONS OFFICE AT GENEVA, TERMINOLOGY & TECHNICAL DOCUMENTATIONS SECTION and OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, Refugees = Réfugiés = Refugiados = al-Laji'un: English-French-Spanish-Arabic Glossary, New York/Geneva, United Nations, UNHCR, 2004.
- UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (= UNHCR), *A United Nations Plan for Refugees*, Geneva, Office of the United Nations High Commissioner for Refugees, 1955.
- UNHCR, *Refugees: 20 Questions and Answers*, Geneva, Office of the United Nations High Commissioner for Refugees, 1969.
- , *Collection of International Instruments Concerning Refugees*, 2nd edition, Geneva, Office of the United Nations High Commissioner for Refugees, 1979.
- , *Handbook on Procedures and Criteria for Determining Refugee Status: Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, Geneva, Office of the United Nations High Commissioner for Refugees, 1979.

- UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status: Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, Geneva, Office of the United Nations High Commissioner for Refugees, 1988.
- _____, *Refugee Children: Guidelines on Protection and Care*, Geneva, Office of the United Nations High Commissioner for Refugees, 1994.
- _____, *Collection of International Instruments and Other Legal Texts Concerning Refugees and Displaced Persons*, Geneva, Office of the United Nations High Commissioner for Refugees, 1995.
- _____, *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action*, Geneva, Oxford University Press/Oxford, Oxford University Press, 2000.
- _____, *Protecting Refugees: A Field Guide for NGOs*, Geneva, UNHCR, 2001.
- VANNIASINGHAM, S., *Sri Lanka: The Conflict Within*, New Delhi, Lancer International; London, Sangam Books Limited, 1989.
- VIJAYATHILAKAN, J.P., *A Study of the Sri Lankan Refugees in Tamil Nadu (India)*, Madras, Madras Christian College, 1985.
- VITTACHI, T., *Emergency '58: The Story of the Ceylon Race Riots*, London, Andre Deutsch, 1958.
- WARNABALA, W. et al., *Recent Politics in Sri Lanka*, New Delhi, Navarang Publishers, 1983.
- WHALL, H.J., *The Right to Self-Determination: The Sri Lankan Tamil National Question*, London, Tamil Information House, 1995.
- WHITAKER, B. (ed.), *Minorities: A Question of Human Rights?* Oxford/New York, Pergamon Press, 1984.
- WILKES, S., *One Day We Had to Run!: Refugee Children Tell Their Stories in Words and Paintings*, London, Evans Bros. in association with UNHCR and Save the Children, 1994.
- WILSON, A. J., *Politics in Sri Lanka, 1947-1979*, London, Macmillan, 1979.
- _____, *The Break-Up of Sri Lanka: The Sinhalese -Tamil Conflict*, London, C. Hurst & Co., 1988.
- _____, *Sri Lankan Tamil Nationalism: Its Origins and Development in the Nineteenth and Twentieth Centuries*, with a chapter by A.J.V. CHANDRAKANTHAN, New Delhi, Penguin Books (P) Ltd., 2000.
- WRIGGINS, W.H., *Ceylon: Dilemmas of a New Nation*, Princeton, NJ, Princeton University Press, 1960.
- ZEYLANICUS (Pseudonym), *Ceylon: Between Orient and Occident*, London, Eleck Books Limited, 1970.
- ZOLBERG, R. et al., *Escape from Violence: Conflict and Refugee Crisis in the Developing World*, Oxford, Oxford University Press, 1989.

ARTICLES

- BHASHAM, A.L., "Prince Vijaya and the Aryanization of Ceylon," in *Ceylon Historical Journal*, 1 (1952), no. 3, pp. 163-171.
- COMMITTEE FOR RATIONAL DEVELOPMENT, "C.R.D. on Land Settlement and Ethnic Tensions," in *Lanka Guardian*, 6 (1983), no. 16, pp. 9-10, 17.
- CROSSETTE-THAMBAIAH, R.W., "Separate Identity, One Nation," in *Lanka Guardian*, 2 (1979), no. 5, pp. 18-19, 21.
- _____, "National Liberation for the Ceylon Tamils," in *Lanka Guardian*, 5 (1982), no. 10, pp. 13-15.
- DE FONSEKA, C., "The Ethnic Debate. Glimpses of the Whole Truth," in *Lanka Guardian*, 6 (1984), no. 17, pp. 9-11.
- _____, "The Committee for Rational Development—Myth or Reality?" in *Lanka Guardian*, 6 (1984), no. 22, pp. 7-10.
- DE SILVA, C.R., "History and Tamil Eelam," in *Tribune*, 22 (1977), no. 14, pp. 11-12.
- _____, "Sri Lanka. Roots of Friction," in *Far Eastern Economic Review*, 121 (1983), no. 32, pp. 15-16.
- DISSANAYAKE, W.N., "Traditional Tamil Homelands a Myth?" in *The Sunday Observer*, 68 (1984), no. 7, p. 4.
- FERNANDO, M., "The Role of Religion in a Situation of Armed Conflict," in *Dialogue*, 28 (2001), pp. 18-39.
- GOONETILLEKE, H.A.I., "July 1983 and the National Question in Sri Lanka: A Bibliographical Guide," in *Race & Class*, 26 (1984), pp. 159-193.
- GUNASINGHE, N., "The Open Economy and Its Impact on Ethnic Relations in Sri Lanka," in *Lanka Guardian*, 6 (1984), no. 17, pp. 6-8, 15; 6 (1984), no. 18, pp. 15-17; 6 (1984), no. 19, pp. 10-12.
- _____, "May Day After the July Holocaust," in *Lanka Guardian*, 7 (1984), no. 1, pp. 7, 11.
- GUNATILLEKE, G., "Some Socio-Economic Aspects of Communal Problems," in *Logos*, 16 (1977), no. 2, pp. 17-39.
- INDRAPALA, K., "Early Tamil Settlements in Ceylon," in *Journal of Royal Asiatic Society* (= *JRAS*), 13(1969), New Series, pp. 43-63.
- JACOB, L.M., "Constitutional Development and the Tamil Minority in Sri Lanka," in *South Asian Studies*, 13 (1978), no. 2, pp. 66-79.
- JANATHA VIMUKTI PERAMUNA, "JVP on Tamil Issue," in *Lanka Guardian*, 1 (1979), no. 19, pp. 5-6.
- JAYAPALAN, V.I.S., "Tamil Politics in Historical Perspective," in *Lanka Guardian*, 5 (1982), no. 11, pp. 5-6; 5, (1982), no. 15, pp. 9-10.

- JAYAWARDENA, K., "Aspects of Class and Ethnic Consciousness in Sri Lanka," in *Development and Change*, 14 (1983), no. 1, pp. 1-18; reprinted in *Lanka Guardian*, 6 (1983), no. 5, pp. 17-20; 6 (1983), no. 6, pp. 17-20.
- _____, "Ethnic Consciousness in Sri Lanka: Continuity and Change," in *Lanka Guardian*, 6 (1984), no. 22, pp. 11-12.
- JEEVAN, S., "The Tamil National Question: A Leninist Approach," in *Lanka Guardian*, 6 (1983), no. 4, pp. 23-24.
- KADER, B.A., "Race and Nationhood – Some Theories," in *Lanka Guardian*, 6 (1983), no.1, pp. 30-31.
- KADIRGAMAR, S., "Management of Ethnic Relations in Independent Sri Lanka," in *Dialogue*, 25-26 (1998-1999), pp. 1-32.
- KARALASINGAHAM, V., "A Left Approach to the Minority Problem," in *Logos*, 16 (1977), no. 2, pp. 48-52.
- KATHIRAVELUPILLAI, S., "Co-Existence not Confrontation," in *Lanka Guardian*, 2 (1979), no. 1, pp. 9-10.
- KEARNEY, R.N., "Sinhalese Nationalism and Social Conflict in Ceylon," in *Pacific Affairs*, 37 (1964), no. 2, pp. 125-136.
- _____, "Language and the Rise of Tamil Separatism in Sri Lanka," in *Asian Survey*, 18 (1978), no. 5, pp. 521-534.
- KITAGAWA, J., "Anatomy of Sinhalese-Tamil Tensions in Sri Lanka," in *Dialogue*, 4 (1977), no. 3, pp. 80-86.
- KODIGARA, S.U., "Communalism and Political Modernization in Ceylon," in *Modern Ceylon Studies*, 1 (1970), no. 1, pp. 94-114.
- _____, "The Separatist Eelam Movement in Sri Lanka: An Overview," in *India Quarterly*, 37 (1981), pp. 194-212.
- LANGAN, J., "Nationalism, Ethnic Conflict, and Religion," in *Theological Studies*, 56 (1995), pp. 122-136.
- LESCH, W., "Nationalism and the Oppression of Minorities: Is There a Right to Ethnic Identity?" in *Concilium*, 4 (1993), pp. 110-120.
- MANOR, J., "The Failure of Political Integration in Sri Lanka (Ceylon)," in *Journal of Commonwealth and Comparative Politics*, 17 (1979), no. 1, pp. 27-46.
- MANIVASAGAM, W., "1983—A Year of Ethnic Violence," in *CINTA Journal*, 1 (1984), no. 2, pp. 1-2, 12.
- MENDIS, G.C., "The Causes of Communal Conflict in Ceylon," in *University of Ceylon Review*, 1 (1943), no. 1, pp. 41-49.

- MENDIS, G.C., "Religious and Racial Conflicts in Ceylon Today," in *Pilgrim*, 2 (1958), no. 2, pp. 58-66.
- _____, "A Historical Account of the Development of the Ceylonese Nation," in *Religious and Social Issues*, Bulletin of the Christian Institute for the Study of Religion and Society (Chunnakam), 1 (1963), no. 2, pp. 25-40.
- MULLER, D., "A Homeland of Transients: Towards an Ethic of Migration," in *Concilium*, 4 (1993), pp. 139-140.
- MURRAY, N., "The State Against the Tamils," in *Race & Class*, 26 (1984), pp. 97-109.
- NESIAH, D., "The Role of Culture and Mass Media in the Integration and Mobilization for National Development of the Tamil Speaking People," in *Logos*, 16 (1977), no. 4, pp. 14-20.
- _____, "Will Sri Lanka Split?" in *Dialogue*, 4 (1977), no. 3, pp. 87-96.
- OMVEDT, G., "The National Question and Left Misconceptions," in *Lanka Guardian*, 5 (1982), no.18, pp. 16-19, 21.
- PERINBANAYAGAM, R.S. and M.K. CHADDA, "Strategy of Internal Relations and Examination of the Conflict in Ceylon," in *Journal of Asian Affairs*, 1 (1976), no. 1, pp. 130-136.
- PFAFFERNBERGER, B., "The Cultural Dimensions of Tamil Separation in Sri Lanka," in *Asian Survey*, 21 (1981), no. 11, pp. 1145-1157.
- PHADNIS, U., "Ethnicity and Nation-Building in South Asia: A Case Study of Sri Lanka," in *India Quarterly*, 35 (1979), no. 3, pp. 329-350.
- RAMALINGAM, S., "Report on Conditions in Refugee Camp in Vellore, Tamil Nadu, (launched on 10 May 1998, two years old, 4000 pages and growing ...) in www.tamilnation.org/refugees/tamilnadurefugee.htm,...
- ROBERTS, M., "Ethnic Conflict in Sri Lanka and Sinhalese Perspectives: Barriers to Accommodation," in *Modern Asian Studies*, 12 (1978), no. 3, pp. 353-376.
- SANMUGATHASAN, N., "Sri Lanka: The Story of the Holocaust," in *Race & Class*, 26 (1984), pp. 63-82.
- SELBOURNE, D., "Sinhalese Lions and Tamil Tigers of Sri Lanka," in *Illustrated Weekly of India*, 103, (1982), no. 37, pp. 6-7; 103 (1982), no. 38, pp. 16-17. Reprinted in *The Tamil Times*, 2 (1982), no. 1, pp. 10-12, 17; 2 (1982), no. 2, pp. 8-9, 14.
- SIRIWEERA, W.I., "Recent Developments in Sinhala-Tamil Relations," in *Asian Survey*, 20 (1980), no. 9, pp. 903-913.

- SIVANANDAN, A., "Sri Lanka: Racism and the Politics of Underdevelopment," in *Race & Class*, 26 (1984), pp. 1-37.
- SHEA, J., "Reflections on Ethnic Consciousness and Religious Language," in *Concilium*, 1 (1977), pp. 85-90.
- SRI KANTHA, S., "Tamil Mandate for Eelam," in *Tribune*, 22 (1977), no. 18, pp. 14-16.
- "Sri Lanka's Week of Shame: An Eyewitness Account," in *Race & Class*, 26 (1984), pp. 39-50.
- "Sufferings and difficulties of the Sri Lankan Tamil Refugees at Kullursandhai camp near Virudhu Nagar, Tamil Nadu, India," in <http://www.dinamalar.com/Tamilagaserapuselithigal/t3.asp>, 19/04/2007.
- SWIDLER, L., "Human Rights: A Historical Overview," in *Concilium*, 4 (1993), pp. 12-22.
- THANINAYAGAM, X.S., "Language Rights in Ceylon," in *Tamil Culture*, 5 (1956), no. 3, pp. 217-230.
- UYANGODA, J., "Understanding Ethnicity and Nationalism," in *The Ecumenical Review*, 47 (1995), pp. 190-194.
- VANNIASINGHAM, S., "Terrorists are not Born, They are Made," in *Saturday Review of Sri Lanka*, 1 (1982), no. 27, pp. 6-7.
- VISUVALINGAM, K., "Rehabilitation of Refugees: An Appeal by the Tamil Refugees Rehabilitation Organization," in *The Tamil Times*, 3 (1984), no. 5, p. 11.
- VORTSER, J.M., "The Rights of Minorities in a Constitutional State. An Ethical Assessment," in *The Ecumenical Review*, 52 (2000), pp. 490-502.
- WARNAPALA, W.A., "Sinhalese Nationalism in Independent Sri Lanka—Aspects of a Religio-Nationalist Movement," in *South Asian Studies*, 13 (1978), no. 2, pp. 20-40.
- WEERAWARDENA, I.D.S., "Minority Problems in Ceylon," in *Pacific Affairs*, 25 (1952), no. 3, pp. 278-287.
- WEERAKOON, A.C.J., "The Myth About Race," in *Tribune*, 28 (1984), no. 11, pp. 20-22; 28 (1984), no. 12, pp. 19-21.
- WICKREMASINGHE, C.L. and H.T. RATNASARA, "The Sinhala-Tamil Conflict in Sri Lanka," in *Logos*, 16 (1977), no. 4, pp. 44-50.
- WILSON, A.J., "Cultural and Language Rights in the Multinational Society," in *Tamil Culture*, 1 (1958), no. 1, pp. 73-95.
- _____, "The Tamil Consciousness," in *Lanka Guardian*, 2 (1979), no. 16, pp. 16-19.

- WILSON, A.J., "Options for the Tamil-Speaking People of Sri Lanka," in *The Tamil Times*, 1 (1981), no. 2, pp. 8-9.
- _____, "Racial Strife in Sri Lanka: The Role of Intermediary," in *Conflict Quarterly*, The Journal of the Centre for Conflict Studies, (New Brunswick, Canada), (1982), pp. 53-64.
- WORLD COUNCIL OF CHURCHES, WORLD ALLIANCE OF REFORMED CHURCHES, and LUTHERAN WORLD FEDERATION, "Ethnicity and Nationalism: A Challenge to the Churches," in *The Ecumenical Review*, 47 (1995), pp. 225-231.

BIOGRAPHICAL NOTE

David Kumar ANTHONY, OMI., was born on 7 December 1970, in Thadur, in the Archdiocese of Chennai-Mylapore, Tamil Nadu State, India. In 1986 he entered the Oblates' minor seminary in Nivedanam, Bangalore, Karnataka State, and then in 1989 he entered the major seminary at St. Paul's Institute, Poonamallee, Chennai, Tamil Nadu. He did his philosophical studies from 1989-1992.

He entered the Oblate Novitiate in June 1993 at Sacred Heart Novitiate, Bandarawela, Sri Lanka, and professed his first vows on 3 June 1994. In 1995 he was awarded a Bachelor of Arts Degree by the Madras University, Chennai, India. He pursued his theological studies from 1994-1997 at Sacred Heart College, Chennai, India, obtaining a Bachelor of Philosophy degree and a Bachelor of Theology degree from Urbaniana University, Rome. He made his final profession on 9 December 1997, and was ordained a deacon on 11 December 1997.

In June 1998, he was sent to the Oblate International Scholasticate in Rome to study Canon Law at the Pontifical Gregorian University, where he obtained a Licentiate in Canon Law in 2001. While in Rome he was ordained a priest on 6 May 2000 by the late Archbishop Marcello Zago, OMI, the then Superior General. After several pastoral assignments in his Congregation in India, he was sent to Canada in September of 2005 to pursue doctoral studies in Canon Law at Saint Paul University.