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Challenges of Migration in Context of Cosmopolitan Citizenship

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Abstract

This article analyzes the different challenges of citizenship and rights in front of the new forms of flow migrations, especially in the Mediterranean and the case of Venezuelan migrants. The new conception of globalization and Soveranity redefines the relations between the State and individuals, whether national or foreign, and must be the basis for rethinking the new issues of citizenship, of migrants and of dialogue between cultures, which must be addressed from the so-called "ethics" of hospitality "and based on the principles of interculturality, the good universality of human rights and substantive and cosmopolitan citizenship. In the expansion of the universal quantifier of human rights, at the time of the nomination of constitutional states of law, there are limitations on the universalist conception, whose archetypal point is based on the thesis of ontological monism. By virtue of this the correspondence between rights, guarantees and benefits were anchored in the course of the forms of government and State in the idea of homogeneity that appeared with the apogee of the nation - states, giving rise to the figure of the monism of the state. Venezuelan forced migration in the Latin America area points out the crisis of the theory of National state and forced to a new concept of citizenship.Starting from this case study, several other aspects of migrations and, more in general, of emerging human rights are addressed in this issue of the Journal of Mediterranean Knowledge.

Keywords: Cosmopolitan citizenship, Modern migrations, Emerging human rights, Venezuelan refugees

Introduction

Human migration is one of the most relevant issues of the world today. With waves of refugees arriving in Europe every month and with thousands of undocumented immigrants living in the U.S., it is an issue that have gained more and more prominence in the public debate in recent years.

Migration is a phenomena inherent of humanity. Migration presents particular characteristics depending on the historical moment and the geographical location.

The political response to this issue has been widely different. On one side, there are figures like Angela Merkel with her "open door" policy towards refugees in the Mediterranean space, and the efforts of many countries in the EU to help those who are fleeing from violence in the Middle East. On the other side, there are figures like Donald Trump, who are advocating for a world with closed borders.

Yet both sides share the view that migration is a capital issue, although both have completely different views on it. Is undeniable that the treatment of migrants is one of the most important topics in modern political discussion, having a central role in both the Brexit vote and in Trump's victory, perhaps the two most shocking elections in the last years. An on both cases, it was the closed border policy the victorious one, although regarding different kinds of immigration.

Since ancient times, different circumstances have made humans populations to relocate from one place to another. It´s possible to talk about a real *iusmigrandi*, a universal right to move and to have a residence inany place in the world, according to the Art. XIII and Art. IV of the U. Declaration of Human Rights of 1948.

Among those circumstances, we can mention wars or armed conflicts, within the country or between nations, adverse climate conditions, natural disasters, racial discrimination, religious or political intolerance and many others.Is inherent to human nature to hope to achieve better life conditions. And when this goal is not reached in the place a person lives, is natural for people to move to another place, looking for better life conditions. However, there are situations were people, in the face of serious threats to their lives, freedom or wellbeing, may have no other choice but to migrate to another place.

Although the case of the Syrian refugees and the illegal immigrants in the U.S. are the two most notorious and discussed stories, forced migration is taking place all over the world. In Latin America, the forced migration of thousands of Venezuelans (more than 1 million) to other countries is the most relevant in the Region.

1. *The thesis of Ontological Monism*

This being the case, when working spatial - geographic and not anthropocentric foundations in the notion of citizenship, the political and democratic scenarios have been constructed under this same dynamic. Proof of this work in the consolidation of the constitutional state of law, which comes with the end of the Second World War, where the concept of citizenship overlaps the sphere of the individual subject to the concept of rights in collaboration, predetermining positive and negative rights. However, the geographical link derived from the *iussanguini* still appears in the demarcation of the criteria of citizenship. An example is the Italian refusal to grant nationality to the children of migrants born in the country.

In this way, from the thesis of the methodological monism lies the formula of exclusion, originated in the appearance of modern States. This formulamimics the apparent contradictiongiven in the categories of citizens vs non-citizens; situation that can be translated into what is called the principle of the third party, excluded from international law, given in the national-foreign binomial (Quadros, 2012, p. 23).

This principle of the excluded third party in International Law matters in the use of *iussanguini* as a given element to demarcate the attribution of rights, whose consequence is the reduction in rights for the foreigner with respect to the citizen. Take the famous Jane Done case as an example. A seventeen-year-old Central American teenager, who crossed the border into the United States illegally, nicknamed Jane Done, applies in the State of Texas to exercise the constitutional right to abort. Despite having 15 weeks of pregnancy to raise the medical request, the Health Center and the government of Donald Trump prevent her from leaving in order to protect the life of the unborn. The argument of the executive and the health center determined that undocumented minors in federal custody do not have the constitutional right to abort; although the State of Texas allows it, this being an exclusive right of American women. Then, the attorneys of the Union for American Civil Liberties (ACLU) managed to get the State, in the first instance, to allow the young woman to move to a health center to practice abortion. Forty-eight hours later the government takes the case to the Court of Appeals in Washington, arguing their right to defend the birth of the unborn. In the end, the decision of the Court implied granting a term

to the Health Center to find a sponsor that deals with managing the pregnancy of the minor, ending by denying her the constitutional right to abort (BBC, 2017). In the argument that sustains the health center and the Trump administration, characteristics of ontological monism stand out, backed up by the concept of citizenship as follows:

1. The national-foreign binomial demarcates unequal attributions in the exercise of public and political rights.
2. Several fundamental rights are reserved, from the point of view of their ownership and exercise, for citizenship.
3. When constituting the government response, a sovereign exercise it is inferred that sovereignty operates, in turn, as a formula of exclusion in matters of citizenship.

However, as a criticism of the principle of a third party excluded from international law, a framework of homogeneity ensues in the binomial of the formula of national-foreigner exclusion where both categoriesare preached for or against people. In this way, the citizen condition elevates rights to people over others. This is how Ferrajoli proposes a formal definition in the concept of fundamental rights, attributable and subcategorized according to the status or condition of the subject that claims them.
In this way:

Fundamental rights are all those subjective rights that universally correspond to all human beings inasmuch as they are endowed with the status of persons, citizens or persons with capacity to act; understanding by subjective right any positive or negative expectation ascribed to a subject by a legal norm: and by status the condition of a subject, also provided by a positive legal norm, as suitability budget to be holder of legal situations and / or author of the acts that are exercise of these (Ferrajoli, 2004, p. 40).

According to this formal definition of fundamental rights, in the Jane Done case public rights and political rights would be subtracted. Now, the problem increases when the universe of cases derives from the relationship between fundamental rights, immigration and multiculturalism.
Picking up the two problematic fields that put in check the concept of citizenship (Immigration and multiculturalism) there persists between

them an anchoring point given in the concept of identity. Taylor in Waldron defines identity under the notion of authenticity, seen as the claim or struggle for recognition, which implies respect for what is real for each person, not according to the criterion of acceptance of others (Waldron, 2003, p. 157). In this regard, remember that the idea of citizenship is propagated as a common framework of homogeneity not only legal, but social and cultural. Therefore, although it is the same physical world in which it is inhabited, the way in which it is conceived is diverse. This diversification is the product of the birth of cultures, which enter is a kind of relativistic tension from cultural contact, since, it was given to each culture to predetermine its value system colliding with the possible the type of ethics that human rights contain. The notion of identity in modernity is due to Herder's romanticism in which each person seeks to achieve happiness according to their own vision of the world (Hylland, 2014, p. 53).

The problems of migration and multiculturalism are presented as the limit to the universalist extension of human rights, meanwhile, the term of link between fundamental rights and average people in the condition of citizenship. Exemplary situations occur in cases such as: i) The conflict given in the recognition of rights through cultural identity for the so-called aboriginal peoples and society in general as a major cultural model; Take for example the tensions between the principle of autonomy of indigenous peoples and the limitation to cases of ablation from a Western vision of Human Rights, or the tension in migration policies that have generated debates between the American majority and the authentic American natives; ii) The attribution of public and political rights to the undocumented migrant; iii) The economic migrant, who voluntarily leaves his country of origin in search of employment and economic opportunities; a situation that calls into question universality and demonstrates the fundamentability of the right to work; iv) The refugee who flees from his country of origin due to warlike conflicts, wars, internal conflicts or massive violations of human rights.

2. *The case of Venezuelan refugees in Latin America*

As an example in the Region of all these problematic is the current humanitarian crisis has forced thousands of Venezuelans to leave the country. And while Colombia has been the most common destiny, it hasn't been the only one. Other countries in the Region have also received an unprecedented number of migrants from Venezuela. These includes Panama, Ecuador, Chile and Peru.

Of all these Countries, Peru has been by far the most receptive. The president of Peru, Pedro Pablo Kuczynski, took a very firm stance in criticizing Maduro's government during his presidential campaign. And since his elections, has taken different measures to help Venezuelans migrants.

The first of such measure was the Supreme Decree Nº 002-2017-IN of January 2th of 2017 which created the Temporary Permanence Permission (PTP in Spanish) which allowed Venezuelans citizens in Peru who have entered the country legally, even those whose visas have expired, to remain in the country for one year, without paying any fines, and also allowed them to work legally in the country[1]. The PTP only extended to those who were in Peru before February 2th of 2017, but was later expanded by a New Decree, Nº 023-2017-IN to those who entered the country before July 31th (National Migration Superintendence, 2917).

But the most important measure was the enactment of the Legislative Migrations Decree in 2017, replacing the 1991's foreignness law. The new legislation is one the most progressive in the matter in the whole Region.

The most important innovation of the Decret is the creation of a humanitarian visa, for those that, are not qualified for asylum or refugee status, but are in a condition of vulnerability, facing clear danger to their lives or that require protection against threats or massive violations of their fundamental rights. It also applies to people displaced by natural disasters, victims of human traffic, victims of several and long conflict or that have

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[1] Full text on busquedas.elperuano.pe/normaslegals/aprueban-lineamientos-para-el-otorgamiento-del-permiso-tempo-decreto.supremo-n-002-2017-in-1469654-3/, retrieved 12 November 2018.

leaved countries in the middle of internationally recognized humanitarian crisis[2].

These measures have received praise by the Inter-American Commission of Human Rights. The inter-American Commission for human rights, in particular, who earlier this year expressed its concerns regarding the situation of Venezuelan migrants, who, due the lack of legal, regular and safe channels had no choice but to turn to clandestine routes to escape from the humanitarian crisis (IACHR, 2017a).

Regarding the PTP, the IACH consider it a model for the American Region, of how to address the matter. In a press release, the commission expressed that the fast and generalized migratory regularization was the foundation for the protection of migrants, following the principle of non-discrimination (IACHR, 2017b).

The first significant step towards the regularization of Venezuelan migrants came from Colombian Constitutional Court. In the sentence T-073/17 of February 6th, 2017, in a case regarding the closing of a motel near the Venezuelan border, were many Venezuelan women were working as prostitutes, the Court stated that "particular situations of socio-economic nature are certainly the ones that had driven these Venezuelan women to migrate to Colombia to do this kind of activities, seeing in passing the border an opportunity to improve their living conditions[3].

Even thoughmany Venezuelan women were working as prostitutes in the border regions of Colombia and the facthave been reported by several news sources, this was the first institutional response to the issue.

Undocumented or irregular migrants dedicate to sex work, are facing a tremendous risk, due to the fact that they are not being able to received medical care, or haven´t got either the possibility to turn to authorities in cases of physical and sexual violence because of the fear of incarceration, deportation or economic sanctions. They are also more vulnerable to human trafficking.

Taking all these in consideration, the Constitutional Court decided in its sentence, that the Colombian authorities must ensure and integral

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[2]See the Legislative Decree of thePresident of the Republic of Peru nº 1350, 2017, art. 29.2.

[3] See the Sentence T-073/17 of 6 February 2017 of the Colombian Constitutional Court https://corte-constitucional.vlex.com.co/vid/676118908, retrieved 12 November 2018.

protection of the migrants, and in the particular case of Venezuelan sex workers, they must help them to acquire work visas and any other document needed to regulate their migratory situation.

Finally, in July 25th, the Colombian Ministry for Foreign Relations issued the resolution 5797, which created the Special Permanence Permission (PEP in Spanish), a measure similar to the Peruvian PTP, for the Venezuelan nationals residents in Colombia.

The requirements to apply for the PEP is having arrived before the issuing of the Resolution, having entered the country legally, and not having criminal records or an order of deportation. Once emitted, the PEP is valid for 90 days but can be extended for similar periods without exceeding 2 years. And just like the PTP, allows the migrant to perform any legal activity under any regime, although specific regulations still apply[4].

While this certainly is a transcendental decision and it will help thousands of Venezuelan migrants in Colombia, it is not enough to solve the problem. Since the Resolution only covers those in Colombia before its publication, all those who had entered the country after July 25 cannot apply for the PEP.

Again there are no official records of how many Venezuelan citizens have crossed to Colombia after July 25, but given tendencies in migration, in the last two years and the fact that the humanitarian crisis in Venezuela shows no sign of improving, instead getting more worrying week after week, we can only assume there are many of them.

Issuing a new PEP will be a new palliative to the situation but the same scenario is likely to repeat. A more permanent solution would be the creation of a humanitarian visa, just like Peru did, which would allow any new migrant to request it, regardless the date they entered the country. But as of today, this has not happened.

The humanitarian crisis in Venezuela created by the failure of the government economic policies and the collapse of its democratic institutions, has forced thousands of its citizens to leave the country in an effort to achieve the means to survive.

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[4]See the Resolution 5797 of 2017 of Colombian Ministry For Foreign Relations, through which the Special Permanence permission is created.

Colombia, the most common destination for geographical reasons, and for the links that have tied both nations for centuries, have received in the past years an unprecedented number of Venezuelan migrants, many of them with the hope of settling there, at least until the crisis is over.

In conclusion,while Colombian institutions and authorities were certainly not prepared for this new phenomenon, they have reacted accordingly to the seriousness of the situation, even when bilateral relations were stained by the rhetoric of their Venezuelan counterparts.

But while their intentions have been good, their actions have been insufficient and to this day thousands of Venezuelan migrants still remain living in irregularity situation, without access to legal work and health services, and vulnerable to exploitation, human trafficking and other crimes.

As long as the humanitarian crisis in Venezuela continues, more and more people will leave the country every year. So Colombia and the other countries in the region need to adequate their legislation to the international standards for refugees and for people running away from humanitarian crisis, and take all the actions needed to ensure the protection of the human rights of the migrants.

3. Some experimental studies on emerging human rights

The case of the Venezuelan refugees is only one of the issues related to forced migrations and emerging human rights, which today constitute one of the most sensitive topics not only for political leaders and decision makers, but also for scholars of social sciences and humanities. This issue of the *Journal of Mediterranean Knowledge* pays attention to some little studies subjects of the matter.

In the article *The great distance between the written and the living constitution for migrants and refugees in the Mediterranean territory of* Fernanda Navas-Camargo and MyriamSepúlvedaLópez, they say and I quote: "Migration is a complex phenomenon involving a wide variety of different factors. There are many reasons that may cause a person to desire to migrate to another country, either temporarily or permanently, like the desire to achieve better education, get access to better health services and

job opportunities, and in general, improving their living standards. On the other hand, there are also many reasons that may force someone to migrate, like wars or armed conflicts, ethnic or religious violence, widespread violations of human rights, and several other situations that imply and imminent threat to live".

The first of this group is usually referred as "economic migrants" while the second are called "refugees" or "asylum seekers", each group being subject to different regulations, usually those in the second category are being granted a bigger set of protections than those in the first.

However, the line that separates economic migrants from asylum seekers or refugees is not always as clear as it may seem at first, not only due to theoretical question regarding both definitions (existing many cases in which is difficult to fully determinate if a given person is one or the other) but also due to the fact that in many cases, both groups use the same routes to migrate.

This is the case of the migration across the Mediterranean Sea, one of the most important and concurred migration routes in the world, used by Africans to reach Europe.

In recent years, given the growing migration flows in the Mediterranean territory, the world attention has been placed in the treatment of the public policy for migrants in Europe and the policies of the governments of the Region, which in many cases have raised concerns from human rights activist and organizations.

This because, while most European countries take pride in their efforts to protect human rights, which are usually laid down on countries' constitution, sometimes it appears that the category of "human" (and therefore holder on inalienable rights) only applied to nationals of that countries and not to migrants.

Of course, many countries have taken major efforts to perform public policies considering the dignity of migrants and have established programs to facilitate their social and political integration in the society of arrival, and protect them from discrimination and exploitation while others have maintained a "closed doors" policies. And many tragedies surrounding this issue, which have taken thousands of lives in the last decades, paint tragic scenes.

Is the treatment of migrants in Europe, either asylum seekers or refugees in accordance to human rights principles established in their constitutions? Because, if governments are responsible for the protection of human rights, then their responsibility can't be understood as only in regards of their citizens.

Victor Martin Fiorino in his article, *From an ethic of hospitality: reflections on democracy, citizenship and migrations*, describes how in the last XX century the world has witnessed several major tragedies and conflicts, such as wars, genocides, famines and natural disasters, with a scale and magnitude that overshadows the ones that have taken place in other history periods and that have affected an unprecedented number of people.

But the last century also saw the emergence of a new paradigm, the notion that all humans have fundamental rights that need to be protected. This improvement of human live and dignity appears as a brilliant light at the end of the dark tunnel that humanity had to cross. Tragedies and suffering of a still recent past have awakened us to the sacredness of human live. And the technology revolution, especially in regards of telecommunications, has helped to develop a more interconnected world and a real sense of global community has strongly started to take roots.

Under this paradigm, all humans are equal regardless of nationality, ethnicity and knowledge, and share growing set of rights, which also mean that States are responsible for the protection and guarantee not only of the rights of its nationals, but of the right of every person in its territory.

In accordance to this, it is necessary to embrace an ethical model based on the recognition of the others as equals in rights and dignity. An ethical model which encourage people to care about others, to express and practice their humanity, helping those who needed the most. Some authors, like the Spanish philosopher Innerarity (2001), call that model'ethics of hospitality'.

Contemporary times present several conflicts and dangers, especially the threat of terrorism, has led to the reemergence of policies and ideologies advocating for protectionism, nationalism and close frontiers. Since fear births distrust and hate, many politicians have taken advantage of the situation to put forward a xenophobic agenda. (as an example, extremist groups of neo-Nazis, the extreme political parties that have a xenophobic agenda in some European countries).

Today more than ever the world find itself divided between two radically opposed tendencies: one of openness, solidarity and pacific coexistence, and one of isolationism and close borders. Both tendencies have clashed repeatedly in the electoral political arena achieving major victories and failures.

In this scenery, is fundamental to spread the principles and basis of the ethics of hospitality, our only hope to build a more humane world where kindness and collaboration replace selfishness and indifference.

On the other hand, in his article, *I was a stranger and you welcomed me. The papal magisterium and human mobility from Leo XIII to Paul VI (1878-1978)*Francesco Ferrari about Pope views on migration: Throughout the last one hundred years Catholic Church has established itself as one of the major voices in defense of peace, tolerance, freedom and recognition and protection of human rights.

And leading the Catholic Church efforts in these matters has been the Pope, the head and principal voice of the religious institution. The latest Popes in the last century have all distinguished themselves as staunch defenders of human rights and the agenda of the peace and international cooperation.

Being the biggest religion in the world, the social, political and cultural messages and the words of the Pope have served as important guidance and inspiration to millions of Catholics around the world. But his influence doesn't end here, being a well-respected spiritual and moral leader of the international community, many politicians, either Catholics or not.

With many tragedies of varying nature, the world witnessed in the last century, from wars, genocides, and humanitarian crisis, the Church have been more active and constituted as a moral actor than ever before, and the different Popes have criticized and condemned such criminal events.

Documents such as *The Apostolic Constitution Orientaliumdignitatis*, The Magna Charta of the Migrant Apostolate, and the *SummiPontificatus* of 1939, the Pope, in words of our author Ferrari,"have dedicated some chapters to the topic of migration, underlying the unbreakable bond of all human beings united within the great family founded on the evangelical truth".

Especially Migration, sometimes a natural consequence of a humanitarian crisis, other times a humanitarian crisis in itself, have also

being an important issue of discussion and reflection for the Church and its leadership.

Actually, as many migratory crisis are unfolding in different continents around the world, the current Pope Francis have repeatedly criticized the inhumanity treatment of migrants, particularly in Europe and the USA, which have produced polarized reactions, many supporting his words, others criticizing his approaches.

But, Pope Francis is certainly not the first Pope to have expressed an opinion on the subject. Facing different problems of their times, the XX century popes shared their views on the topic, specially Pope John Paul II, leaving behind a tradition of thought that shouldn't be ignored.

Luigi di Santo, in his article *Human rights, right of asylum, refugees, migrant´s dignity as a common good*, proposes the passage from inter-culture to "intra-culture", as a new space of dialogue between cultures.

Migrations, citing Onorato (1989) are one of the most important factors in the evolution of civilization: they have contributed to the wealth and even the formation of many modern nations.

If the horizon is human-centric, "Everything suggests that a consequent development of human rights in planetary civilization […] should lead to a restructuring of the national state and a relativization of sovereignty".

The proposal of Di Santo is the passage from a Theory of the National State to a Theory of Human Rights.In this context of rights, the migratory flows, 'rise up' as a new frontier for a real recognition of human rights.

The author emphasizes the dramatic closing of national borders, that affects fundamental rights of migrants, in spaces that have gross violations of humans rights (one of the violations for example, that we see is in the USA where Latin American mothers are deported from the country separating them from their children who have the nationality, thus generating the violation of the principle of family unity) but it also touches nodal points of 'the inviolable rights of the person'.

Thousands of refugees, especially in Europe, that have been recognized with a regular residence, are living in extreme precariousness, in metropolitan areas as in the countryside, forced to endure exploitation in work without respects of his labours rights, sometimes in conditions of labour slavery.

Montanari, cited by Di Santo, emphasizes in the need of a real and deep integration of migrants, in the sense that have to take place through pragmatic techniques, but having this techniques, their roots into a thought that has at its centre an anthropology that grasps the universal structure of the human being.

The presence of 'strategic hostility' cited by Del Lago(1999) for migrants, is very common in societies that receive migrants. In this sense, the social marginality of the migrant becomes a metaphor of the global marginality of the subjects of post-industrial civilization, affirms our author, Di Santo.

On the other hand, Di Santo points out the emerging multicultural identities, which fight for their rights for recognition and equal dignity. The called Europe of rights, profoundly changed since the falling down of the Berlin Wall, in 1989, groups of different nationalities ask to participate as equals in the called philosophical western 'dignity'. For this purpose, national minorities formed a group of a big ethical, ethnic, cultural and religious heterogeneity. In these contexts, Multiculturalism is based on the need for recognition of cultural differences, but preserving the equal dignity of individual cultural identities.

Some authors such as Kymlicka (1996) introduces some types of Cultural rights,that allow groups to preserve their identity, such as the rights of self-government, poli-ethnic rights and representation. According to Galeotti (1994, 2000), it´s possible to reconcile the theoretical requests of multiculturalism with the fundamental liberal principles.

Also Di Santo, shows us the linear historical and philosophical steps of the notion of tolerance, in the ideal path from John Locke, through Voltaire up to the preaching of Gandhi's non-violence, is the proper way to understand the problematic question of active recognition of differences and for locating a political-juridical space for the practice of multicultural rights.

Finally, theintracultural vision for the author, calls into question the western concepts of democracy and human rights, rediscovering in this point a common religious roots of the peoples of the Mediterranean, following Giorgio La Pira, but with a new message that gives a real sense of peace with the connection between freedom and responsibility, and the protection of human rights with political pluralism.

References

Dal Lago, A. (1999). *Non-Persone. L'esclusione dei migranti in una società globale*. Milan: Feltrinelli.

Ferrajoli, L. (2004). *Derechos y garantías La ley del más débil*.Madrid: Trotta.

Galeotti, A.E. (1994). *La Tolleranza. Una proposta pluralista*. Naples: Liguori.

Galeotti, A.E. (2000). I diritti collettivi.In E. Vitale (ed.), *Diritti umani e diritti delle minoranze. Problemieticipoliticigiuridici*. Turin: Rosenberg &Sellier.

Hylland, T. (2014). Global citizenchip and the challenge from cultural relativism. In A. Sterri, *Global citizen. Challenges and responsability in an interconnected world* (pp. 53-60). Rotterdam: Sense publishers.

IACHR (2017a). *IACHR express its concern for the situation of migrants from Venezuela and calls region's states to adopt measures for their protection*. Press release. www.oas.org/es/cidh/ prensa/comunicados//2017/006.asp, retrieved 16 November 2018.

IACHR (2017b). *IACHR salutes the measures to offer protection Venezuelan migrants in Peru and calls regional states to implement measures for their protection*. Press release. www.oas.org /es/cidh/prensa/comunicados//2017/043.asp, retrieved 16 November 2018.

Innerarity, D. (2001) *Etica de la hospitalidad*. Barcelona: Peninsula

Kymlicka, W. (1996). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.

National Migration Superintendence (2017). *The government expanded the temporary permanence permit PTP for Venezuelan citizens*. www.migraciones.gob.pe.index.php/ gobierno-amplio-el-permiso-temporal-de-permanencia-ptp-para-los-ciudadanos-venezolanos/, retrieved 12 November 2018.

Onorato, P. (1989). Per uno statuto dello straniero. *Democrazia e diritto*, 6, 303-328.

Quadros, J. (2012). *O estado plurinacional e o direito internacional moderno*.Curitiba: Jurúa.

Waldron, J. (2003). Cultural identity and civic responsability. In W.N. Kymlicka, *Citizenship in diverse societies* (pp. 155 - 174). New York: Oxford University Press.

The Great Distance between the Written and the Living Constitution for Migrants and Refugees in the Mediterranean Territory[1]

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Abstract

Constitutional rights are rarely addressed for the protection of migrants and refugees. In the past few years, the number of migrants and among those seeking asylum has been growing increasingly. A crisis has emerged and even though some nations showed empathy when the refugee inflow began to increase, throughout time those good deeds haven´t been done as expected. Long standing periods in refugee camps awaiting bureaucratic decisions, reception quotas not being met and new entrance barriers that have been build up. The present document aims to review the principles instated in the Constitutional Rights from European Mediterranean countries, to compare those proclamations with the current reality and the developed political tools installed by the European Union in response to the refugee crisis. It is expected to be able to raise a critical speech towards welcome mechanisms and to pursue the integration of the voices of the unheard when proposing new legal solutions.

Keywords: Human Rights, Refugees, Law, Constitution.

Introduction

A wider perspective is to be settled when trying to understand what migration and asylum seeking is. Different organizations, whose duty is to understand the phenomena and pursue a better development of it, have

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tried to give definitions. The International Organization for Migration refers to the term migration as

the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes, it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification (IOM, 2018).

The United Nations Educational, Scientific and Cultural Organization refers to it as "the crossing of the boundary of a political or administrative unit for a certain minimum period of time" (UNESCO, 2018). Therefore, a migrant is someone who freely decides to change its current living conditions towards the acquisition of better ways of living after making a conscious decision, which leads to the change of territory.

Considerably different is the situation of an asylum seeker. According to the Refugee Convention of 1951, this denomination is to be applied to a person who

owing to 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 (UNHCR, 2018).

Fear of losing the life of oneself and from the beloved, instead of a freely made decision, is the corresponding feeling when a Refugee begins the journey.

As for the Open Society Foundations, the difference between Migrant and Refugee is that

a migrant is a person who leaves home to seek a new life in another region or country. This includes all those who move across borders, including those doing so with government permission, i.e., with a visa or a work permit, as well as those doing so without it, i.e., irregular or undocumented migrants….a refugee is someone fleeing war, persecution, or natural disaster. Refugee status is defined in international law, which requires states to protect refugees and not send anyone to a place where they risk being persecuted or

seriously harmed. States hold primary responsibility for the protection of refugees (Open Society Foundations, 2018).

In this last definition, the term *home* is used for the first time and the importance of it shall not be overseen.

It is then a social paradox what occurs, not only from the economic point of view, but from the perspective of integration and life quality. According to Ciurlo, the transnational displacement involves complex incidences in the personal field and the implications are plural in all aspects of the economic, social, cultural and psychological sphere (Ciurlo, 2013). As stated by De Alencar Rodríguez, Cantera and Strey, there's a breakdown in the sphere of family and friends, and it translates into a lack of social networks and support; additionally, there's a work precariousness and economic difficulties. A social isolation environment is forged, and it is almost as if people became imprisoned (de Alencar Rodríguez, Cantera, & Strey, 2013). Utilitarianism of the person is also given, since they become welcome only when needed to pursue unwanted Jobs or to fulfill the lack of certain type of workforce.

Even though we claim to live in a globalized world where no barriers are build, truth is governments create mechanism to stop migration inflows (Aruj, 2008), and the norms that respond to the situation only prioritize the development of economic models which do not consider the wellbeing of the person and as holder of rights. A person then becomes a tool with purpose of boosting commercial growth (Sánchez Mojica, 2014).

None of the definitions mentioned, encompass the true implication of what migrating and seeking asylum is. The movement to which is referred to above, does not only comply with a physical situation, but foremost and principally, to the internal changes that occur when a human being leaves behind all what is known as *Home*, and enters an unknown territory. Both situations are to be understood as a social phenomenon, which comprise a series of factors in both the origin and reception countries which serve more as obstacles than as welcome or integration mechanisms like they are supposed to be.

In 1951 the Refugee Convention was signed, and member states agreed to welcome those who feared for its life into their territories. According to the available data, in the year 1994 figures show that Germany hosted a refugee population of 1.354.600 persons, Greece 240 persons, Italy

recognized around 12.500 asylum seekers and France registered 152.300 refugees (UNHCR, 1994). By 2012 statistics showed that worldwide there were 45.2 million people forcibly displaced (The Guardian, 2012). By 2018, according to the United Nations Refugee Agency, UNHCR, the figure has gone up to 68.5 million persons who have been forcibly displaced worldwide (UNHCR, 2018).

Today, the distribution within the host countries is becoming a problem and the Dublin Regulation[2] which was though as a tool to fairly distribute people and the administrative work which derives from the asylum-seeking applications, has turned into a mechanism for hindering the entrance of refugees into the western countries from the European Union.

1. Getting to know the Constitutions

The Constitution of a nation is understood as the main establishment of the recognition of rights within a determined territory. Its definition has ranged widely having for example that it is understood as a combination of *gubernaculum* and *jurisdiction*, power and its control (Maddox, 1982). It is also understood as the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it (Merriam Webster Dictionary, 2018).

In Europe it is said that the Constitution should reflect the definition of the values, fundamental objectives and spheres of action of the European Union and puts in place the machinery whereby its institutions can operate (European Parliament, 2005). It is the written manifest of the will of a nation in regards to the compliance of rights and laws, and which needs to meet as a requisite the establishment of a territory, the division of its

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[2]The purpose of the regulation, adopted in 2003, is to determine which State is responsible for examining an asylum application – normally the State where asylum seeker first entered the EU – and to make sure that each claim gets fair examination in one Member State.

The "Dublin" system operates on the assumption that, as the asylum laws and practices of the EU States are based on the same common standards, they allow asylum seekers to enjoy similar levels of protection in all EU Member States. In reality, however, asylum legislation and practice still vary widely from country to country, causing asylum-seekers to receive different treatment across Europe.

powers and the perpetuation of boundaries. It also has to meet certain characteristics and factors: 1) territory, 2) population, 3) order, 4) recognized sovereignty (Caballero Sierra & Anzola Gil, 1995).

No matter which definition is given to it, every Constitution in their peculiarity recognizes that the wellbeing of every human in its widest comprehension, is to be set as the reason why a Constitution exists. The preamble of the Constitution of France states that

the French people solemnly proclaim their attachment to the Rights of Man and principles of national sovereignty as defined by the Declaration of 1789.

By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas territories which have expressed the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived for the purpose of their democratic development (French Government, 1958).

In Italy, the second article of the Constitution of 1947

recognizes and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled (Italian Government, 1947).

Other countries make clearer statements about how those rights are to be respected. For example, Malta recognizes to be a democratic republic, who has its foundations in the respect of the fundamental rights and the freedoms of the individuals (Republic of Malta, 1964).

Perpetuating the same arguments, Slovenia declares on the fifth article of its Constitution that within their territory,

the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia. Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law (Republic of Slovenia, 1991).

This Constitution makes a special recognition for the nationals who have the necessity of encountering another country as working migrants underlying that way that those who are in the situation of being migrants have special needs. Nevertheless, nothing is said about those who might enter the territory as migrants and the recognition of rights is based on citizenship.

Some other Constitutions of European Mediterranean countries state as follows:

Croatia:

Respecting the will of the Croatian nation and all citizens so unwaveringly expressed in free elections, the Republic of Croatia is hereby established and shall further develop as a sovereign and democratic state in which equality, freedom and human and civil rights are guaranteed and secured, and economic and cultural advancement and social welfare are promoted.

Article 3: Freedom, equal rights, national and gender equality, peace-making, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia(Croatian Parliament, 1990).

Bosnia and Herzegovina:

Inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments.

Human Rights Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. To that end, there shall be a Human Rights Commission for Bosnia and Herzegovina (Parliamentary Assembly of Bosnia and Herzegovina, 1996).

Montenegro:

Article 6: Montenegro shall guarantee and protect rights and liberties. The rights and liberties shall be inviolable. Everyone shall be obliged to respect the rights and liberties of others (Constitutional Parliament of Montenegro , 2007)

Albania:

We, the people of Albania, proud and aware of our history, with responsibility for the future, and with faith in God and/or other universal values, with determination to build a social and democratic state based on the rule of law, and to guarantee the fundamental human rights and freedoms, with a spirit of tolerance and religious coexistence, with the pledge for the protection of human dignity and personhood, as well as for the prosperity of

the whole nation, for peace, well-being, culture and social solidarity, with the centuries-old aspiration of the Albanian people for national identity and unity, with a deep conviction that justice, peace, harmony and cooperation among nations are among the highest values of humanity.

Article 3: The independence of the state and the integrity of its territory, dignity of the individual, human rights and freedoms, social justice, constitutional order, pluralism, national identity and inheritance, religious coexistence, as well as coexistence with, and understanding of Albanians (Albanian Parliament, 1998)

Greece:

Article 2. Respect and protection of the value of the human being constitute the primary obligations of the State.(The Constitution of Greece, 1975)

Portugal:

Article 1 (Portuguese Republic): Portugal is a sovereign Republic, based on the dignity of the human person and the will of the people and committed to building a free, just and solidary society.

Article 2 (Democratic state based on the rule of law): The Portuguese Republic is a democratic state based on the rule of law, the sovereignty of the people, plural democratic expression and political organisation, respect for and the guarantee of the effective implementation of the fundamental rights and freedoms, and the separation and interdependence of powers, with a view to achieving economic, social and cultural democracy and deepening participatory democracy (Constituent Assembly of Portugal, 1974).

Making common affirmations such as commitment to building a solidary society, having deep convictions of cooperation among nations and declaring that above all the respect for human dignity shall prevail, shows the spirit under which the nations thought to build their foundations.

Some authors stated that a Constitution only came to life once it was written down and presented on a paper. Sartori said the emphasis is laid on the *letter* so much more than on the *spirit* of the law of the constitution (Sartori, 1962). But would it then be right to say as Jennings declared that since Great Britain has no written constitution, there is no special protection for fundamental rights(Jennings, 1959)? Truth is, it can be written down on stone but if there is no will to act in a certain direction, there is also no way a declaration of good will is going to work.

2. The Lawless Migration and the Alarming Disconnection between Theory and Practice

A lands Constitution is meant to be the written statement of a nation´s principles. Respect for all mankind from the Human Rights point of view, is the core affirmation on those written Agendas. Nevertheless, in foreign country relations sometimes it seems to be as if those who belong to a different territory aren't to be part of manhood and therefore not considered subjects to be treated as equals.

According to Humphrey when criticizing Ravenstein, the" conclusion that migration was rather distinguished for its lawlessness than for having any definite law" (Humphrey, 1889) is what was though when referring to regulatory norms regarding migration. That affirmation is not outdated and the situation has been developing similarly in the past one hundred years. Not because there aren't any laws, because in fact, there are. But because those laws don't comply with the real needs of the people.

The particular situation of Europe being a common territory might even make it more difficult for individuals seeking asylum to understand the undergoing. It is not only necessary to comprehend what is regulated by each individual State, but also to meet the European binding core principles.

Unknowing the legal system of the host country, translates into unrecognizing the way one's rights are to be respected and promoted. And if that wasn't enough, the European Union in order protect to the wellbeing of their nationals and permanent citizens, developed regulations which allowed for them to legally bounce refugees from one place to another.

It is said that the European Union is founded first and foremost on values. The preamble and the opening articles of the Constitution set the tone: the Union "draws inspiration from the cultural, religious and humanist inheritance of Europe" and thus defends universal values: the rights of the human person, freedom, democracy, equality and the rule of law. It aspires to be "united in diversity" and open to all European States which respect its values(European Parliament, 2005). It is hard then to understand the logic behind the Dublin regulation, which redounds in a wider vulnerability of human rights.

The regulation justifies itself in considering that not all member states are able to guarantee fair hearings of asylum claims, that some of the states decide to detain persons in order to transfer them to another country under the grant given by the Dublin Regulation, and that EU is hardly capable of tracing such conducts. To date, it has been proved that over 10,000 migrant children have disappeared after arriving in the E.U (Sigona & Allsopp, 2016).

In recent years, the world has witnessed what has been described as an unforgivable genocide. According to official figures from the Agency of the United Nations for Refugees, as of June 2017, the highest point in decades had been reached in terms of the number of people who have been forced to move. The unprecedented figure was 65.6 million in 2017, and 68.5 million in 2018 people uprooted from their homes, for reasons attributable to the conflict (UNHCR, 2018). From that great total of almost 69 million, it is possible to affirm that more than 30% hold the status of Refugee. Numbers of course are considerably higher than the ones reached after historic events like World War II, when the movement of people began to be a constant and the UN Refugee Agency was first created. Furthermore, 51% of those numbers are to be endowed to refugees under the age of 18.

The fleeing is the result of the more than 40 armed conflicts which exist in the world today and whose development has focused within the countries of Syria, Nigeria, Iraq, South Sudan, Libya, Afghanistan, Palestine and Yemen. The second country which presents the largest number of refugees is the South American country of Colombia with 7,7 million of refugees.

Conflict is always accompanied by poverty, inequalities, hunger, and lack of opportunities. It is also accompanied by international indifference and the selfishness of the world community that, under the excuse of not having enough or suited welcome mechanisms, decides to close borders bypassing superior international treaties that in theory would prevent it. This situation reflects itself in the thousands of refugee camps reminiscent of the labor concentration camps that prevailed during World War II, and that now have been placed in the Mediterranean borders, for example in Greece where more than 50.000 persons have been held back unable to advance or retreat; or in Hungary, where fences have been erected to prevent migrants of entering into Europe. Poland and Czech Republic are also in this position or denying the entrance of refugees into EU lands (AFP

Bruselas, 2017). Strong statements have been heard from leaders. Viktor Orban, Prime Minister of Hungary has even claimed that receiving migrating population is undesirable because it would lead the nation intro losing its Christian identity into a spiritual suicide (Visegrad Post, 2017).

Table 1: European infringement of the refugees welcome

Country	Total # of welcomed Refugees	Total # of Refugees that should have been welcomed	Agreement Compliance
Germany	7.852	27.536	28.52%
Austria	15	1.953	0.77%
Belgium	2.357	5.947	39.63%
Bulgary	50	1.302	3.84%
Chipre	130	320	40.63%
Croacia	78	968	8.06%
Eslovaquia	16	902	1.77%
Eslovenia	217	567	38.27%
Spain	1.257	9.323	13.48%
Estonia	141	329	42.86%
Finland	1.951	2.078	93.89%
France	4.278	19.714	21.7%
Hungary	0	1.294	Didn´t comply
Ireleand	487	It is not required to host refugees	
Letonia	321	481	66.74%
Lituania	382	671	56.93%
Luxemburg	382	557	68.58%
Malta	148	131	112.98%
Norway	1.508	It is not required to host refugees	
Netherlands	2.357	5.947	39.63%
Poland	0	6.182	Didn´t comply
Portugal	1.415	2.951	47.95%
Czech Rep.	12	2.691	0.45%
Sweden	1.903	3.766	50.53%
Switzerland	1.122	It is not required to host refugees	
TOTAL	28.397	95.610	29,7% fulfilled

Source: *El Mundo*, 26 September 2017

The European Union had agreed to distribute and receive a certain number of refugees according to their possibilities and one might even think, according to their welcome and integration plan. On the following

table, it is possible to see the collected data in regards to how many refugees have actually been able to legally enter the territory under the Refugee status; as well as the number of refugee that should have already entered but haven't been able to do it, given the different obstructions.

The present figures are the awareness of a devastating reality, a reality that would be inhumane to ignore. According to Gilberto Ramírez Huertas, and his work *Human Rights in debate, perspectives of international law*, quoting Levi: the collective indifference to the massive violation of Human Rights, poses a punishable attitude; vileness without which would not have reached the greatest atrocities, Europe and the world today would be different (Ramírez Huertas, 2017). The affirmation is made regarding the Second World War, and how the indifference that occurred then, the lack of claims, and the distant witnessing of atrocities, made the common citizens allies of the regime. Being in silence, and not being able to conduct acts of opposition can be as reprehensible as the acts perpetrated by the regime.

Given this scenario, it is pertinent to ask how is the European Union prepared to meet the needs of thousands of people who seek asylum in that territory, under the belief that it is the only possible way to survive. That survival comes along with the need of having a decent and steady job, access to education according to the last level of education that had been able to be pursued in the home country; it means timely attention to health issues and encountering a place within the host society. It means to feel welcome and able to pursue a life plan and not only to survive.

It is important then to know the statistics of the current possibilities that the European citizens have regarding those same issues. The job market in the European Union was able to offer 71, 1% of the people between the ages of 20 and 64, a decent place to work or job opportunity (Eurostat, 2017). Looking at those same statistics country by country, results concerning the nations with the least coverage of working spaces would be Yugoslavia-Macedonia, 53,3,%; Turkey, 54,4% and Greece 56,2%. At the other end, countries with the most capacity to offer a decent working space and its coverage are: Sweden with 81,2%, Switzerland, 82% and Iceland with 87,8% of labour force participation and employed people.

In regards to access to health, most countries in Europe have what is known as a universal access system in health issues. That, in terms of the World Health Organization (WHO), means that there is a guaranteed

access for all, to the essential health services. Being those of the best quality and procuring the people with the needed medicines, vaccines, effective and affordable insurances and special protection against possible financial risks due to health issues. It means people are able to comfortably count on medical health services, without having to face financial hardships to cover them, and that the facilities include preventive processes, treatments, rehabilitation and palliative care (World Health Organization, 2017).

The possibility to access to quality education, represents in the same way, one of the most important requirements to be considered within the holistic welcome mechanism of any person and of course of a migrant. It is core for the development of a human being to be able to learn and improve knowledge. The Universal Primary Education that was raised in one of the Millennium Development Goals, was a longing for many; but a reality within Europe. For over 100 years Europe has been meeting the quota of universal primary education for all. The subject here would be, how it can be assured that this education mirrors the special needs of a diverse society with different cultural backgrounds, which involves different languages, religious traditions and general believes.

The previous figures show that Europe should be in a position to provide if not definite, a transitional solution to the persons who have been asking for asylum. For example, by granting a basic access to the health system. This could be seen as a double sided benefit, for the hosts countries into preventing the proliferation of diseases that might come from the foreign territories and for the refugees into being able to make a consultation.

Also, by recognizing the professional knowledge of those who arrive and the previous education acquired by them. All of which should be seen as an opportunity of adding up, instead of breaking down. Their figures are much more positive than for example the ones in Latin American countries. An approach based on assistance giving is not what it is expected, but a respect to the constitutional paradigm of each country would be the minimum.

3. The mistaken policies

Since 2015 the number of asylum seekers was triggered due to the Syrian civil war. The countries who are set in the southern borders of the continent have been the ones receiving the population and a decision to make restrictions to the entrance of more refugees is opposed to the ideals behind Human Rights declaration, fundamental to the creation of every nation. Humanitarian assistance is being hindered, the new barriers creates more disorganization and sponsors human trafficking as well as occupational exploitation amid transnational organized crime networks, increasing the vulnerability of migrants and obstructing the work of the authorities (Reyes Betancourt, 2018).

What has been perceived as a burden for most countries, has been posing heavier weights to some. Greece for example, where simultaneously the euro crisis and the inflows of people happened. In Italy the situation is no better, it has been difficult to set up deals with the neighbors such as Libya where illicit migration, people smuggling, and a lawless society, contribute to a destabilization of a regular status (The Economist, 2017). But also in the strong nations where due to as what has been perceived as naïve for openly declaring a welcome to all, some have made a profit by delegating the responsibility of hosting the population in need by shoveling that responsibility to the wealthiest neighbor.

It is completely understandable that every application for a person seeking asylum is to be examined, what is not conceivable is that it takes more time to determine who's responsibility is it to handle the request, than giving it an answer. It is stated that it should not take more than 11 months to process a solicitation (European Commission, 2018), truth is, throughout such a time lapse without having an official recognition, the vulnerability of the refugee community is greater.

Refugees and migrants, as of being part of the community formed by every human being deserve to have a proper recognition of the Fundamental Rights instated within the Constitutions from the first moment after arriving into the welcoming destination The people migrate

under difficult legal conditions; their qualifications are devalued in the destination countries and, as a result, they are forced to accept positions in the low-income segments of the labour

market including the informal sector, although this does not fit the status to which they legitimately could aspire in their countries of origin with reference to their education, their family background and/or their professional experiences (Nieswand, 2012).

Policy making which implies the recognition of previous studies, free access to minimum health services, providing incentives to possible employment givers and contributing to the generation of economically productive activities, could set a better new beginning.

References

Agudelo Giraldo, O.A. & Riaño, A.P. (2016). Ciudadanía y Nación: Políticas de control fronterizo e inmigración. *Novum Jus.* Bogotá: Universidad Católica de Colombia, 57-75.

ACNUR. (2017, Junio 19). *Desplazamiento Forzado a Nivel Mundial, llega a su Punto más Alto en Décadas*. http://www.acnur.org/noticias/noticia/ desplazamiento-forzado-a-nivel-mundial-llega-a-su-punto-mas-alto-en-decadas/, retrieved 15 November 2018.

AFP Bruselas. (2017, Septiembre 26). Termina el sistema de reparto de refugiados en la Unión Europea. *El Tiempo*, pp. 2-3.

Albanian Parliament. (1998, October 21). Albanian Constitution. Albania.

Aruj, R. S. (2008). Causes, consequences, effects and impact of the migrations in Latin America. *Papeles de población*, 95-116.

Caballero Sierra, G., & Anzola Gil, M. (1995). *Teoría Constitucional.* Bogotá: Temis.

Castro-Ayala, J.G. (2017). *Derecho privado en contexto:praxis, historia y constitucionalización.* Bogotá: Universidad Católica de Colombia.

Chopin, I., Farkas, L., & Germaine, C. (2014). *Ethnic Origin and Disability Data Collection in Europe. Measuring Inequality-Combating Discrimination.* Brussels: Open Society Foundations.

Ciurlo, A. (2013). *Migración colombiana hacia italia a la luz del género y la familia transnacional.* Bogotá: Universidad Antonio Nariño.

Constituent Assembly of Portugal. (1974, April 25). Constitution of the Portuguese Republic. Portugal.

Constitutional Parliament of Montenegro . (2007, October 19). Constitution of Montenegro. Montenegro.

Croatian Parliament. (1990, December 22). Constitution of the Republic of Croatia. Croatia.

Cubides Cárdenas, J., Chacón Triana, N., & otros. (2017). *Desafíos contemporáneos de la protección de los derechos humanos en el Sistema Interamericano.* Bogotá: Universidad Católica de Colombia.

De Alencar Rodríguez, R., Cantera, L. M., & Strey, M. N. (2013). Violencia de Género en la pareja en mujeres inmigrantes:Un Estado del Arte. *Revista de Estudios de Género. La Ventana.*, 41-69.

DIAN. (2017, Agosto). *Gran Encuesta Integrada de Hogares -GEIH- Mercado Laboral.*, http://www.dane.gov.co/index.php/estadisticas-por-tema/mercado-laboral/empleo-y-desempleo, retrieved 15 September 2018

El Tiempo. (2017, Septiembre 26). Termina el sistema de reparto de refugiados en la Unión Europea. *El Tiempo*, p. AFP (Bruselas).

European Commission. (2018, May 7). *Country responsible for asylum application (Dublin)*, Migration and Home Affairs: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en, retrieved 15 November 2018.

European Parliament. (2005, January 12). *The European Constitution,* http://www.europarl.europa.eu/Europe2004/textes/2005-01-10-brochure-constitution-en-v02.pdf, retrieved 3 November 2018.

European Parliament. (2005, January 12). *The European Constitution* . Retrieved from http://www.europarl.europa.eu/Europe2004/textes/2005-01-10-brochure-constitution-en-v02.pdf

Eurostat. (2017). *Labour Market (Including Labour Force Survey.* Luxenbourg: European Statistics.

Eurostat. (2017, Julio 5). *Labour Market (including Labour Force Survey).* Retrieved from Eurostat. Your key to European statistics.: http://ec.europa.eu/eurostat/web/labour-market

Fifth Revisional Parliament of the Hellenes. (1975, June 6). Constitution of Greece. Greece.

Frech Government. (1958, October 4). Constitution of France. *Constitution of the fifth republic*. France.

Humphrey, N. A. (1889). Discussion on Mr. Ravenstein´s Paper. *Journal of the Royal Statistical Society*, 302-303.

IOM. (2018, January 18). *International Organization for Migration*. Key Migration Terms: https://www.iom.int/key-migration-terms#Migration, retrieved 15 November 2018.

Italian Government. (1947, December 21). Constitution of the Republic of Italy. Italy.

Jennings, S. I. (1959). *The Law and the Constitution.* London: University of London Press.

Lee, E. S. (1966). A Theory of Migration. *Demography*, 47-57.

Levi, P. (2010). *Trilogía de Auschwitz.* Barcelona: El Aleph.

Llano Franco, J.V.. (2016). Pluralismo jurídico, diversidad cultural, identidades, globalización y multiculturalismo: perspectiva desde la ciencia jurídica. *Novum Jus*. Bogotá: Universidad Católica de Colombia. 49-92.

Maddox, G. (1982). A Note on the Meaning of 'Constitution'. *American Political Science Review*, 805-809.

Merriam Webster Dictionary. (2018, April 28). *Dictionary.* https://www.merriam-webster.com/dictionary/constitution, retrieved 15 October 2018

Navas-Camargo, F., & Cubides Cárdenas, J, (2018) Los Derechos económicos, sociales, culturales y ambientales en periodo de posconflicto: Un reto por cumplir. En Vivas Barrera, T. G., & Cubides Cárdenas, J. (2018). *Responsabilidad internacional y protección ambiental.(pp. 261-279).* Bogotá: Universidad Católica de Colombia.

Nieswand, B. (2012). *Theorising Transnational Migration.* London: Routledge.

Open Society Foundations. (2018, June 7). *Understanding Migration and Asylum in the European Union*. Retrieved from Open Society Foundations Web Site: https://www.

opensocietyfoundations.org/explainers/understanding-migration-and-asylum-european-union

Organización Mundial de la Salud. (2016, Diciembre 20). *Cobertura Sanitaria Universal.* OMS, http://www.who.int/mediacentre/factsheets/fs395/es/, retrieved 15 November 2018.

Parliamentary Assembly of Bosnia and Herzegovina. (1996, April 1). Constitution of Bosnia and Herzegovina. Bosnia and Herzegovina.

Polo Alvis, S., Serrano López, E. &; Granados Vela, L. A. (2018). Costa Rica: Un reto social para los migrantes colombianos. *Novum Jus*, 191-218.

Polo Alvis, S. & Serrano López, E. (2017). Nueva República, nuevo horizonte, nuevo porvenir: Las migraciones colombianas hacia Chile, 1990-2016. *Novum Jus.* Bogotá: Universidad Católica de Colombia. 165 – 188.

Ramírez Huertas, G. (2017). *Los derechos humanos a debate. Perspectivas desde el derecho internacional.* Bogotá: Universidad Católica de Colombia.

Ravenstein, E. G. (1889). The Laws of Migration. *Journal of the Royal Statistical Society*, 241-301.

Republic of Eslovenia. (1991, December 23). Constitution of the Republic of Eslovenia. Eslovenia.

Republic of Malta. (1964, September 21). Constitution of Malta. Malta.

Reyes Betancourt, M. (2018, March 1). Venezuela: a time bomb which blew up in our hands. *Periodico Digital Universidad Nacional de Colombia*, pp. 1-2.

Salazar Rojas, M.A. (2016). Incidencia de las normas internacionales para protección de los trabajadores migrantes irregulares en Colombia. *Novum Jus.* Bogotá: Universidad Católica de Colombia. 89-101.

Sánchez Mojica, B. E. (2014). *El enfoque de derechos en las políticas migratorias. El caso colombiano.* Barcelona: Red de Derechos Humanos y Educación Superior.

Sartori, G. (1962). Constitutionalism: A Preliminary Discussion. *The American Political Science Review*, 853-864.

Sigona, N., & Allsopp, J. (2016, February 26). *Open Migration.* Retrieved from Why are thousands of unaccompanied refugee children disappearing: https://openmigration.org/en/analyses/why-are-thousands-of-unaccompanied-refugee-children-disappearing/

The Constitution of Greece. (1975), http://www.hri.org/docs/syntagma/artcl25.html#A2 retrieved 15 November 2018.

The Economist. (2017, March 25). Most EU countries are happy to welcome other Europeans. They are less keen on refugees from outside. *The Economist*.

The Guardian. (2012, February 6). *UNHCR 2012 refugee statistics: full data.* Data Blog Facts are sacred: https://www.theguardian.com/news/datablog/2013/jun/19/ refugees-unhcr-statistics-data, retrieved 15 November 2018.

UNESCO. (2018, February 17). *United Nations Educational, Scientific and Cultural Organization.* http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/, retrieved 15 November 2018.

UNHCR. (1994). *Populations of Concern to UNHCR: A Statistical Overview (1994).* Geneve: United Nations.

UNHCR. (2003, March 1). *The Dublin Regulation.* http://www.unhcr.org/4a9d13d59.pdf, retrieved 10 November 2018.

UNHCR. (2018, May 7). *Convention and Protocol Relating to the Status of Refugees*. http://www.unhcr.org/3b66c2aa10, retrieved 15 October 2018

UNHCR. (2018, June 30). *UNHCR. The UN Refugee Agency,* http://www.unhcr.org/figures-at-a-glance.html, retrieved 15 November 2018-

Visegrad Post. (2017, Septiembre 20). Viktor Orbán: Christianity and identity versus western liberalism. *V Post*, p. 4.

Visegrad Post. (2017, September 20). Viktor Orbán: Christianity and identity versus western liberalism. *V Post*, p. 17.

Vivas Barrera, T. G., & Cubides Cárdenas, J. (2018). *Responsabilidad internacional y protección ambiental..* Bogotá: Universidad Católica de Colombia.

Woolcott Oyague, O., Vivas Barrera, T. G., & Garzón Landínez, T. C. (2017). *El problema de las transfusiones de sangre y la transmisión del VIH. Realidad y respuestas del derecho para la protección del paciente.* Bogotá: Universidad Católica de Colombia.

World Health Organization. (2017, December 31). *Cobertura Sanitaria Universal,* http://www.who.int/mediacentre/ factsheets/fs395/es/, retrieved 10 September 2018.

From an Ethic of Hospitality:
Reflections on Democracy, Citizenship and Migrations

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Abstract

The article focuses on a reflection about hospitality, thought from inhospitable experiences and aimed at critically rethinking the reactions to the underprivileged, the pilgrim, the migrant, from the assessment of host actions, the ethics of care and the irruption of otherness. It proposes going beyond the observation of data: migratory flows, xenophobic reactions or associated criminal forms and interpreting them from a constructive approach to conflicts, the demands of an inclusive citizenship and the rethinking of the axes of democratic life. Based on the thinking of D. Innerarity, the article associates the ethics of hospitality with the ethics of care, solidarity and life and poses it as a useful tool for dealing with the migratory flows of the Mediterranean and Latin American Space. From an approach of vulnerability situations associated with migrations, the possibilities of empathy, prudential reason and the demands of effectiveness from a bioethical and biopolitical perspective that emphasizes the priorities of action before life at risk are addressed.

Keywords: Ethic of Ospitality, Democracy, Citizenships, Migrations.

Introduction

Contemporary societies seem to be torn between violent conflict as a suffering reality and possible community as a desired expectation. In the arc between both is located, in a relevant way, a complex reality with clear incidence on the democratic practice and the exercise of citizenship: the disturbing experience of the massive migratory flows. This experience, although not necessarily universal or universalizable in the sense that in each case is marked by different contexts: wars, ethnic conflicts, extreme economic conditions (or a combination of all of them), nevertheless presents common characteristics: life reduced to survival, cultural violence, limited citizenship, labor exploitation. This experience is that of those who

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migrate in a "forced" way in search of the preservation of life, expelled, frightened or constrained to leave their place: "they do not change their place: they lose their place, catapulted into nothingness" (Bauman, 2002: 143), launched into what Foucault called "a place without a place, that exists by itself, that is closed on itself and at the same time given to the vastness of the ocean" (Foucault, 1986, p. 26).

As a profound affectation of the human condition, the migration-hospitality relationship has been approached in the 20th century from metaphysical and ethical perspectives (Levinas, 1961) within the framework of an "ethic of reception", as a pre-original instance where it is welcomed. the other without understanding it: the acceptance of the other supposes an opening to the infinity of the other, the "yes to the other" responds to the "yes of the other", only from whom the affirmation may come: "It is not me, it is the Other who can say yes "(Levinas, 1987, p. 116).

The very possibility of unconditional hospitality, on the other hand, was later critically challenged from an analysis of its violent and traumatic consequences (Derrida, 1996); in another perspective, it was exposed as an ethics of events and passion theory (Innerarity, 2000); also expressed as conflict between the acceptance of difference and the desire for community (Esposito, 2007) and also narrated as a tragedy in literature (Kundera, 2009). In this wide problematic theoretic framework and before the situations currently in the development in the spaces of the Mediterranean and Latin America, an ethical-political approach to the dialectic hospitality-migration, encounter-disagreement, community-difference, negotiation-violence becomes relevant to review the contexts and practices of democratic life, the conditions for the exercise of citizenship, effective respect for human rights. The response to the interpellation of this "unsettling guest" also implies a critical approach to the conditions of human groups within the countries involved: "when acting morally with respect to the men who are closest to us, we enter the moral world respect to all "affirms E. Tugendhat (2003: 281). "L'hospitalité est la culture elle-même et non seulement une éthique entre autres…l'éthique est hospitalité" (Derrida, 1996, p. 42).

1. Think hospitality from inhospitable experiences

The hospitality, from its Latin roots (*hospitalis, hospitalitas*), has been associated, as a notion and as a practice, to a condition of care that articulates and expressesitself in the dimensions of kindness to the helpless or the pilgrim, to render assistance or help and give welcome or affectionate reception to the visitor or stranger. As a virtue centred on the practice of care, it refers to contexts of irruption of the unexpected, of otherness, immigration, coexistence and memory; as experience, it tests the management of difference, pluralism and solidarity.The conditions of exercise of hospitality in a world of economic, social and political realities that put life in serious danger, far exceed the level of mere descriptive data: record events, each time with less capacity for amazement, on the edge of indifference or as information to control the threat.

Hospitality, as a concrete expression of humanity and as a human and humanizing practice in in-hospitable social environments, implies the demand to go beyond the data on the flow of immigrants, the observation of xenophobic reactions, gestures of cultural self-assertion in contrast to the local customs or certain associated criminal forms, to interpret them in a broader, reflective and effective sense, without conditioning the actions of encounter to a study that, from the own place, submits the other to the examination of its values, beliefs or social uses under a magnifying glass that determines its compatibility level.

The ethical approach to hospitality finds its starting point in a critical reference to the conditions in which the different types of encounters are effectively met. In the conflictive space of contemporary democracies, with particular reference to the way in which the conflicts that are dealt with, which addresses the conflicts that inevitably confront citizens among themselves, the social groups, citizens with the State and the citizenship with the important groups of immigrants, arrived almost always in conditions of precariousness, vulnerability and extreme fragility of life and frequently considered as a threat to becontrolled. At the same time, both in the contexts of the Mediterranean and in Latin America countries, the phenomena of massive migrations pose acute problems for the incorporation of migrants to citizenship, putting into crisis doctrines and

egalitarian theories considered already consolidated and leading in most of the cases, in situations of non-citizenship[2].

An ethical approach to hospitality, such as that of the present work, is articulated to the broader practical and reflective space of the ethics of care and compassion (Mesa *et al.*, 2005), which include topics on care for the spirit, the body, the word, the intellect, relationships, culture, environment and societies. It also falls within the framework of the ethics of solidarity (Tiscner, 1997; Taylor, 1997) and the common good and, more comprehensively, in an ethic of life. The spaces in which it is possible to think about hospitality have not escaped readings that emphasize its problematic nature and understand to see in some of its expressions elements of violence: such is the case of the reading of Jacques Derrida (Derrida, 1998) to the "ethics" of the reception "of Emmanuel Levinas (Levinas, 1987), for this author it is understood as almost synonymous with hospitality (Jaramillo, 2018). In this article, the main theoretical reference is the work of Daniel Innerarity on the ethics of hospitality (Innerarity, 2001) thought in the context of the problems of democracies and migratory flows in the Mediterranean space as well as in Latin America.

2. *Hospitality, conflict, violence*

The reflection about an ethic of hospitality starts from lived situations and, through openness to universalization, points to the construction of conditions to promote coexistence. The starting point is the experience of the conflict experienced in contemporary societies, associated almost automatically to violence and traditionally considered, as an expression of a defined aggressiveness of the human being. In addition, frequently viewed from a logic of power, this conflict resulted in relations of domination and was considered inevitable. The State has traditionally been considered as arbitrator, the territory as a place of domination and control as a balancing mechanism. In the perspective of an ethic of hospitality, the state-territory / dominion-control axis over the population, whose nucleus

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[2] The condition of citizenship alludes to the effects of the limitation for the access and effective exercise of citizens' rights and is related to the practical limitation of human rights. See, among others, Kliksberg (2010), Martin, (2016), Cubides (2009).

is the administration of force to ensure survival, is displaced towards a new relational space: citizen-territory / communication-care for the life of society, whose nucleus, now, is the transformation of life to build coexistence.

In the logic of power that has traditionally operated in the approach to the conflict, this is considered as negative and its regulation is centred on the administration of power. In this perspective, the future is reduced to the rational projection of the present, a projection in which there is no place for critical reflection, the questioning of priorities or creative visions. With this there is no place for ethics, which begins with the resource of imagination. To the extent that conflicts, understood as processes of incompatibility between goals or interests of individuals or societies, place their protagonists before the challenge of confronting and overcoming this incompatibility, the possibility opens up to the transcendence and transformation of the conflict : as expressed by Johan Galtung (Galtung, 2003) whose thought contributed decisively in the last third of the 20th century to, the turn towards a positive vision of the conflict, the resolution of incompatibilities or their transcendence [...] very often is a matter of imagination" (Galtung, 2003; 161). The perspective of seeing the future as an overcoming of what is not wanted (memory) and of what can be different (valuable development), opens the possibility of hope as a force for the construction of the new (Inneraraty, 2009).

Design a possible life in common, convenient and fair - attributes that in the classical Greek philosophy Aristotle granted to the human being as "principle of futures" (arké ton esómenon) -, allows to recover the sense of future as desire of what is esteem, valuable and as management of those external elements over which you do not have control. As ethics not of action but of passion, of events, of vulnerability rather than sovereignty (Innerarity, 201; 86), the ethic of hospitality is based on the experience that most of what happens to the human being, is not the result of his autonomous decisions but the product of the intervention of factors that are beyond his control. Recognizing one's own affectation from the position of the other in conflict situations, is a decisive step to be able to develop strategies of resolution that lead to the management and transformation of the conflict in view of coexistence and to overcome violence through the imaginative ethical resource. Recovering this perspective today is to revalue a line of thought widely paid by authors such as Giambattista Vico,

Baltasar Gracian, Emmanuel Kant, Hans Georg Gadamer, Hannah Arendt, Paul Ricoeur or Martha Nussbaum, among others[3].

3. *Hospitality, vulnerability and care*

The ethic of hospitality aims to create conditions for a coexistence horizon and opens the possibility of giving the future a shared project of convergence in difference, showing itself to a large extent associated with the ethical imagination, which has been shown, by Paul Ricoeur, (Ricoeur, 2004), from a difficult exercise of the "fair memory" of what could have been different, allows us to develop utopian discourses that design ways to move towards a common life based on trust, care and solidarity among the human beings in conflictive situations - in the acute social controversies, in the democratic debates and in the confrontations provoked by forced migration - represent the need to manage finitude, supported by the recognition of precariousness, fragility, the contingency in life.

This means granting the project dimension - constituted by imagination, progressive utopia, communicative reason - the capacity to activate the transition from a logic of power, affirmed in the domain of the territory and the control of the population, towards a logic of coexistence, founded in the territory as a communicative space of mutual growth and in the development of society's capacities to live better, in respect to differences, listening to the word of the other, the exploration of common spaces and the development of shared aspects.

At the core of the ethics of hospitality, the ethical imagination can help to unlock the potential of coexistence, training to receive another in their vulnerability and associate with it in their capacities. From the ethic of hospitality arises the challenge of being able to weave a shared social fabric, rather than between equals, between different.

Rethink the common as construction with and from the different, move from the idolatry of the community to the construction of the common, give impetus to the word solidarity and affectionate to move from imposition to deliberation, can lead to the development of capacity and the determination to activate - put into action - the potential for coexistence of

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[3] For an overview of this line of thought see Garcia (2014).

human societies. Especially in the conflictive encounters provoked by mass migrations, prejudices, fear of the different or the absolutization of one's values lead to the generation of models of conditioned hospitality that remain attached to the logic of power:

The conditioning of the migrant - vulnerable, in a condition of asymmetry, deprived of a position in society that allows him to defend his right to care - goes beyond the justification of any foreign law and may mask the need for an unconditional reception, which however, it is not naive or imprudent. Within the framework of that reception and before the conflictive situation of the unexpected irruption of the other, in the framework of a hospitality with its values, beliefs and different uses, the legitimate question has been posed: "¿Can we tolerate everything?" (Tejedory Bonete, 2006)

When asked about the limits of tolerance - a question that exceeds the framework of this work - it only points out that the answers have come from the reason (Santori), communication (Arendt), imagination (Galtung) or the dimension of affect and to be able to place they self in the other's place (Innerarity). In any case, as D. Garcia (Garcia, 2014; 153) puts it, it is about promoting "from the ethical imagination what part of the experience, from the experienced cases that provoke resources of intervention, creativity, skills, ingenuity and sagacity. All your resources [in the concrete conflictive situations] find elements that start from the reality and are articulated with other universalize situations ". In this way, for this author, the approach from the ethical imagination on the conflict of the encounter with the different "resembles the Aristotelian phronesis that involves settling in the contextual and the real, where the praxis is situated, in the communicative and political field"(Idem)

4. Ethics of hospitality, empathy and prudential reason

The concept of ethical imagination feeds empathetic affectivity and prudential rationality, the task is to work deliberately to reach agreements of shared rational minima that, through a complex creative work can respect those emotional or spiritual maximums of each group that do not threaten physical integrity, respect for difference and the right to express oneself freely of all those involved. Within the framework of inter-governmental

organizations, especially UNESCO has been carrying out educational work of great importance for the advancement in the management of diversity, the complexity among nations, cultures and social groups.

Understanding hospitality, as much more than simply appealing to good feelings and willingness to open one's heart abroad from one's own position of security and domination, and also beyond the cynicism it might include to control, the ethic of hospitality is constituted as universal and founding category, as a human imperative and as a "bridge to the future" - taking the expression of bioethics-: learning, human sustainability and co-responsibility for the construction of possibilities for life in common. Life in common that today shows itself especially at risk in the clash between societies that from power appear as solid (without recognizing their own internal critical channels) and social flows that flee from territories marked by war, violence and bio political control about life, mainly in its dimensions of health, nutrition and safety.

The serious humanitarian situations experienced in the Mediterranean countries -south of Europe, the Europe that historically has always defended Human Rights- and, more recently, between the Latin America countries and from Latin America to North America, with massive displacements of people, that during the journey, they leave their lives or are subjected to multiple vexations, they all represent a case of special relevance to contextually rethink the ethic of hospitality. In the ethics of hospitality converge interpretations, that from various fields of philosophy and social sciences have shown the processes by which they build "concerns for the massive presence of interior otherness ... as liquid mirrors that have been derailed during the two last centuries in western society " (Bartra, 2007; 43). As it could be characterized, in that "unsettling guest" that arrives without being expected(Cacciatore, 2013) this otherness are personified (real people are made, suffering, mistreated), in the migratory waves that from the East, from Africa from Latin America or Eastern Europe, arrive in Europe, to the coasts of an old "Mare Nostrum" whose name it's already fiction.

The migratory phenomena that interpellate the modern democracies expose their deep cracks and erode the illusion of homogeneous territories, contrasted with the reality of deterritorialization. The border areas, traditionally human territories shared by populations of different countries, in the face of migratory conflict are humanly de-territorialized and re-

territorialized from the point of view of surveillance, control, administration. The other is attributed, in most cases, the causes of their own failures, the inadequacy of the mechanisms of care of life: health administration, services, exchange of goods. Indifference or hostility to a person who was previously a relative or friend and then becomes a stranger, a foreigner and even an enemy. The territories of coexistence, often settled in superficial aspects or only formal or declarative, enter into crisis and may become "territories of terror" (Bartra).

The ethic of hospitality asks questions such as: what makes a change of space, of time, of life provoke rejection as a defensive reaction? The experience of the encounter, is it not a universal or universalizable experience, not only for who migrates? Do we have roots;we take roots or we look for roots? All this seems to contrast strongly with the statement expressed by the Spanish philosopher Pedro Lain Entralgo in 1968 in relation to two great discoveries made during the four or five decades that occupied the centre of the 20th century: at that stage of his "intense, dramatic" history , "the thought of the West: has made, among others, these two decisive discoveries: that, in the ontological order, the being of my individual reality is constitutively referred to the being of others, so that solipsism is a mental artificial construction, unjustified and penultimate "and that, on the other hand, in the psychological order, the 'we' is prior to the 'I', which in one way or another it always accompanies" (Lain Entralgo, 1968; 16)

5. Hospitality: Life at risk

As a constant present in all the visions of the ethics of hospitality, it is beyondthe behaviors merely aimed at programming the survival, makes his own in the field of inter-human encounters, "the moral imperative to take care of life in all its manifestations, as a contemporary urgency in the face of the imminent risk of losing it" (Cely Galindo, 2001). Although this is valid for all forms of life care (Mesa, 2005), it is especially significant in the case of life at risk in authoritarian political systems, in dehumanized economies andin situations of forced migration due to situations of violence, cases in which the situation of vulnerability assumes extreme characteristics.

Both in southern Europe and in Latin America, the consequences of the inequalities, inequities and exclusions that characterize the global economic "disorder", the authoritarian drifts of regimes focused on reaching power and maintaining it at the expense of the persecution of the different, the weakening of civil society, in tension between the "global casino and the local sanctuary" (Trias, 2001) and the resurgence of closed "communities" that self-justify themselves generating fear of the immigrant, mark the presence of life conditions signed by violence, insecurity and dependence - of the State or of macro-subjects such as fundamentalism or large corporations-, which conditions society to the passive acceptance of increasingly greater and more effective control mechanisms over life, in views of always false security. Faced with the illusion of security ("the securityaddiction") created by bio-power, the vision of hospitality ethics recovers the value of vulnerability from the effective practice of the virtue of care and the transforming orientation of social situations through the management of the difference.

Both within formally democratic systems and in the processes of mass migration, levels of vulnerability have to do with deficiency situations (needs approach: attention to urgent basic needs), with the impossibility or difficulty of access to education (focus of rights: learning for survival and for the choice of life project) and with the possibility of being included in alliances between social actors to progressively realize, as established citizens or as migrant citizens, what they have chosen (project approach) . The ethic of hospitality aims to care for the vulnerable in each of these levels and, reinforcing the possibility of living in learning from difference, seeks to provide tools to deconstruct the other as a threat, rebuild him as an interlocutor and discover him as a partner.

6. By way of concluding reflection: hospitality and future

For the ethic of hospitality, the aspects related to attention, tolerance or respect are as important as the actions and the approach of the contrariety, of what is not as we have thought it, contributes, together with the desires and the hope, to forge our identity dynamics.

From the management of insecurity associated with uncertainty, people and societies become more flexible, open and innovative and through the

perception of their own vulnerability, we are able to value the other and establish relations of constructive interdependence (Martin, 2017). In the perspective of hospitality, the "lone self", fictitious and unfeasible, is transformed into a real, sustainable "solidary self", thus enabling the establishment of mutual co-responsibility relationships, not only in the present but also including future generations. From these relationships can be harmonized the links between autonomy of personal decision and interdependence of social realization.

In the contexts of democratic life and citizenship, on the one hand and migratory flows in search of survival, on the other, the ethic of hospitality can be a valuable tool to understand the stranger, welcome it with solicitude and develop the capacity of mutual association. The strange is an ambiguous concept that oscillates between the threat (the different versus the own) and the fascination (new possibilities and learning), plural, by the multiple forms of otherness, complex (by the co-implication between identity and otherness), inter and transcultural, in that it involves encounter and self-transformation from the cognitive, evaluative and affirmative effects. In this sense, hospitality requires the effort of comprehension and appreciation of the other that is fulfilled as xenology (Inneratity, 2001; 119), from the experience of the strange and through interest, attention, respect, active tolerance and the development of associative strategies.

The ethic of hospitality, based on a management of the difference in the material bases of the territory, enables the inter-human encounter of concrete citizens - real human beings in real situations and before real elections - that allows them to search, discover and build their own place, as a condition to be people. Unlike the notions of territory and political space, the concept of place has to do mainly with meaning, from which a valuable life project can be deployed. Hospitality as an ethical proposal is an invitation to build together with the other shared spaces of survival and progressively places of full political life, and to participate, in the case of citizens, or to promote, in the case of governments, policies for life, as part of a permanent effort to stimulate the growth of sensitivity towards others and solidarity in their situations. This effort comes first through the assurance of survival through political attention to basic needs, expressed in the implementation of effective policies for the care of life. But also and mainly, it is an effort to promote the development of capacities that, with

strategies of care and solidarity practices, make possible the construction of a valuable life in common. By power and domination, they are far from favoring behaviors of civic life and coexistence.

7. Scholium: practical dilemmas and paths of advancement of hospitality

The ethic of hospitality is, because of its relationship with the foundations of the human condition, a global ethic but with regional specificities. The practical spaces -national and regional- that are affected by the deployment of the current migratory flows in the Mediterranean and in Latin America: spaces of ethics, politics and economy in a reference that updates the Aristotelian perspective, pose the challenge of a humanizing learning exercise with concerted actions among governments, academia, companies, civil society associations. The approach of the massive phenomenon of forced migration oscillates between the ideal poles of reception and integration. Integration, in turn, reveals an ambiguity between, on the one hand, government paternalism and passivity of the migrant (Campesi et al., 2018: 94) and, on the other, initiatives of integration and relative autonomy of the migrant. In its practical application, moreover, the search for a balance between relative autonomy (life project) and constructive interdependence (host society) requires facing the dilemma between labor insertion and forced dispersion.

Both in the countries of the Mediterranean and in Latin America, although with their own characteristics, the reception and integration systems are under review and transformation. Overcoming the approach of the humanitarian government (Agier, 2006) which, through a non-integration reception approach, results in the dependence of the migrant (with the effects of de-citizenship), these systems have advanced establishing a staging that includes first stage welcome, second reception and reconquest of one's autonomy, on a scale that goes from the greatest exclusion (and the greatest inclusion) to the greatest inclusion (and the least exclusion). This advance rethinks solidarity as a humanitarian demand, democracy as a fundamental right and full citizenship as a path and participatory strategy.

References

Agier, M. (2006). "Le gouvernementhumanitaire et la politique des réfugiés". In L. Cornu & P. Vermeren (Eds.). *La philosophiedéplacée* (pp. 411-428). Paris: Horlieu.

Aristoteles (2001). *Ética a Nicómaco*. Madrid: Gredos.

Bauman, Z (2002). *La sociedadsitiada*. México: FCE.

Bartra, R. (2007). Territories of terror and otherness, Mexico: FCE.

Cacciatore, F. (2013). *Coloro che arrivano*. Cosenza: Università della Calabria.

Campesi, G. et al. (2018). "La inclusióndiferencial de lossolicitantes de asiloen Italia". *Soft PowerRevista euro-americana de teoría e historia dela política y del derecho*(6), 1, pp. 79-97.

Berggruen N. y Gardels, N (2012). *Gobernanzainteligente para el siglo XXI*. Bogota: Taurus.

Cubides, H. (2009). T*he problem of citizenship. Approach from communication-education*, Bogotà: Bogotà Central University.

Cely Galindo, G. (2001). *El horizontebioético de las ciencias*. Bogota: Ed. Javeriana.

Derrida, J. (2001). *La hospitalidad*. Buenos Aires: Ed. De la flor.

Derrida, J. (1997). *Adieu à Emmanuel Levinas*. Paris: Galilée.

Derrida, J. (1996). *Cosmopolites de tous les pays, encore un effort!* Paris: Galilée.

Espósito, R. (2007). *Communitas. Origen y destino de la comunidad*, Buenos Aires: Amorrortu.

Etxeberria, X. (1985). *La Educación ante el fenómeno de la violencia*. Bilbao. Hitzlrakaskutza.

Foucault, M. (1986). "Of other spaces", *Diacritics*, 1, pp. 21-37.

Galtung, J (2003). *Peace through peaceful means*. Bilbao: Bakeaz.

Garcia D. (2014). *El sentidocomún. Reflexionesético-políticas*. Mexico: Plaza y Janes/ Cátedra UNESCO de Ética y Derechos Humanos.

Innerarity, D. (2001). *Etica de la hospitalidad*. Barcelona: Peninsula.

Innerarity, D. (2014). *El futuro y susenemigos. Endefensa de la esperanzapolítica*. Buenos Aires:Paidos.

Kliksberg, B. (2010). *The pending ethical agenda of Latin America*, Buenos Aires: Siglo XXI

Kundera, M. (2009). *La ignorancia*. Madrid: Tusquets.

Lain Entralgo. P. (1968). *Teoría y realidaddelotro*. Madrid. Selecta.

Levinas, E. (1961). *Totalitéetinfini. Essai sur l'extériorité*. The Hague: Nijhoff.

Levinas, E. (1987). *Totalidad e infinito*. Trad. De Daniel Guillot. Salamanca: Sígueme

Islas, O. (2007). *La ciber ciudad. El espacioausente*.Caracas: Colina.

Marina, J. (2006). *Aprender a convivir*. Barcelona. Ariel.

Martin, V. (2012)."Memoria de un nuevosiglopolítico". En: *Revista de Filosofía*, 102, pp. 112-131.

Martin, V. (2016). Political *responsibility and discursive construction of coexistence*. Bogotà: Universidad Católica de Colombia.

Martin, V. (2017). *Biopolis, Problemaséticos de la convivencia*. Bogotá: Universidad Católica de Colombia.

Mesa, J. et al. (2005). *Educación y éticasdelcuidado y la compasión*. Bogotà: Ed. Javeriana.

Michelini, D. (2006). *El bien común: discusiones actuales*. Santa Fe, Argentina: UNL.

Odreman, N. (2006) *Formando al ciudadanodelfuturo*. Caracas: Brujula.

Ojeda, A et Al. (2002). *Convivencia y globalización. Contribuciones para la paz*. Bogota. Ed. Universidad Pedagógica Nacional.

Ricoeur, P. (2004). *La historia, la memoria, el olvido*. México: FCE.

Sen A. &Nussbaum, M. (2002). *La calidad de vida*. México: FCE.

Sennet, R. (2007). *El Nuevo capitalismo*. Barcelona: Ed. Arquitectura.

Serrano, E (2007). *Etica y desarrollohumano*. Madrid:Paidós.

Taylor. Ch. (1997.) *Philosophical arguments*, Barcelona: Paidós.

Tejedor, J. &Bonete, E. (2003). *¿Podemostolerarlotodo?* Bilbao: Desclée.

Tiscner, J (1997). *Ethics of solidarity*. Madrid: Encuentro.

Trias, E. (2001). *Etica y condiciónhumana*. Barcelona: Ariel.

Tugendhat, E. (2003). *Lecciones de Ética*. Madrid: Gedisa.

"I was a stranger and you welcomed me".
The Papal Magisterium and Human Mobility
from Leo XIII to Paul VI (1878-1978)

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Abstract
This article analyzes the development of the papal magisterium on human mobility during the period that went from the election of Leo XIII (1878) to the death of Paul VI (1978). What emerges from the research is a complex situation, characterized by a consistent thought in which each Pope chose to preserve specific elements while making his own specific, individual contribution to the problem. The article begins with Leo XIII and his concern for the faith of emigrants, it then reviews Pope Pius' papacy where the tensions due to the Fascist regime characterized the period up to Pius XII. Paolo VI opened the papal magisterium to the new perspectives proposed by the Second Vatican Council as well as the great changes of human mobility that occurred after the second world war. This study, therefore, analyses an important Catholic line of thought in order to understand both the present day situation and the modernity and complexity of Pope Francis' papacy.

Keywords: Catholic Church, Modern migrations, Popes, Catholic social teaching.

In the XIX century, the topic of human mobility has become increasingly important in the thought of the Popes who have analyzed its many facets, ranging from the economic migrations of populations fleeing wars and famine to mass tourism.

Following the election of Pope Jorge Mario Bergoglio on 13th March 2013, the Roman pontiff re-enforced the interest of Catholics in this topic and it must be underlined that, indeed, it has become one of the main features in Pope Francis' papacy. In the last five years, the Argentinian Pope has strenuously denounced the tragedy that millions of people crossing the Mediterranean are forced to suffer in an attempt to reach Europe, as well as the risks of those who try and cross the Mexican borders, and he has underlined that the Church is close to all those populations that are forced to leave their native countries because of conflicts, religious persecutions or natural disasters.

Bergoglio's comments on migrations and his numerous criticisms regarding the inability of governmental institutions to deal with the phenomenon adequately have not only been widely reported by the mass media but they have also incremented the discontent of many sectors of public opinion including many members of the Catholic Church itself, to the extent that there have even been posters protesting against the Pope in Rome[1].

This critical front, that ranges from the extreme European and US right-wing populists to the conservative Catholic groups, has accused the Pope of wanting to renew the papal magisterium, in particular the one developed by John Paul II, by replacing the actions promoted by the Holy See between the XX and XXI century aimed at defending the so-called non-negotiable values, including the battle against abortion, with actions aimed at raising awareness regarding the condition of migrants, their problems and their integration in Europe and the United States.

The thoughts of the Popes regarding migrations are, more than ever, relevant to what is happening today and this article aims at analyzing the main interventions carried out by the Popes as regards human mobility, to assess whether Pope Francis is actually changing the magisterium radically or whether his thought, in fact, follows the historical line of thought adopted by the social Catholic doctrine. Although migrations have always been a matter of interest both in the writings of the Church Fathers and in the foundation of various ecumenical Councils like the Lateran Council of 1215[2]. My study, will, however, focus predominantly on contemporary migrations strictly linked to the expansion of a capitalistic society. Therefore, I have decided to start my analysis with the papacy of

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[1] A couple of months after Pope Francis was elected, he decided to visit the Island of Lampedusa, the main gateway to Europe for the boats full of immigrants from North Africa. In 2015, Francis proclaimed an extraordinary Jubilee of Mercy, where the visits to the refugee camps of Castelnuovo di Porto and Lesbos played a fundamental role. On 4 February 2017, fly-posters were put up all over Rome protesting against what the Pope was doing, accusing him of being understanding and merciful only with migrants and 'decapitating' religious orders like the Franciscan Friars of the Immaculate, 'ignoring' the cardinals 'dubia' of the apostolic exhortation *Amoris Laetitia.*

[2] The Lateran Council IV stipulated that the prelates whose dioceses had populations who professed the same faith but did so with different rites and customs should provide "elementi idonei per celebrarei divin iuffici secondo diversi riti e idiomi" (Tassello, 2001, p.20).

Gioacchino Pecci, better known as Leo XIII, who was Pope from 1878 to 1903, the first bishop of Rome to actually tackle the issue in his official documents. The study will conclude with the reign of Paul VI, (1963-1978), who further developed the argument following the revision of the council and the radical social, economic and cultural changes that occurred after the second world war. This brief study regarding the thoughts of the Popes will end in 1978 because, in my opinion, John Paul II's papacy (1978-2005) introduced so many new features regarding this field as, for example, the difficult cohabitation of local, secularized communities with Muslim migrants, the end of the cold war, with the rapidly growing emigration of some of the ex USSR satellite countries like Poland and Rumania, that a specific study on these themes would require a paper of its own.

The study of contemporary human mobility is supported by an extensive bibliography. The analysis of specific themes like the Italian migrations between the eighteenth and nineteenth centuries were and still are the subject matter for papers and articles which have been summarized by Paola Corti and Matteo Sanfilippo (2009) in the *Introduzione all' Annale XXIV* of the *Storia dell'Einaudi* devoted to this topic. Also the interest in and commitment towards the phenomenon of migration on the part of Catholics were analyzed and the Review "Studi emigrazione" traced as many as 1604 articles published between 1980 and 1997 discussing the topic from many different perspectives and interpretations ("Scienze teologiche", 1997).

This is why it became necessary to make a selection, which was complicated by the fact that, although the historiography mentioned above was extensive, it underestimated the official role of the Holy See and of the main religious Orders in the organization of pastoral care, nor did it consider their roles in mediating between the dioceses at the ports of arrival and departure. Despite the importance of the topic, historians disregarded it because, as Sanfilippo wrote:

per comprenderne la trama è necessario incrociare i documenti della Segreteria di Stato e dei fondi relativi ad Africa, Americhe, Australia ed Europa nell'Archivio Segreto Vaticano, negli archivi storici dei maggiori dicasteri vaticani (Affari Ecclesiastici Straordinari, Propaganda Fide, S. Ufficio) e in quelli dei singoli istituti di vita consacrata. Ora tale documentazione potrebbe essere setacciata soltanto da robuste équipe internazionali. Invece gli storici della chiesa non prediligono le imprese collettive e non s'interessano di migrazione, nemmeno per quanto attiene alla pastorale per i migranti, mentre gli addetti ai

migration studies non amano la storia ecclesiastica e disdegnano le fonti vaticane (Sanfilippo, s.d., p. 2)

In order to write this article, I consulted some essays which were introductions to collections of texts of the Holy See regarding human mobility, like that of Gianfausto Rosoli (1985) and of Giovanni Graziano Tassello (2001a). In addition, I examined some studies published in collective works or reviews like those proposed by Antonio Aguilar Verdugo (2009), Cardinal Velasio De Paolis (2003; 2005), Agostino Giovagnoli (1986), Donald Kerwin (2004), Gianni Manzone (2006), Lorenzo Prencipe (2010), Tisha Rajendra (2011), Tassello (2001b; 2010), Giovanni Terragni (1979) and Antonio Viana (2003).In order to describe the historical context in which these papal documents were written, I examined other studies that dealt with the topic from different viewpoints: either from a more restricted historical perspective, like the volume written by Philip V. Cannistraro e Rosoli (1979) on the clash between the Holy See and fascism on the Opera Pia Bonomelli or the Acts of the first Congress of the Italian delegates of the dioceses for emigration which show how the Apostolic Constitution Exsul familia of Pope Pius XIII was incorporated into the Italian Church (S.C. Concistoriale, 1958) and finally, I considered studies which had a more restricted geographical perspective, like the fundamental study of Aldo Albònico and Rosoli (1994) on Italian emigration to America or the numerous works by Sanfilippo (s.d.; 2001; 2007; 2008; 2011) on the role of the Vatican on human mobility between Italy, the United States and Canada during the Risorgimento.

1. From the Risorgimento controversies born during Leo XIII's papacy to the international conflict against Fascism during the papacy of Pius XI

The Holy See became interested in migration very early and it became one of the principal concerns of the Vatican bureaucrats in the 19th century. In 1820 the migration flows started from Italy to Northern Europe and to America and the Roman curial institutions, particularly the Vatican Secretary of State and the Sacred Congregation de Propaganda fide, feared that the faith of many emigrants would be at risk in the new countries, like the United States which was predominantly protestant or, like France and

most of the Latin American countries, where, during those years, there was a growing anti-clerical tendency[3].

Moreover, starting from the second half of the nineteenth century, the Vatican joined indissoluble forces with the Holy See in its tense struggle with the Italian state during the Risorgimento. The Vatican hierarchies firmly believed they could use the masses of Italian emigrants abroad to put pressure on some countries like the United States to help the Pope in his battle against the Kingdom of Italy, particularly in controlling the city of Rome. This plan, however was opposed by the Italian communities abroad which included many exiles who were liberal and anti-clerical and who, in some cases, joined the protestants to spread antipapal propaganda and obstruct the Vatican strategies[4].

As Matteo Sanfilippo (2011, p. 3) wrote in those years, "si apre una *Questione romana*, se non italiana, all'estero": Pius IX's church had to respond to the protestant and anti-clerical criticisms by implementing many initiatives for the pastoral care of the migrants, like the St. Raphael-Verein, founded by the German episcopate in 1871 to assist the Catholic migrants leaving Germany to find work abroad, or the establishment of national parishes like the Italian one in London.

Pope Leo XIII, elected in 1878, inherited this complex situation and tried to solve the many problems arising among the local Catholics and the emigrants particularly in the United States and Canada. In North America, the contrasts between the bishops of Irish origins and the Italian Catholic community gradually became more exacerbated, while the Vatican associations found it increasingly difficult to manage the flow of Italian missionaries to North America, who were often involved in financial scandals[5]. The North American bishops were also very surprised about the

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[3] During the 1840s, for example, the internuncio in Brazil, Gaetano Bedini sent various reports to the Congregation of *Propaganda fide* in which he wrote about his concerns regarding the antipapal propaganda among the Italians initiated by people of liberal and anticlerical tendencies. Bedini also wrote that he had visited the German colonies of Petropolis and he asserted that if they did not send German priests urgently, they would be undoubtedly converted by the German Lutheran missionaries, present in that region of Latin America.

[4] In 1849, Jeremy Cummings reunited all the Italian in New York in one single parish, but he was stopped by Mazzini's followers and protestants (Sanfilippo, 2011, p. 3).

[5] Cfr. the report cited by Sanfilippo (2011, p. 10) prepared in 1884 for the auxiliary bishop of New York Michael Corrigan.

numerous divisions within the Italian community living in their dioceses and could not understand why the Italians from northern Italy were hostile and diffident towards their fellow citizens from the south. Moreover, the Italians living in North America were against the Irish model where the parishioners were responsible for the financial needs of their parishes, and, at the same time the bishops prevented Italian parishes from being set up because they thought that they would not receive sufficient financial support from their parishioners through church offerings.

Leo XIII and his curia were well aware of all the problems because, "sin dalla metà dell'Ottocento, la Santa Sede fu informata con regolarità di quanto accadeva oltre Oceano a chi partiva dalla Penisola" (Sanfilippo, s.d., p. 5). To try and alleviate the main problems afflicting Italian emigrants, the Vatican continued to approve the establishment of new religious institutions like the one of San Carlo's missionaries, founded in 1887 by bishop Scalabrini of Piacenza, who, after two years, promoted the foundation of the Società San Raffaele to assist Italian emigrants at their ports of departure and arrival.

Propaganda Fide accused Scalabrini of not supporting the Vatican against the Italian government. Despite this, his project flourished and by the end of the nineteenth century and 1905, when the bishop died, there were over 40 homes in America. In those years, the Holy See also approved the work of Saint Francesca Saverio Cabrini who exhorted hundreds of nuns to help the Italian emigrants in the USA, without forgetting the European migratory phenomenon where the mission founded in 1900 by the bishop of Cremona Geremia Bonomelli was developing.

As in the case of Scalabrini, also Bonomelli's activity was weakened by the diffidence with which some Vatican congregations regarded some aspects of the political thinking of the bishop of Cremona. The Roman curia seemed unable to distinguish the problems of the Holy See in Italy from the need to stimulate an organized pastoral care of the migrants. Even the Pope was unable to solve the problem and, during his papacy, a specific document regarding an apostolate for emigrants during Leo XIII had still not been drawn up. The Pope, however, continued to make his thought regarding specific aspects of the issue known.

In the encyclic *Quam Aerumnosa* of 10 December 1888, sent to the episcopate in the United States, Leo XIII (1888, p. 73) [6] wrote about the Italian migrations to the American continent, using a pessimistic and critical tone due to "l'infelice e sventurata condizione di coloro che ogni anno emigrano in massa dall'Italia"; however, he was neither fatalist nor resigned. Indeed, the Pope solemnly condemned those who organized the departure of the emigrants from Italian ports to the American ones packing them "come mandrie nelle navi, e trattati in modo disumano [...] lentamente spinti alla degradazione della loro stessa natura". Pope Pecci also made another solemn criticism against the conditions which the emigrants were forced to endure once they had arrived provided by "chi non pensa ad altro che al bisogno e al vantaggio proprio" and that, according to Leo XIII (1888, p. 73-74), was breeding ground for the development of "sette [...] che di soppiatto assalgono la religiosità indifesa e trascinano molti sulla via che conduce alla perdizione". The Pope was convinced that the best way to defend the religiosity of the migrants from the attacks was to increase the number of priests who could speak the same language as the migrants, and in the case of the Italians, he invited the American bishops to help the missions of Scalabrini and to set up Italian national parishes which, up to that time, had been ostracised with the exception of the sole Italian parish in Philadelphia. In this document, the Pope introduced an element regarding human mobility which was to remain throughout the papacies up to modern times: the importance of promoting pastoral care through the native culture and language of the migrants. This intuition, on the part of Leo XIII, was not result of nationalistic tendency- on the contrary- his sole aim was to promote the evangelizing Activities[7].

The Pope often underlined the need to safeguard the cultural identity of the migrants, as in 1894, with the apostolic Constitution *Orientalium dignitatis*, where he established that the Latin missionaries who tried to alienate the Eastern Catholics from their rites would be punishable by excommunication. Leo XIII's papacy ended in 1903 and, according to

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[6] This quotation, as for all the following ones where indicated, has been taken from G.G. Tassello, 2001A.

[7] De Paolis (2003, p. 23) wrote that "la lingua e la cultura, pure essendo un motivo fondamentale che dà ragione alla pastorale specifica, non hanno valore in sé, ma rappresentano un veicolo della fede".

Sanfilippo (s.d., p. 13), represented, in this field, "un'epoca di cerniera nella quale la costruzione di una rete di assistenza per immigrati fu spesso messa in discussione da fattori interni alla comunità stessa osteggiata dalla società ospitante e non sempre efficacemente sostenuta da Roma". In 1903, The successor of Leo XIII, Giuseppe Sarto, became Pope in 1903 and took the name of Pius X. He is famous, above all, for having undertaken a strenuous battle against modernism and anything that could threaten Catholicism as described in the Council of Trent. As in the previous papacy, the Pope inherited the strong tensions between the Italian emigrants and the North American bishops, who increasingly criticized the bad behavior of the Italian missionaries in their dioceses[8].

Pius X returned to his predecessor's concerns, underlining the organizational aspects of the problem regarding the massive departure of emigrants, many of whom were Italian – according to Tassello (2001a, p. 23) 900,000 in 1914 alone - making Italy one of the first nations in terms of migrations. Pope Sarto decided to reorganize the structure of the curia, and with the *motu proprio De catholicorum in exteras regiones* of 1912, he created a department of emigration within the Sacred Consistorial Congregation, whose task was that of providing spiritual assistance to the Catholic emigrants and who had specific powers when granting licenses to the missionaries who accompanied the exiles. This *motu proprio*, together with the decrees *Etnographica studia* of 1914 e *Magni semper negotii* of Benedetto XV of 1918, are the first juridical documents drawn up by the Vatican on missionaries and are important because they remained in force until 1952 when they were reformed by the apostolic Constitution *Exsul familia*. Pius X also promoted the rationalization of the Catholic organizations responsible for the assistance of Italian emigrants in North and South America thanks to the approval of the statutes of *Italica gens* in 1909, which coordinated the activity of these organizations overseas.

Following the outbreak of the First World War and Pope Benedict's XV appointment, the Church was confronted with the new problem of refugees who were forced to abandon their homes because of the conflict;

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[8] The bad reputation of some Italian missionaries in North America went beyond the American episcopate. Tassello (2010, p. 236) cited a letter of 1909, in which the apostolic delegate in Washington, Domenico Falconio, wrote to the Prefect of the Congregation of the Council that many Italian missionaries in the United States were "i rifiuti delle diocesi italiane".

furthermore, Pope Pius X's reforms had not been able to solve the problems of the Italian communities in America. The Holy See, in fact, continued to receive news regarding the tensions between the North American bishops and the Italian Catholics who were, according to Sanfilippo (2011, p. 10), "percepiti come un corpo estraneo ed abbandonati a se stessi". The Vatican burocrats found it difficult to understand the importance of the migratory phenomenon and proof of this is the 1917 Code of the Canon Law which devoted very little attention to the problem, except for the norm whereby national parishes overseas could only be founded and closed after having received a special pardon from the Holy See (De Paolis, 2003, p. 19).To try and improve the Italian communities' conditions abroad, in 1920, Pope Benedict XV decided to appoint a Priest for Italian Emigration within the Pontifical college, whose role was to instruct and prepare the clergy that would be sent to those countries with the highest number of Italian emigrants. The rise to power of violent ultranationalist dictatorships, like fascism in Italy or Nazism in Germany, which promoted laws against emigration, as well as the introduction of laws in the United States aimed at contrasting immigration, significantly reduced the migratory flows. This is the reason why there are fewer references to this problem in the documents of Achille Ratti, also known as Pope Pius XI, Bishop of Rome from 1922 to 1939. Despite this, he continued to underline how the faith of the migrants was undergoing serious risks, describing how their circumstances had changed, compared to the past. In the encyclic *Firmissimam constantiam* of 28th March 1937, Pius XI (1937, p. 89) made specific reference to the Mexican immigrants in the United States, affirming that being "sradicati dalla loro terra e dalle loro tradizioni, divengono più facilmente preda dell'insidiosa propaganda degli emissari che cercando di indurli ad apostare dalla loro fede".

During this papacy, with the signing of a new treaty in 1929, the relationship between the Italian state and the Holy See marked a new era. Despite the apparently good relations between the Fascist regime and the Church, there was visible tension regarding the actions undertaken by the Vatican and Catholics in favor of the migrants. In 1928, Mussolini's regime closed the Opera Bonomelli and its work was taken over by an office purposely created within the Consistorial Congregation. In many countries where the Italian communities were larger, the divisions between Catholics who supported and promoted fascism and those wanted to remain neutral

became more pronounced. Competition as to who should lead and manage the Italian circles abroad led to clashes between the missionaries and the consuls, which in turn, caused some important Orders like the Salesians to diminish their presence on the American continent.

2. Pius XII and the Magna Charta of the migrant's apostolate

The Pope, who actually made a crucial and lasting contribution to the Catholic doctrine was Eugenio Pacelli who became Pope in 1939, taking the name of Pius XII. In the encyclic *Summi pontificatus* of 20th October 1939, the Pope dedicated some chapters to the topic of migration, underlining the unbreakable bond of all human beings united within the great family founded on the evangelical truth. When Europe was overtaken by the madness of the Nazi doctrines, also adopted by the Italian government with their 1938 racial laws and with the war about to break out, Pius XII (1939, p. 95) bravely wrote, "tutti coloro che entrano nella Chiesa, qualunque sia la loro origine o la lingua, devono sapere che hanno eguale diritto di figli nella casa del Signore".

In the same document, Pius XII tried to temper the innovative thrust of this thought[9], however, the subject of migrations was often cited by the Pope during the dramatic years of the Second World War, during which he tried to create new organizations to help millions of refugees that were moving across Europe. At the same time, he tried to formulate an organized and structured line of thought regarding this issue; as a consequence, Pius XII promoted dozens of Catholic associations founded with the purpose of helping refugees, the most significant of which was, undoubtedly, the Pontificia Opera Assistenza. He also held important speeches on the subject of migrations, as his speech on the radio during the Pentecost of 1941, during which he introduced the idea of migrants being a resource for the hosting country[10].

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[9] Pius XII (1939, p. 96) also affirmed: "E' naturale amare più intensamente e beneficare di preferenza coloro che sono a noi uniti con vincoli speciali. Anche il divino maestro diede esempio di questa preferenza verso la sua terra e la sua patria".

[10] The Pope (1941, p. 101) wrote that removing what could have impeded development, "di una verace fiducia tra il Paese di emigrazione e il paese di immigrazione" would have enabled the hosting countries to, "guadagnare cittadini operosi. Così le nazioni che danno e

Pius XII continued to speak and write about the theme of human mobility even when the war had ended and, hundreds of thousands of exiles had been repatriated during the second half of the nineteen forties. In 1947, the Vatican Secretary of State set up an office for migrants and refugees, and, in 1951, the Council for Emigration to coordinate assistance and pastoral care for Italian emigrants was born. During this papacy, also supranational organizations for human mobility, like International Catholic Migration Commission were founded in 1951. As Sanfilippo (s.d., p. 10) wrote, at that point the Italian migratory phenomenon was no longer "il più importante gruppo migrante per la Chiesa"; furthermore, the Vatican burocrats intended supporting the global commitment of Catholics to contrast the threat of communism which was becoming more widespread among the migrants.

As I have already underlined, the most significant document regarding Pacelli's papacy is the apostolic constitution *Exsul familia*, published on 1st August 1952, whose importance had already been emphasized in an article in the "L'Osservatore Romano" on 29th November, that same year, which defined it the magna charta of this kind of apostolate. After a long preamble on the history of the works ordered by the Vatican to assist emigrants and refugees, the Pope established some precise rules for the migratory apostolate, thus showing its support for the creation, in the hosting countries, of national parishes aimed at supporting and maintaining the original identity of the community of migrants. If this were not possible, Pius XII urged the bishops to preach the gospel in the native tongue of the immigrants and to entrust the religious assistance to priests who were of the same nationality, defined by Pius XII as missionaries of the emigrants, who had to act as a bridge between the Consistorial Congregation and the dioceses they worked in. Pius XII regarded the work of missionaries as a task which was both extraordinary and temporal and which could not go beyond the first generation, due to the changing and unstable number of migrants in certain countries. The core of this document, moreover, contained a detailed explanation of the competences of the Consistorial Congregation. The Vatican Congregation had a leading role and this was proof of the fact that the Pope did not want to give

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gli stati che ricevono, in pari gara, contribuiranno all'incremento del benessere umano e al progresso dell'umana cultura".

autonomy to the single diocese- but rather, wanted all the decisions to be made by the bodies of the Roman curia.

In the 1950s, the human mobility started changing due to the development of transport, of European integration, of a widening gap between the affluent classes and the working classes and by the outbreak of numerous wars around the planet, for example in Korea. Pius XII was aware of these changes and, in the final part of his papacy, he, once again, outlined his thought as he did in a speech pronounced on 23rd July 1957, when the Pope warned of the difficult situation of migrants who found themselves living in conditions which:

> tutto e tutti sembra che congiurino contro di lui, determinando intime crisi di nostalgia e abbattimento! Il clima gli appare avverso, la lingua sconosciuta sembra rinchiuderlo in una penosa prigione; lo sguardo indifferente, e talvolta forse sprezzante, dei nativi l'offende; la scarsa conoscenza delle leggi e dei costumi gl'impediscono di muoversi a suo agio; una specie di incubo lo rappresenta a se stesso quasi naufrago in un'isola deserta. Non di rado gran parte di queste pene non cessano neppure quando egli abbia trovato lavoro e stabilità in una colonia di connazionali (Pius XII, 1957, p. 223).

Pius XII, however, linked this observation to the conviction of the principle of equality where by all humans were united by the joint sense of belonging to the Church which, as the Pope wrote in 1957 (p. 229) "a nessun membro del corpo mistico chiede quale sia il suo passaporto, prima di risolversi a inserirlo nella vita della comunità e farlo partecipe dei propri beni spirituali e del proprio affetto". Finally, the Pope could see the design of God in the migratory flows because "il fenomeno della moderna emigrazione segue indubbiamente le leggi di Cristo […] in tal modo umili colonie di lavoratori cristiani possono trasformarsi in vivai di cristianesimo, là dove esso non è mai penetrato o dove forse se n'è smarrito il senso".

3. John XXIII and the Cooperation Between the Church and the State in dealing with the Migratory Flows

Pope Pius XII died at Castel Gandolfo on 9th October 1958 leaving an important legacy, because, as Cardinal De Paolis (2003, p. 6) observed, the *Exsul familia* was a watershed between two different attitudes of the Church towards the migrants. According to De Paolis, the apostolic Constitution

separated the period that went from the first half of the nineteenth century to 1952, during which the Church had a pragmatic, though not always consistent approach towards this problem, from the following period marked by *Exsul familia*, in which Catholicism adopted a comprehensive and codified strategy.

When Giuseppe Angelo Roncalli became Pope in 1958, he took the name of John XXIII. His papacy, while giving great importance to Pacelli's legacy, also tried to update its principles. In his first encyclic *Ad Petri Cathedram* of 29 June 1959, Roncalli (1959, p. 233) wrote that the harsh conditions immigrants were living in could lead to "smarrimento delle sane tradizioni religiose e morali della loro patria", and he expressed his fears that male migrants departing to find work abroad could compromise the unity of families. Despite the fact that these concerns were reiterated in other documents by John XXIII, soon after, Roncalli's magisterium introduced a new and important element to the thought of the Popes on the migratory phenomenon. In the documents analyzed previously, the main interest of the Popes was linked to the definition of the role of the Church in the management of the migratory flows. In the encyclic *Mater et magistra* of 15th May 1961, however, John XXIII devoted several chapters to the description of how state authorities regulated the migrations and to the removal of the causes that encouraged emigration - particularly those that the Pope described as being precarious social and economic conditions in rural areas.

With *Mater et magistra*, John XXIII added an important element to the Catholic concept of migration, thus helping the Church become aware of the fact that it was not self-sufficient and needed to work in synergy with public institutions. If the state authorities had to remove the obstacles preventing the integration the immigrants, this did not mean that the immigrants themselves did not have to make their contribution. In his speech on 20 November 1961, Pope John XXIII affirmed that

> il migrante – sia all'interno che all'estero – deve fare lo sforzo di superare la tentazione di isolamento che gli impedirebbe di riconoscere i valori esistenti nel luogo che lo accoglie. Deve accettare del nuovo Paese le sue caratteristiche particolari, impegnandosi inoltre a contribuire con le proprie convinzioni e con il proprio costume di vita allo sviluppo della vita di tutti (John XXIII, 1962)

In the following years, the Pope continued to introduce interesting innovations to the papal vision of human mobility, which also included a

view of the developing phenomenon of mass tourism. Roncalli spoke about this during the first International Convention on the Pastoral Care of Tourism organized by the Sacred Congregation of the Council in February 1963. The Lombardy Pope (1963, p. 247) wrote that every person had the right to move freely, both within his own national community, and when "i legittimi interessi lo consigliano ad immigrare in altre comunità politiche e stabilirsi in esse". After the dramatic events in Europe and the implementation of race doctrines, Roncalli (1963, p. 248) felt the need to urge the political communities to eliminate any trace of racism, and he stated that "un'azione volta a comprimere e a soffocare il flusso vitale delle minoranze è una grave violazione di giustizia". In *Pacem in terris*, the role of the State acquired an increasing number of competences which, previously, the Popes had attributed solely to the Church, because, according to John XXIII, the state authorities would become guardians of the linguistic and cultural characteristics of the minorities. He concluded with a call for international organizations to act as a balancing force in the distribution of capital, goods and of men.

4. *Human mobility in the documents of the Second Vatican Council*

The progress made by John XXIII as regards the Papal magisterium on Migrations was recognized and confirmed by his successor Giovanni Battista Montini, who took the name of Pope Paul VI in 1963, and by the Second Vatican Council which took place between 1962 and 1965. The Council Assembly did not produce a specific document on migrations but dealt with the topic in various decrees approved by the Council which officially declared how important this matter was in the daily life of the Church. The dogmatic Constitution *Lumen gentium*, once again addressed Pius XII's ideas on the universal unity of God's people and established the need for cooperation among different countries and national Churches stating that "i membri del popolo di Dio sono chiamati a condividere I loro beni" (*Lumen gentium*, p. 547). The Declaration *Nostra aetate* reaffirmed the condemnation of any racist or discriminatory doctrine, while the *Apostolicam actuositate* Decree (p. 557) reminded the single national churches that "il crescente spostamento di popolazioni, lo sviluppo di

mutue relazioni e la facilità delle comunicazioni non consentono più ad alcuna parte della società di rimanere chiusa in se stessa".

The Decree *Christus Dominus* made specific reference to the migrants, encouraging bishops to take particular care:

> per quei fedeli che a motivo della loro condizione di vita non possono avvantaggiarsi della cura ordinaria dei parroci o sono privi di qualsiasi assistenza: tali sono moltissimi emigrati, gli esuli, i profughi, i marittimi, gli addetti ai trasporti aerei, i nomadi e altri simili categorie di persone (*Christus Dominus*, p. 552).

This document made reference to the age-long interest of the Popes in linguistic minorities, asking the episcopates to provide the immigrant communities present in their countries with priests who could speak their language, or alternatively, to appoint an episcopal curate who understood and spoke the immigrant's native language. Moreover, the council's decree gave much importance to the action of the bishops and, according to De Paolis (2003, p. 6), "insinua già la possibilità che venga rivista la stessa *Exsul familia*" overcoming the power that Pius XII had given to the Bishop's Congregation.

The pastoral Constitution *Gaudium et spes* was the most influenced by the thought of John XXIII as well as Pius XII, when he clearly affirmed that the Church was the Mother of all people and "non si lega in modo esclusivo e indissolubile a nessuna stirpe e nazione, a nessun particolare modo di vivere, a nessuna consuetudine antica o recente" (*Gaudium et spes*, p. 573). The document of the Council condemned the inequality in the world distribution of wealth, claiming that, all too often, "il lusso si accompagna alla miseria", but, in this case, the imbalance already pointed out by Pope Roncalli was not only judged to be harmful for the Catholic religion and families, but also for peace itself. These disparities needed to be tackled by building an economy controlled by people for the common good. This would take time but it would be necessary in order to develop a harmonious economic system. The Constitution invited the public authorities:

> ad accoglierli [i lavoratori stranieri] come persone, e non semplicemente come puri strumenti di produzione, e devono aiutarli perché possano accogliere presso di sé le loro famiglie e procurarsi un alloggio decoroso nonché favorire la loro integrazione nella vita sociale del popolo o della regione che li accoglie (*Gaudium et spes*, p. 572).

5. From Past to Future. The changes made by Paul VI to the migratory pastoral

The Second Vatican Council focused on only some aspects of the Popes' thoughts on migration, for example the linguistic minorities and the role of the states when dealing with the phenomenon, while it did not deal with the potential risks of the emigrants losing their Catholic faith in Protestant or anticlerical societies. Paul VI's difficult papacy focused on developing the pontifical thought regarding the pastoral migrations, adding some new elements and making some corrections, using the preceding magisterium and the Council provisions as a starting point.

Pope Montini was sure that one of the benefits the Council had obtained in this field was also due to the change in perspective as regarded the Catholic's actions towards migrants. These could no longer depend on spontaneous charitable aid but should become a structured commitment on the part of the Church as a whole, based on the missionary vocation outlined by the second Vatican Council[11]. In his important speech at the UNO of 4 October 1965, Paul VI (1965, p. 256) affirmed that "non si tratta soltanto di nutrire gli affamati: bisogna inoltre assicurare a ciascun uomo una vita conforme alla sua dignità". Starting from this concept, the Migratory Pastoral became of crucial importance in the social action promoted by Catholics, and, in general, by all men of goodwill, who, as laid down in the encyclic *Populorum progressio* of 26 March 1967, had "il dovere dell'accoglienza […] che incombe sia alle famiglie, sia alle organizzazioni culturali dei paesi ospitanti" (Paul VI, 1967, p. 261).

Actions in favor of migrants, therefore, would involve all the Western societies which, according to the Pope, needed a clear definition the Church's thought on this topic. Montini undertook this task in *motu proprio Pastoralis migratorum cura* of 15th August 1969. This was followed by the equally significant instruction of the Congregation for Bishops *De Pastoralis migratorum cura* of 22nd August, both published after the apostolic Constitution *Regimini Ecclesiae universae* of 15th August 1967, which, among other things replaced the Consistorial Congregation with the Congregation for Bishops[12]. In *motu proprio*, Paul VI, with reference to the thoughts of his

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[11] This conviction was summarized in the sentence he pronounced in his speech in 1973, when Paul VI (1973, p. 591) affirmed that he was sure that "alla mobilità del mondo contemporaneo deve corrispondere la mobilità pastorale della Chiesa.

predecessors, underlined the importance of safeguarding the spiritual and cultural heritage of migrants, particularly their native language "con la quale essi esprimono i loro pensieri, la loro mentalità, la loro stessa vita religiosa" (Paul VI, 1969, p. 271). Compared to Leo XIII's papacy, the Church had radically changed and the Pope had to face the numerous controversies and divisions that followed the Council. On 29th June 1972, he was forced to admit that:

Da qualche fessura è entrato il fumo di Satana nel tempio di Dio […] Credevamo che dopo il Concilio sarebbe venuta una giornata di sole per la storia della Chiesa. È venuta invece una giornata di nuvole, e di tempeste, e di buio, e di ricerca, e di incertezze (Paul VI, 1972).

Montini, therefore, felt the need to reaffirm that the protection of the specific characteristics of single communities of migrants would not threaten the unity of the Church and he explicitly asked the lay community to contribute to the pastoral of the migrants. The *motu proprio* reiterated that the role of the Church was to promote and safeguard human rights. Specifically, the Church had not only undertaken to safeguard the cultural heritage of the migrants, but also their right to emigrate, to settle down with their family overseas and profess their faith publicly. The *motu proprio* inspired the following instructions laid down by the Congregation for Bishops, *De pastoralis migratorum cura*, which was meant to reform the *Exsul Familia* of 1952. The instruction of the Vatican Congregation underlined that migrants had the right to emigrate and to preserve their culture and repeated that, with precise reference to *Mater et magistra* and *Pacem in terris*, the role of the Nations that,"negherebbero ingiustamente un diritto della persona umana, qualora siopponessero all'emigrazione o all'immigrazione o le creassero ostacoli, salvo che ciò sia richiesto da gravi e obiettivamente fondate ragioni di bene comune" (Istruzione della Congregazione per i Vescovi, p. 277). The instruction eliminated the concept of the insecurity of pastoral migration outlined in *Exsul familia*, because it was clearly written that assistance to migrants should not cease with the second generation but should continue until there was a need for it. Nonetheless, it maintained the importance of including immigrants in mixed parishes to avoid creating ghettos and it recommended some structural reforms, like that of the creation, within the Congregation for Bishops, of the Pontifical Council for the Pastoral Care of Migrants.

As well as defending the identity of the migrants, the Church had the duty to act as a bridge between the native communities and the immigrants and the document introduced a new, very important concept closely connected to the decree *Christus Dominus* of the Second Vatican Council and to its determination to give greater power to local authorities. It has been observed how, previously, the Popes and Pius XII in particular, promoted a model based on the Roman Curia, while the Instruction, now, reminded everybody that religious assistance to migrants should be adapted to the single dioceses which were directly familiar with: "la durata della migrazione, il processo di integrazione (della prima o delle successive generazioni), le differenze culturali (di linguaggio e di rito), la forma del movimento migratorio" (Istruzione della Congregazione per i Vescovi, p. 279).

The *motu proprio* of Pope Paul VI and the Instruction of the Congregation for Bishops deeply affected the development of the pastoral strategies in local areas. In Italy, for example, the local episcopal Conference created the National Commission for Migrations and the Migrantes Foundation to help the bishops further study mobility in depth and adopt effective operative solutions. The Archdiocese of Milan also set up a pastoral office for migrants and approved the establishment of ethnic chaplaincies based on the model of national parishes. These two documents, however, had some flaws as, for example, the fact that they did not take into consideration migrants who were not Christian, or the excessive organization and bureaucracy of the migratory phenomenon which were covered by six out of the seven chapters of the Instruction. The tasks of each Bishop were not always clear, nor was there a clear description of how the Churches of the countries of departure and the Churches of the hosting countries would work together.

During the following years, Paul VI continued to deal with the issue in some chapters of his apostolic letter *Octogesima adveniens* of 14th May 1971 in which he condemned the injustices caused by an incorrect industrial development which risked "nonostante tutte le sue conquiste, di rivolgere contro l'uomo irisultati della sua attività" (Paul VI, 1971, p. 323). He underlined that people had a right to emigrate, writing that: "dovere di tutti, e specialmente dei cristiani, di lavorare con energia per instaurare la fraternità universale, base indispensabile di una giustizia autentica e condizione di una pace duratura".

On the 6th August 1978, Giovanni Battista Montini died in Castel Gandolfo and on 16th October the history of the Catholic Church underwent another important change, with the election of Karol Wojtyla - Pope John Paul II. Wojtyla came from the other side of the 'iron curtain' and his approach was very different from Montini's, to the extent that his energy, popularity and dynamism perhaps, in the eyes of the public opinion, obscured the precious work carried out by Paul VI during the turbulent decade that started in 1968. However, John Paul II did not underestimate the work done by Paul VI for the pastoral migration and for the proposal of an ecclesiastic model which combined the independence of the dioceses with the unity and indivisibility of the universal Church; in fact, he continued to develop some of Montini's intuitions and ideas which are also relevant today.

Conclusions

After this brief reconstruction of the thoughts of the Popes on migration, I will try to provide some useful elements to answer the question posed in the introduction: are Pope Francis' views on migratory flows towards Western Europe and the United States and on refugees fleeing from wars and persecutions and natural disasters different from the previous magisterium or are they a natural development of the social Catholic thought developed by the Popes starting from the middle of the XIX century?

As a preliminary note, it cannot be denied that it is difficult to fully satisfy every expectation, when comparing two historical periods which are so different and distant from each other. The last document analyzed, the apostolic letter *Octogesima adveniens* was printed forty years before the election of Francis, while the first, the encyclic *Quam Aerumnosa* as many as 125 years before the election of Pope Jorge Mario Bergoglio. As well as the temporal distance, there are other significant changes like those of the migratory flows. At the beginning of the nineteenth century and for most of the twentieth, the migrations were above all within Catholic communities, as was the Italian migration to Latin America or within Christian communities like the movements from southern to northern Europe; however, today, there is a significant flow of Muslim believers towards countries where Catholicism no longer influences the political decisions

made by the nations. Francis' Church is following these changes very closely and it can be observed that, while the documents analyzed up to this point, focused on the conditions of the Christian migrants, today, Pope Francis' papacy, as testified by the Pope's heartfelt appeals in favour of the Muslim minority of Rohingya persecuted in Myanmar, wants to safeguard the human rights of all those forced to abandon their homes.

Even the Catholic Church in the twentieth century underwent remarkable changes, whose effects are still visible. As regards human mobility, the papal magisterium is no longer conditioned by the Roman Question or fascism. Nor is it influenced by the struggle against communism, or the Italian migration, which, as mentioned above, were important themes in the development of the Popes' views- from Leo XIII to Paul VI - regarding migratory flows. The Church of Pope Francis, when considering the assistance to migrants, disposes of planned strategies that have modernized and reviewed the 1952 apostolic Constitution *Exsul familia*. The Papacies of Pius XII and Paul VI had planned strategies for the pastoral assistance of migrants but Pope Bergoglio, who interprets the vision of the Second Vatican Council, has tried to diminish the centralization of the Papacy as in *Exsul familia*, in favour of a decentralization, letting local dioceses take on many of the tasks.

Despite these marked differences, in my opinion, it would be wrong to ignore some similarities which distinguish all the ministerial thoughts on migration. As Rosoli observed, in spite of all the differing circumstances, there are some themes characterizing the Church's pastoral care that have remained throughout the ages. Rosoli (1985, p. XX) identified a consistent behavior in its ecclesiastic and migratory mission, because "i fedeli cattolici migrant sono stati visti come dei propagatori della fede" as well as in its effort to preserve the cultures while evangelizing. In fact, the Popes have always been ready to protect the minorities within the single dioceses, supporting the creation of specific facilities for emigrants. There are many points of contact among the Popes on human mobility, to the extent, that some symbolic images, like the New Testament episode of the flight to Egypt, were used by *Exsul familia* and also by Benedict XVI during the World Day of Migrants and Refugees in 2016, to describe the difficult conditions of the emigrants.

In conclusion, answering the initial question is not an easy task, however, I agree with De Paolis (2003, p. 28) who wrote "le origini devono

aiutarci a interpretare il presente e a proiettarci nel futuro". It is undeniable that the main differences between the papacies examined and the one implemented and developed by Francis are quite considerable. In these past decades, new problems regarding the Church's position as regards migrants have become more acute. One example is that the approach of local solutions seems to be too fragmentary, as are the divisions among most of the parishes: some would privilege a more missionary and pastoral approach as opposed to others which would be in favour of regulating and reducing the flows. Nonetheless, when facing the problem of human mobility, Pope Francis is the heir of a long-standing ministerial tradition that is laboriously trying to keep up with the times, in order to face the challenges posed by modern times.

References

Aguilar Verdugo, A.J. (2009). Las migraciones en elcontexto de la doctrina social de la Iglesia. *Isidorianum, 36*, 143-186.

Albònico, A., & Rosoli G. (1994). *Italia y América*. Madrid: Mapfre.

Cannistraro, P.V., & Rosoli G. (1979). *Emigrazione, Chiesa e fascismo. Lo scioglimento dell'Opera Bonomelli (1922-1928)*. Roma: Studium.

Corti, P., & Sanfilippo, M. (2009). Introduzione. In Id. (Ed.), *Storia d'Italia. Annali XXIV. Migrazioni*. (pp. XVII-XXIII). Torino: Einaudi.

De Paolis, V. (2003). La Chiesa e le migrazioni nei secoli XIX e XX. *Ius Canonicum*, *43*, 13-49.

De Paolis, V. (2005). *Chiesa e migrazioni*. Città del Vaticano: Urbaniana University Press.

Giovagnoli, A. (1986). La Chiesa e il problema dell'emigrazione. *Studium*, *5*, 679-687.

Kerwin, D. (2004). Catholic social teaching on migration on the 40th anniversary of Pacem in Terris. *Journal of Catholic Social Thought, 1*, 129-136.

Manzone, G. (2006). Le migrazioni umane nella dottrina sociale della Chiesa. *Nuntium, 3*, 257-264.

Prencipe, L. (2010). I papi e le migrazioni. In G. Battistella (Ed.), *Migrazioni. Dizionario socio-pastorale* (pp. 746-783). Cinisello Balsamo (Mi): San Paolo.

Rajendra, T.M. (2011). Migration in Catholic Social Thought. *Concilium, 3*, 45-54.

Rosoli, G. (1985). Alcune considerazioni storiche su S. Sede e fenomeno della mobilità umana. In L. Favero & G.G. Tassello (Ed.), *Chiesa e mobilità umana. Documenti della Santa Sede dal 1883 al 1993* (pp. XIII-XXX). Roma: CSER.

S. Congregazione Concistoriale (Ed.). (1958). *Atti del primo Convegno nazionale dei delegati diocesani per l'emigrazione (Roma, 22-25 luglio 1957)*. Roma.

Sanfilippo, M. (n.d.). *Un approccio storico alla pastorale migratoria: Chiesa, ordini religiosi ed emigrazione*, http://dspace.unitus.it/handle/2067/813, retrieved 10 September 2018.

Sanfilippo, M. (2001). Chiesa, ordini religiosi ed emigrazione. In P. Bevilacqua, A. De Clementi & E. Franzina (Ed.), *Storia dell'emigrazione italiana. Vol. 1 Partenze*. Roma: Donzelli.

Sanfilippo, M. (2007). Il Vaticano e l'emigrazione nelle Americhe. In S. Bartoloni (Ed.), *Per le strade del mondo: laiche e religiose tra Otto e Novecento* (pp. 339-363). Bologna: Il Mulino.

Sanfilippo, M. (2008). L'emigrazione italiana verso gli Stati Uniti negli anni 1880-1900: una prospettiva vaticana. *Rivista di storia Contemporanea, 2*, 54-68.

Sanfilippo, M. (2011), Chiesa e immigrati italiani nel Nord America: il caso dell'Ontario, *Studi emigrazione, 184*, 564-588.

Scienze teologiche e mobilità umana: Excursus bibliografico (1980-1997). (1997). *Studi emigrazione*, 128, 578-736.

Tassello, G.G. (2001b). I documenti del magistero ecclesiale e le migrazioni. In Studi Emigrazione, 138, 629-654.

Tassello, G.G. (2010). Il pensiero sociale della Chiesa sulle migrazioni. Problemi e sfide. *Rehmu. Revista Interdisciplinar da Mobilidade Humana, 18/35*, 231-246.

Terragni, G. (1979). Magistero pontificio da Leone XIII a Paolo VI. *Studi Emigrazione, 55*, 413-444.

Viana, A. (2003). La sede apostólica y la organización de la asistencia pastoral a los emigrantes. *Ius Canonicum, 85*, 87-121.

Vatican sources

Tassello G.G. (ed.). (2001a). *Enchiridion della Chiesa per le migrazioni. Documenti magisteriali ed ecumenici sulla pastorale della mobilità umana (1887-2000)*. Bologna: EDB.

Leo XIII. *Paterna caritas*, 25.07.1886, pp. 66-72.

Leo XIII. *Quam aerumnosa*, 10.12.1888, pp. 73-76.

Pius XI. *Firmissimam constantiam*, 28.03.1937, pp. 89-90.

Pio XII, *Summi pontificatus*, 20.10.1939, pp. 93-97.

Pio XII, *La solennità della Pentecoste*, 1.06.1941, pp. 101.

Pio XII, *Exsul familia*, 1.08.1952, pp. 151-213.

Pio XII, *Accogliendovi con paterna effusione*, 23.07.1957, p. 221-229.

John XXIII, *Ad Petri cathedram*, 29.06.1959, pp. 233-234.

John XXIII, *Mater et magistra*, 15.05.1961, pp. 235-237.

John XXIII, *Pacem in terris*, 11.04.1963, pp. 246-250.

Paul VI, *Lumen Gentium*, 21.11.1964, pp. 547-549.

Paul VI, *Christus dominus*, 28.10.1965, pp. 551-553.

Paul VI , *Nostra Aetate*, 28.10.1965, pp. 555.

Paul VI, *Apostolicam actuositatem*, 18.11.1965, pp. 556-559.

Paul VI, *Gaudium et spes*, 7.12.1965, pp. 569-585.

Paul VI, *Au moment de prendre la parole*, 4.10.1965, pp. 255-256.

Paul VI, *Populorum progressio*, 26.03.1967, pp. 258-267.

Paul VI, *Pastoralis migratorum cura*, 15.08.1969, pp. 270-272.

Istruzione della Sacra Congregazione per i Vescovi, 22.08.1969, pp. 272-305.

Paul VI, *Octogesima adveniens*, 14.05.1971, pp. 321-325.

John XXIII. (1962). Discorso del 20 ottobre 1961, 20.10.1961. In *Acta Apostolicae Sedis, 53*, Città del Vaticano: Tipografia Poliglotta Vaticana, 710.

Paul VI. (1972). Omelia in occasione della festa dei Santi Pietro e Paolo, 29.06.1972. In *Insegnamenti di Paolo VI, X*, Città del Vaticano: Tipografia Poliglotta Vaticana, 346.

Paul VI (1973). Discorso del 18 ottobre 1973, 18.10.1973. In *Acta Apostolicae Sedis* 65, Città del Vaticano: Tipografia Poliglotta Vaticana, 591.

Human Rights, Right of asylum, Refugees.
Migrant's Dignity as a Common good

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Abstract

The road toward the foundation of a necessary inter-ethnic civilization imposes us to build the meeting among each men's experiences. In this regard it is important, in our opinion, to refer to the concept of "migrant", particularly as "reserve of sense." The idea of "migrant" really can open, in terms of meta-cultural, new change of sense. Through the philosophy of Waldenfels we can imagine the migrant as being of border in the proposition of a pathos looking for answer, that is lent again to the dimension of the threshold of attention in a redefinition of a new type of intra-culturalism from the distinction between the "need" and "demand". The need of the different experiences of the migrant hides unexpressed question on our existential condition. As Dal Lago wrote, "the immigration more than every other phenomenon, is able of to reveal the nature of the society so-called of reception. When we speak about immigrants, we talk about ourselves in relationship to the immigrants". Now is the time of passage from inter-culture to "intra-culture" as dialogue between cultures in the space of the meeting.

Keywords: Migrants, Common good, Dignity, Inter-culturalism, Intra-culturalism, Peace.

1. In the beginning

The human being is linked to the physicality of the space and in it is constituted as an individual and as a community. In space he 'lives' his time, seeks his own life spheres in comparison with others, modifies his habits, 'tests' his vitality in doing, triggers his imagination in thinking of a world that before to be external, resides and thrives in himself consciousness. The spatial dimension is constituted of the human being. The migrant, to use a metaphor, very current of the man in movement, at a certain point of his 'journey' stops himself. The human being in a certain space, inevitably produces the identifying characteristics of a social and political nature that give meaning both to the lived space and to the same condition of 'existing'. In the years of globalization, an incontestable

modality of the 'transformation of space' has emerged, understood in particular as a space for coexistence and relating. The space, therefore, as a constitutive dimension of the individual in its specifications, through the explication of human vitality that translates into facts, with the consecration of the effective presence in the physical's space of social bodies, which 'humanize' spaces of simple nature with the complexity of conscious individuation. Being in such a perspective is not immobility. There is no doubt that the individual in his finiteness cannot 'fill' the merely physical space, but in the search for the other, 'spatializes' the intrinsic human condition that connotes it primarily. Man fills space, space fills with man. The 'signs' and the 'signals' of this intense and mysterious relationship are evident. Physical space and human space become a single one through the 'projects' and the 'products' of knowledge (Kern, 2003). The *jus migrandi* recognized by the Universal Declaration of '48 (Art. XIII e XIV), can be considered as the landing of a story that has marked, between triumphs and trajectories, the whole history of humanity. "Migrations are one of the most important factors in the evolution of civilization: they have contributed to the wealth and even the formation of many modern nations, have allowed the population or the repopulation of entire continents, have been decisive for the construction of cities and metropolis and for the same phenomenon of urbanism on which industrial civilization rests" (Onorato, 1989, p. 303). We know that there are various causes that animate the phenomenon, of an economic and political nature, anyway definable in the substantial's sphere of the humanitarian emergency. We also know which questions are raised, above all in relation to internal and international security, with the relative crisis of 'sovereign spaces'. On the one hand, immigration, on the other, the right to asylum, naturally 'sides' of the same coin, which impose a reflection on the right of the other "as a need to be" (Rizzi, 1995, p. 111) in the search for the fullness of his rights. This is plausible if we first understand that administrative barriers to prevent those seeking shelter and work or cross the border of another country, cannot be considered a satisfactory answer to the problems of security provoked by international migrations (Lohrmann, 2000, p. 103), so it becomes necessary to look for other options that at the same time feed on the irreparable ethical dimension in a condition of reciprocity with the normative action (Maffettone, 1992; 2016). It is therefore unthinkable that

the idea of a state-border can be revised on the basis of an erosion of the 'barrier' from the outside, in the sense of pressure exerted by migrants, but paradoxically it can happen from within, in the sense of awareness of values of the solidarity's subject who recognizes in the other his own human affair, then subject of rights in a global context that aspires to the overcoming of every "statecentric" type closure. If the horizon is human-centric,

everything suggests that a consequent development of human rights in planetary civilization [...] should lead to a restructuring of the national state and a relativization of sovereignty. A theory of politics born of European culture -the theory of the national state- should be rewritten under the pressure of an "extra theory born of the same culture - the theory of human rights" (Onorato, 1989, p. 328).

The phenomenon of international migration, in the last decades, has taken on aspects so revealing for its intensity, to such an extent that it is characterized as epochal. The so-called migratory flows, produced for the most part by the disparity of wealth among the 'worlds', forcefully 'rise up' in the limelight as a new frontier for the recognition of human rights. It is unthinkable to consider that it is possible to contain the phenomenon through control measures that find their consistency on the precariousness of the legal *status* of immigrants. The closure of national borders not only affects by the use of fundamental rights but also touches nodal points that bring into play 'the inviolable rights of the person'. Suffice it to think that the discipline of expulsions, the ambiguous legal qualification of the centres in which foreigners and asylum seekers were based, to the dubious constitutional interpretations of the rights. C. Hein writes that

the fact that there is no real path towards the integration of refugees, a path planned and financed by the State but then managed at regional and local level, with the participation of qualified associations, is today the most serious problem. Thousands of refugees recognized with a regular residence permit live in extreme precariousness, in metropolitan areas as in the countryside, forced to endure exploitation in work without a contract and without union rights (Hein, 2010, p. 84).

The fundamental Charts have given great space to the explication and protection, by the way of the fundamental rights of migrants, both from a more general point of view of the Principle of equality, and also from this

particular point of view. The leading principles enshrined in the *Universal Declaration* have been repeatedly reaffirmed by successive Charters, on race and racial prejudice. But beyond the 'on papers' statements, there are questions that are widely discussed both from a normative point of view, in terms of evaluation and juridical consequence, both socially and culturally in terms of the debate on the characteristics of the relationship between migratory phenomenon and criminality, on the realities of racism in relation to prejudice, on the rights of national and cultural minorities, with the consequent questioning of the very idea of border-nation.

2. The migratory phenomenon

The *jus migrandi* recognized by the Universal Declaration of '48 (*art. XIII and IV*), can be considered as the 'heart of meaning' of the whole human story. The underlying causes of the phenomenon are defined in the substantial area of the humanitarian emergency, involving the classic 'spatial' category of the politician, in particular way on the side of the internal security of the states. As Dal Lago wrote, "the immigration more than any other phenomenon, is capable of revealing the nature of the society called welcoming. When we talk about immigrants, we talk about ourselves in relation to immigrants" (Dal Lago, 1999, p. 13). On this level, the migratory phenomenon appears above all in terms of analysis of the social fabric, not only Italian, beyond the distinction between the figures involved, such as the immigrant, the refugee or even, displaced person who invest in particular the legislative's side. For this reason, "integration among men can certainly take place through pragmatic techniques that use meeting opportunities; but the 'techniques', if they do not want to be provisional experiences, must sink their roots into a thought that has at its centre an anthropology that grasps the universal structure of the human being" (Montanari, 1989, p. 430). There is no doubt that migrations are perceived by the target companies as a danger to their own internal stability, to such an extent that they become the primary objects of debate and of a centre of normative interest in matters of public order. In reality the overall impact of immigration on crime and security of the host countries, is often incorrectly viewed and overvalued (Lohrmann, 2000, p.

88). As far as the Italian's case is concerned, according to some analyses carried out by specialized study centres, no particular increase in the phenomenon in question is observed. On the contrary, while recording that in a situation that is not favourable to immigration, it is not surprising to substitute the autochthonous with the immigrant in the ranks of marginality and deviance, the only way to effectively fight the criminal phenomenon is contained in the social and inclusive recovery of young immigrants. Today such a prospective is very unpopular, but it would be the most economical and 'would lead' to results more satisfactory than those achievable through simple repressive action (Lohrmann, 2000, p.179). In reality, we know that protectionist measures can only express a fallacious "sense of security" or at least produce elements of "social stasis" that prevent the free and vital democratic space of discussion. "The danger is that the collective fears for the increase of immigrants and the entry of the new refugees are suffocating a healthy debate aimed at the development of long-term political policies, on the phenomenon of immigration and integration" (Abella, 2001, p. 81). Psychological mechanisms come into play that are based on what Dal Lago has defined as 'strategic hostility'(Dal Lago, 1999), that is, the sense of the 'objective threat' that arises due to the migrants' presence only in a framework of pseudo-tolerance and in respect for "other cultures". The category of "endurance" keeps alive the thin line of distinction between immigration and deviance, in a sort of inevitable interweaving where the 'spectrum of difference' feeds on widespread feelings of fears that reflect the neuroses and insecurities of developed society. The dyad security-insecurity captures in the completeness of its being the typicality of our psycho-social condition. The social marginality of the migrant becomes a metaphor of the global marginality of the subjects of post-industrial civilization. Both the migrant and the subject of post-industrial civilization share the dimension of 'spatiality' as a distinctive feature of the global era. But if in the first case we are faced with the 'conquest of space' as a historical-formative phenomenon of the world order so far known, other considerations are due to the reflection on the condition of those who live and work in the reality of 'shared space', in the constitution of one's own individual identity on the basis of a social and value bond.

In fact, the process of globalization generates the crisis on the one hand, and on the other the reconstitution of the social bond in regressive and destructive forms. We are witnessing a sort of new polarization that sees on the one hand the emergence of a narcissistic individualism, on the other the configuration of a tribal communitarianism (Pulcini, 2001, p. 57).

The restoration of the communitarian sense in its perverse forms for the affirmation of the individual and social identity in crisis, can find again among the functional effects inherent in the security-insecurity dyad related to the criminal emergence, as a natural product of immigration, the symbolic elements for the re-composition of the global 'collective feeling'.

3. Multiculturalism, multi-ethnicity and immigration

In the Europe of our time, it is becoming increasingly clear, a framework of reference, in which there are strong minorities who claim the right to 'practice' systems of life and expressions that can be presented in very different ways. In particular, if we look in front of the traditions and the costumes of the welcoming countries. The migratory flows that are in Europe, as we have seen, put in discussion rights now codified and 'lived', seemingly almost 'not debatable', but at the same time reinterpreted in the light of the needs of new subjects who tend to be placed in a new socio-political structure. The new subjects are identified as 'national minorities', as part of part, in the game of claims suitable for the protection of the traditions and their values. On the one hand, therefore, the guarantee of the 'legal' which finds in the system of the powers of the political organisms its implementation; on the other the question about of the 'difference' to be protected through solutions able to build new platforms to 'tolerate' a coexistence of identities (this is a strong legal exigence of modern era). In the Europe of the rights, profoundly changed since the falling down of the Berlin Wall, in 1989, groups of different nationalities ask to participate in philosophical western 'dignity'. That senses have historically marked the new way of Man. The national minorities are a part (relative to identity) of an ethical, ethnic, cultural and religious heterogeneity. For this reason, if one wants to grasp the sense and the scope of the challenge that today is present in the world's global, in the name of a dialogic and inclusive pluralism, new parameters of comparison are needed. The debate on the

protection of the minorities' rights, in the sense of the coexistence and interaction of identities, calls into question the classic category of 'tolerance' and in particular the multi-cultural thesis as a 'test bench' of the democratic state of a socio-political aggregation, in all its interpretations. There are many open questions and all are played on the level of equal 'dignity'.

Human dignity and theories of multiculturalism

The presence of migrants in the societies of destination/asylum reopens, in the post-industrial west, on the slopes of novelty, starts the new debate on the defence of human dignity. It becomes, in particular contexts, a kind of 'thermometer' to measure the level of attention to respect for the rights of the person, both in its individuality and in its collective and formative experience. The new reality entails a few answers on the level of socio-political reflection and due to regulatory interventions. In the last decades, classic issues of the theoretical liberal and democratic, from the guarantee of the fundamental possibility to the participation's right, in the name of social pluralism, were resumed and critically actuated, in the light of the many reflections on the 'multiculturalism'. First of all, it is necessary to differentiate between multi-ethnic and multiculturalism. The multi-ethnic society is imaginable as "a social aggregate consisting of ethnic components interacting with each other and organizing their behaviour on the basis of a supposed ethnic and cultural diversity, claimed within the group or sets 'Outside'" (Schellenbaum, 1998, p. 187). Multiculturalism, in turn,

is based on the claim and the request for recognition of cultural differences: it therefore refers to the affirmation of the equal dignity of individual cultural identities, that is, the same goes for the same lore of different cultures". The same author describes two versions of multiculturalism: the first "temperate" which is based on the equal dignity of all cultures on the basis of respect for human rights; the second "radical" which refers more profoundly to ethnic difference and to the recognition of every culture beyond any 'universalist' aspect. (Cesareo, 2002, p. 36).

In the age of globalization, the claim of 'difference' takes even more deepest meanings. The migratory phenomenon, which affects the developed countries, has within itself both conditions, as it expresses a growing ethnic presence from which it descends any claim of cultural heterogeneity which translates into the introduction on the ground of social

practice of so-called 'collective rights', a crucial issue as it constitutes the core of a sense of the struggle for 'recognition'. On this side, starting from classic debate between liberals and communitarianists, are concentrated the reflections and contributions of theorists of multiculturalism, who see in the process of globalization and the relationship between 'integration particular' and fundamental rights, in the terms for a preliminary ruling, if not resolutive of the increasingly latent conflict of the multi-ethnic society, with diction no longer postponed for the Government of liberal democracies. In this sense, the clear distinction between liberals and communitarianism assumes less important meanings, despite the undoubted theoretical and methodological assumptions different, starting from the theses of Kymlicka that see in the relationship between the choice of the individual and Membership of the community, the ways to safeguard fundamental rights and cultural rights. Kymlicka introduces three versions of Cultural rights, that include rights of self-government, poli-ethnic rights and special representation (Kymlicka, 1996). Poli-ethnic rights are the expression of the claim by the ethnical groups of their cultural prerogatives. And there are still distinct cultural rights that express themselves as "internal limitations" and others become the form of "external protections". These sub-values which are both ethnic and national groups make it possible to identify the dangers of incompatibility, between fundamental rights and rights of minorities. In fact, in the first case the possibility of limiting the freedoms of the individual 'in the name' of the group are obvious, as in the second case is required external protection in relations with other groups or institutions that are able to carry out a domain action to the point of striking or threatening the same security as the new asking group. What the philosopher explicated, through the reflections exhibited, is the serious problem of the condition of limitation of individual rights in the case of "internal restrictions", especially as he argues that the external safeguards are entitled only to the extent that promote equality between groups, by correcting the conditions of prejudice or the elimination of risks to which the members of a given group are exposed (Kymlicka, 1996, p. 266). The rights of the individual are therefore worth on the poli-ethnic ones. The community in a general sense must be understood as a space for quantitative and qualitative training of the individual. In this sense it seems difficult to think that "in times of

globalization, assuming that cultures are all-encompassing ways of life, circumscribe able and untouchables, without continuous borrowing from the outside and without any continuous modifications" (Galeotti, 2000, p. 38), may have openings of sense compatible with the real social conditions of the migrants and the groups of belonging. Even more than Kymlicka, Jürgen Habermas argues that an elaboration of liberalism in a community sense is not desirable, indeed superfluous, since in order to safeguard the 'right to culture' of minorities there is nothing more than to call upon the system of individualistic rights. In fact, the German philosopher re-holds that the protection of traditions and forms of life constitutive of identity must only serve to recognize their members as individuals. It does not constitute a biological protection of the species, accomplished by administrative way (Habermas, 1994, p.89). The level of integration is outlined in the form of participation rights and political representation in the relationship between political sphere and legal, in the typical conception of Habermas' communication democracy. To a first level of integration, in the street of political-constitutional type where the universalism of the juridical principles is reflected thus in a consensus procedural (Habermas, 1994, p.95), it follows a second sub-political level on the plan of which the ethical integration of the groups with the themselves identity, which must detach itself from the level of the political integration, that includes, in equal measure, all the people (Habermas, 1994, p.93). One understands therefore the attention for the protection of the social balancing in a multi-ethnic reality where the coexistence legally equated of ethnic country, linguistic groups confessions and different forms of life must not provoke the fragmentation of society (Habermas, 1999, p. 158). In fact, Habermas still believes that if these societies are structured as democratic states of law, there are many ways to achieve the difficult goal of a 'sensitive to differences' inclusion (Habermas, 1999, p. 157). There is no doubt that the democratic platform is the most 'sensitive' to differences. But on the level of "reacquaintance", the category of the 'difference', for some tendencies, should be linked with the principle of equality, in the sense of the search for a line of compatibility. The 'difference' establishes a new interpretative code of the principle of equality by promoting a decisive critical revision, since "from the theories of difference has been seen that equality as a treatment identity can take a scope assimilationist: it treats in

an equal way only those who become equal and constitutes the presupposed of policies that allow to reach goals and lifestyles of the dominant group only to those peoples willing and able to give up, at least to their own cultural identity" (Facchi, 2001, p. 54). Comanducci, in this sense, speaks of 'negative equality'. "For the principle of equality, it is unlawful any discrimination based on an essence (sex, race) or on a belonging (language, religion, status) of men. This equality is justified, at through the procedure of universalization, because it is subsumed under the ultimate value of individual autonomy. [...] The principle of negative equality [...] represents an ideal-limit of liberalism, especially if its formulation is correctly understood as historically situation: the most universal goal is the irrelevance of any being and of whatever belonging for the purposes of unequal treatment, both unfavourable and favourable. It is clearly a completely antagonistic goal compared to that constellation of approaches that make the difference (to be or to belong) an element that is relevant and not contingent that justifies treatments of not favour or favour" (Comanducci, 2000, pp. 48-49). Once again, we can only understand the complexity of finding ways out of the difficult interpretation of the relationship between the protection of the individual and collective rights. On the other hand, at the same time, from the normative point of view, the public/state power of the societies of asylum/destination cannot renounce its role as a *medium* in the perspective of the social balances to be reined. In particular on the plan of the integrative function, in the sense of taking into account the conditions of life, on the side of concreteness, producing legislative interventions to ensure some form of "equality" in order to eliminate or at least reduce the level of discriminating against groups and minorities, in raising the degree of opportunity to consolidate aspects of substantive equality. It seems undisputed that the resolution of the State of the material conditions conquers the scene and that the research and the defence of the identity and cultural approach are envisaged as secondary. In this sense,

the whole of the interventions attributable to the equality of oppositeness has a great importance in a multicultural policy, since it leads to the improvement of the economic-social conditions of immigrants and their integration into the society in which they live. This contributes to breaking the connection between cultural minorities, poverty, social exclusion, low level of education and individual right, can contribute to the safeguarding of

that of personal dignity which is the necessary prerequisite for a modern minority collective identity (Facchi, 2001, p. 77).

In fact, the problem of cultural identity can be mere the sense of the paradox. Firstly, it is not exempt from the risk of an 'excess of categorization', given that in the debate the question of 'other culture' could with-imagine itself

mainly as a result of a process of construction and labelling of countries of immigration, which transforms migrants into ethnicities, communities or subcultures to the extent that they want to identify, stratify and control them. The result of a differentialist vision brings into question the 'universalist holding of rights', in the sense of the consideration of every human being as a polycentric law of rights. The culture of belonging cannot be understood as discriminant in relation to the claim of individual guarantees (Dal Lago, 1999, p. 169).

This remains valid both for the protection of the migrant, within his own cultural, and in the proposition outside the existential. On the contrary, it is thought that the preventive concern to 'label' and 'categorize' migrants in specific cultural spheres who can be interpreted as a singular prerequisite for reflection on the 'other cultures', by the developed world intent on built forms of communication with the 'stranger' to but screen defaults on concrete issues, starting from development, or even worse to 'silence' inescapable feelings of guilt.

Human rights and tolerance

The search for the coexistence of identities strongly calls for the notion of tolerance. If at the level of communication between different cultures, as we have just seen, there are numerous interpretative difficulties, with extreme consequences on individual survival outside the group to which they belong, it is necessary to pose, without doubt, the problem at least to guarantee minimum *standards* of equal dignity. In this framework, revisit the concept of tolerance can mean opening up possibilities for intervention within the multiculturalist debate, which seems to be in full evolution in the search for answers to the questions still on the table. Without retracing the historical and philosophical steps of the notion of tolerance, in the ideal path that goes from John Locke, through Voltaire (Collotti Pischel, 1989) up to the preaching of Gandhi's non-violence, as far as our reflection is

concerned, both for the question of active recognition of differences and for locating a political-juridical space for the practice of rights. The interaction between the identities in their dynamic motion, the differentiation or opposition between the meaning of *tolerance* as a mere interpretation of tolerance in the classical-liberal sense and that of *toleration* in its positive opening to diversity, are the signals of a renewed hermeneutical attempt. And in relation to the pluralism of groups, in the sense of acknowledgment and inclusion, in contrast to the reality of lived exclusion, it is possible, according to Galeotti, to reconcile the theoretical requests of multiculturalism with the fundamental liberal principles. In fact,

apart from the ways and the language of the movement, the claims expressed in multi-culturalism are related to questions of pluralist tolerance, to questions of collective inclusion *way* recognition and public protection of different identities. [...] It is therefore the task of liberal theory to produce an interpretation of the claims of multiculturalism that is both sympathetic to the question of equal respect of respect and inclusion and decisive against the destructive radicalism whose results then nobody is willing to accept" (Galeotti, 1994, pp. 198-199).

In such context the sense of liberal neutrality is modified, and on the contrary the level is enhanced for which it is determined a society capable of representing the libertarian drives of its citizens, paying attention to the multi-dimensionality of belonging. It often forms the identities of many of subjects, thus attempting to ferry the members beyond the conflict (Walzer, 1999, p. 95). We must never forget that the object of the speculations, around which the theories arise, is the human being 'both' in its singularity 'both' in its plurality. Now in the socio-political realities that regulate 'our world', the moment of the social integration of the individual's plan, can only have normative attachments, not only formal but decisively substantial. It is clear that for a real defence of human dignity it is not enough to appeal generically to the practice of human rights, but the latter conquer concrete condition only if filled by the confluence of different paths in the intertwining of relationships, first human and then cultural, through the guarantee of a flexible and able right to intercept the instances of society.

4. *From inter-culture to "intra-culture": dialogue between cultures in the space of the meeting*

Migrants, asylum seekers and refugees are to be considered as indicators of the soul, in a world community, which must strive to ban the '*excluded* category', also because this

perhaps underlies the lack of awareness that the progressive extension of the excluded ranks, in addition to the risk of a substantial 'downgrading' of democracy, from a term of value to a mere technique of decision, would end up posing a serious threat to the political unity of the state, reducing the pluralistic legal system to a fiction devoid of real content (Baldini, 2012, p. 12).

Rights are embodied in interpersonal relationships and in the legal institutions that govern them (Di Santo, 2017). How is it possible today not to talk about intercultural sustainability, on the basis of the encounter between different cultures, between different ″people″, where men in concrete build bridges and not walls, in the sign of Panikkar's lesson (Panikkar, 1995). This happens because the residuality that in each of us wants to manifest itself searches for otherness the open completion of one's own experience. Looking from the point of view of the other, to a level of epistemological ″sympathy″, to avoid the misunderstanding of the cognitive resource that is 'the other'. Opening experiences in the time of recognition and in the memory's space of the values of the other. The expected opening passes through the recovery of the person's idea as a relationship. Of every person, because every person is a relationship in his affective relationships, in the family, in the culture, in the ethnic, in the linguistic and symbolic belonging, therefore in history. Each person represents, in this sense, also his world, which is part of his dignity. In fact, a person cannot be thought if not in his network of relationships, starting from his uniqueness and depth. The theories of participation, without the necessary reference to the concept of person, are at the reward of unbridled smug and tragic individualism or the opposite of a communitarianism that feeds on the 'faith' in the identity group (Pope Francesco, 2013). The ″third way″ is the idea of ″person″, equality and difference, ″reserve of sense of human's dignity″. The person in his migrant's essence being is a novelty that renews the existing every time it is generated and introduced into

history, it is a new beginning but at the same time it is present in the already existing flow of life and which will no longer be the same as before. Man, in his dispersion in the flow, seeks an identity in the encounter with the other, with whom he shares the pathos sphere, the human dimension, where responsibility is the bond of revealing oneself in one's own uniqueness. In the polyphonic complexity, the person recomposes the limits with his own depth. The depth undermines the limits of modernity. The person, like the Time, is always new and places himself before the complexity in a path of co-orientation and open planning, always in search of the unpredictable, the host in the direction of a *plus of sense* in the law, that is not a norm omni-provident. The problem therefore is not to simplify the complexity but to meet it as an event in which the encountering (the person) and the encountered (the complexity) are both profound in the possibility of a narration, to put it with Ricoeur (2003), what has to do with man and his time in flesh and blood. It should not be forgotten, in this regard, that the concrete person is conceivable only according to the criterion of difference, *not* of equality. The term 'person' in the singular is tragically equivocal in that the person *has* relationships but as it *is* relationships. Each person represents, in this sense, also his world, which is part of his dignity (Di Santo, 2012). But there is another, essential, coordinate of ″person″. It is 'depth', which requires respect for distances and a threshold. In a ″person″, therefore, we can see coincide his concrete singularity and his claim to universality. The person ″is, in this sense, as such, a common good. And this, despite being the person, as such, ″partiality″: *because it is its lack, its being defective*. And the person, in fact, is defective precisely in being in relationship. In fact, it is characterized as *constitutive lack*. The meeting becomes, in this context, a necessity. But, at the same time, becomes a necessity also a healthy distance. In fact, it is a matter of that ″distance″ that is better to live, often, the richness of one's being-in-relationship. If the person was complete, like the atom-individual, he would not need relationships, which would always be only ″external″, only corresponding to any ″options″. We live, today, in a time when we are, paradoxically, more able to understand, digging in its history, this semantic invention that belongs to the European matrix. But, on the other hand, let's say that this 'person' was too important invention because we can leave it, today, confined in the European's tradition, also because a

˝person˝ is never thinkable by wiping out the intermediate spaces that bind it to the family, groups, homelands, cultures of belonging. In fact, it cannot be thought of except in its network of relationships, starting from its uniqueness and depth. And it is from the place of this difference that it claims its right to a universal consideration that is corrosive to any idea of 'universal' formulated too early. A person is, if understood as such, a *novum*. That is a living person who, although in a relationship, in groups, cultures, memberships, does not accept to be identified in already fixed types, because, in his being a person, he can find and find in himself the strong reasons to question any consolidated type. This being the *novum* of the person indicates, in reality, the strategic perspective for which it does not have the role of one who must simply adapt to the system in which he lives, because he can and must, instead, be able to elevate stringent demands to which the whole system juridical and cultural- must *open up* to give sensible answers. All this means rethinking, at this point, with progressive approximations, to a unity of essential meaning: the Dignity. The migrant is plural's good.

In the sense that the other is the end not to be reduced to a simple tool, economically or emotionally. Dignity, therefore, cannot be exhausted by freedom, by rationality, by logical connotations, by pure references of species. At whatever cultural coordinate we place, dignity is that specific trace that a man cannot lose of himself, because losing it would be to lose himself. In this sense, dignity can reveal itself, even in legal and institutional terms, a possible alphabet of our time. Because it shows the root of right to rights. In this sense, Rights, even if diversified cultural perspectives, go towards the affirmation of dignity. The civilization of the near future will have to be thought out and criticized, therefore, according to strategic nodes that put into circulation the possibility of its essential experiences. Spaces are never just physical but also symbolic. It will be necessary to study the meanings of the distances between cultures and their sustainability, of a theory that deepens the relationship of *conversion* and *misunderstanding* between lexicons and different styles (Waldenfes, 2006).

In this sense, it will be necessary to prepare specific studies concerning the 'personal equations', that is, the cultural perspectives from which we look at others and from which we look at them. In an *intracultural* civilization it will be necessary to be able to 'invent', or bring out, in adequate centre, living spaces that start from the *multi-ethnic* to get to the *interethnic* and *intercultural*, up to that intrapersonal in which everyone is a person. The civilization of the near future will have to generate places

where *the experiences* can truly live in the confrontation between different, because the other is not only displacement, but also a question and resource (Bauman, 2013). It is a long road, this one, along which the essential question that lives hidden in the manifest need can meet -the question that always comes from the "bottom back" to a "high", always daring to call into question a "universal" closed too early. Along this road, we think that the original idea that Europe can bring -as its historical and civil contribution- to the "universal's open" of the Mediterranean, exists and is strong: the idea of a person in the sign of integral humanism (Maritain, 1974). What are we able today to bring us Europeans, to the common dialogue with the contemporary world, when the need for an 'interethnic civilization' is pressing? It is well known that Europe can be considered a sort of Asian's peninsula with a *bridge*'s function. In such a context (Baeck, 2006), Europe can be seen, together with the Mediterranean area, that constitutes its essential moment, as a hinge of permanent mediation within a great itinerary of future's civilization. In this perspective the Mediterranean becomes the place of this meeting. According to Braudel (2009, pp. 7-9), the Mediterranean is a thousand things together. Not a landscape, but countless landscapes. Not a sea, but a succession of seas. Not a civilization, but a series of civilizations stacked on each other. For the French historian, the Mediterranean is a very ancient crossroads. For thousands of years everything converges, complicating and enriching its history: beasts of burden, cars, goods, ships, ideas, religions, ways of life. And, Braudel wonders, cataloging the men of the Mediterranean, those born on the banks or descendants of those who in ancient times furrowed or cultivated their lands and terraced fields, and then the newcomers who from time to time invaded it, would not have the same impression that it derives from writing the list of its plants and its fruits? In the physical landscape as in the human one, the Mediterranean crossroads, the Mediterranean heteroclite presents itself to our memory as a coherent image, a system in which everything merges and recomposes itself in an original unity. The Mediterranean is a good opportunity to present an "other" way of approaching history (Braudel 2009, pp. 7-9).

The other way advocated by Braudel supports and encourages meetings between the different cultures, religions and identities that characterize the Mediterranean lake. To understand "the Mediterranean we must

simultaneously conceive of unity, diversity and opposition: we need a thought that is not linear, that includes both complementarities and antagonisms" (Morin, 2000), both the equalities and the differences in the pluralism of cultures that characterize it. At *mare nostrum*, today as yesterday, the delicate task of weaving interpersonal relationships to build peace with the bridges of inclusion and solidarity. Human coexistence is possible and becomes reality when establishing direct human relationships, relational networks designed to protect human beings. The relational character of the human being is necessarily lived in solidarity. It is the recognition of the other through the acceptance, respect and esteem that strengthens the relationship bond and creates a reciprocity that improves human relationships. A "good gesture" creates in the recipient the willingness to reciprocate, activating a positive co-responsibility in the achievement of the common good. The essence of man lies in the possibility of the relationship with otherness: we do not exist for ourselves, but we exist in the implementation of existential relations. The relationship must necessarily be practiced, introduced into life. Dialogue, through education in the presence of others and listening to their needs, makes the society open, capable of embracing humanity in all its particularities and exceptions. The community is born of a reciprocal relationship and not of feelings, which are its content, nor of the institutions, which are its form. Dialogue communication promotes agreement: it is people who create the conditions for plurality to be respected and no longer be considered an intrusion, an imposition of lifestyle, values, and vision of the Western world. Cooperation between men, education, renewal, intracultural dialogue are the conditions necessary for achieving peace among men. The "way of peace" is the awareness of living in a divided world because of the incomprehension of differences and of having to cooperate actively and pragmatically in the coexistence of equal persons for dignity and recognition of rights. The essence of law is the person, indeed the person is the subsisting human right.

To establish international relations on a sound basis, one must affirm the necessity of a renewal of consciences. As La Pira said: the peoples and nations all over the world now constitute, every day more - at all levels - an indissociable unity, it means that the problems [...] of every people are problems whose solution organically affects all the other peoples of the

globe! All walls are broken: all barriers are broken; all the mental schemes of division are removed; the boundaries of peoples are transformed by walls that divide into bridges that unite (La Pira, 1964). Its waters, in fact, put in dialogue among deeply different continents (for cultures, ethnic groups, religions and traditions) play a fundamental role for the intra-culture, understood as a "bridge" for peace. Its geographic conformation and its historical scope make the cradle of civilizations also the cradle of inclusion and the seat of dialogue between the peoples who live on its banks. It is from the Mediterranean that we must continually stretch our hands as a sign of friendship and help, to favor the difficult processes of inclusion.

5. *Human Rights, Justice, Peace for intracultural society*

Fundamental philosophical questions should be raised, starting from the never discussed enough topic of otherness, especially today where regressive and dangerous tendencies are clearly visible before the idea of other cultures, traditions, religions. The research imposes a question on its path with force, or if it is possible to build a peace society in the Mediterranean theater. The themes of welcome and dialogue are brought to light with consistency and rigor. But the thought outlook surpasses the old categories of multiculturalism and inter-culture narrated by Panikkar and, through a very profound ethics of dialogue, wants to start a reflection and launch a scientific proposal useful for understanding the present times. It is about reflecting on the new path of intra-culture, delineating its importance and effectiveness. It is no longer the time of simple tolerance in its various forms, it is no longer conceivable to imagine not contaminating the beauty of a multicultural thought, since the certainty of common humanity puts people in relationship and designs bridges to unify the world. An intracultural vision, in my opinion, calls into question the same concepts of democracy and human rights as we know them, rediscovering in this key the common religious roots of the peoples of the Mediterranean, according to the lesson of Giorgio La Pira, but with a new message that gives a palpable sense of peace as a practical instrument of connection between freedom and responsibility, between the protection of human rights and plural

democracy. The person becomes people. The cultural dimension that is composed as a table full of different human colors needs to probe the proposal of intra-culture about the ontological foundation. The person who is about to become people must first comes into contact with himself and then, aware of the common truth, accept each other. In this way "the intracultural space of inclusion that is not tolerance of the other comes to life", but respect for the person as an ontological being. The respectful meeting that realizes the recognition involves human, positive and particular knowledge, in a process of progressive discovery of the truth".

This implies to 'discover the truth' of the crisis in the Charter of Rights, starting with the Universal Declaration of Human Rights of 1948. Not only is it noted, if it is still necessary, that the postponement of the foundation of rights in favor of action practice, has certainly not implemented the ethical dynamics of the consistency of rights but it is clear how detail has been sacrificed in the face of the myth of universality. Looking at the particular, diversity can avoid misunderstandings between peoples, promote solidarity among people. The "particular" brings out the concrete of/in the person in the fullness of his experience. The person makes contact with his body condition at different stages of life, realizes that his/her own feeling is particularized in the other as the latter bearer of his own difference. It is therefore a question of combining the same with the right. There cannot be any democracy without equality and justice, without peace and truth, as the events of recent years in the Middle East have shown in particular (Said, 2005) . The hermeneutical key that the culture of peace invokes must be found in the paradigmatic theme of peace as a primary condition for welcoming the other as an authentic person. Peace occupies the entire path of humanity with his humanity but opens the intra-cultural dimension to the philosophical level at the height of its tension. The challenge of forgiveness does not look to forgiveness as an act granted as a new perverse toleration but places our hearts in humble conditions in order to welcome the other integrally and insert it into our lives. Peace, the foundation of every dialogue, changes the face of the personalist doctrine (Pérez Esquivel- Ikeda, 2013).

Peace belongs to everyone, it does not look at the person as a 'mask' but recognizes its value as being a bearer of the inclusive good, especially

in the primacy of duties that gives meaning to a 'dignity', more than ever a true double bank for civilizations of the Mediterranean. The road is done. It is a return to the beginning. Understanding the authentic meaning of the person is to claim the primacy of ontology on the axiology. The perspective described refutes, at a hermeneutic level, the declination of peace as a philosophical principle which, while legitimizing human rights, anchors it to an exclusively theoretical framework. The most practical aspect of peace is highlighted. We want to capture in the relational dialogicity, true essence of the person, the key that can assert peace as a duty even before a right. If at the theoretical level pacification prevails, that is an infinite cataloging of rights in a sterile monologue, in practice peace is defined as the responsible action that favors the meeting with the other. What dominates today is pacification. Therefore, we live in an anesthetic phase which, in the most absolute indifference, lacks the memory of the past, especially of its most dramatic traits, denotes a consistent cultural poverty and roots an individualism that creates distrust and walls. What we try to describe through the juxtaposition of two words from the deep sense is, instead, an intracultural society centered on the person, understood as being ontologically founded, in which the responsible and respectful action of human dignity codifies a society open to sharing and collaboration for the common good. Ethics and dialogue become the foundations of intracultural society in search of common humanity, that is, of that sense of brotherhood that privileges proximity gestures and fosters meetings between people who travel together the paths of the world aware and strong of their differences. The new perspective has underlined the inadequacy of interculture by rightly supporting the necessity of intraculture, of authentic contact between people expressed through: the care of the human being, the antecedence of duties on rights and justice understood as fairness and not blind equality. In the depth of the meeting of glances and in the exclusivity of the interweaving of experiences and experiences, intraculture is the "path" that connects the human through a fruitful dialogue, attentive to the needs and needs of each one. In the intra-culture there is no more justification for a lived experience of freedom without responsibility. On the contrary, responsibility becomes the instrument capable of directing action towards the common good and

not the exclusive individual action, thanks to which freedom is lived no longer in the absoluteness of one's own rights but in the relativity of one's duties as a person towards of other people. In the guilt of having more than the other one subverts the usual and continuous logic of the claim of rights, restoring, through the duties, dignity to people, in a dialectical movement that always places it as a center and foundation.

The strength of intraculture lies in centering on the person the civil, economic, institutional and political existence, noting its wealth in the human and in the material profit or interest. Intra-culture to ward off symbolic or real barriers, which aspire to the discovery of a polyphony of humanity, to be experimented daily, not of a quantitative type of 'there is room for all' but that of meeting the incompleteness of cultures. It is therefore unthinkable today to propose an idea of the State-border on the basis of an erosion of the "barrier" from the outside in the sense of pressure exerted by migrants, but paradoxically it can take place from within, in the sense of awareness of the solidarity subject that recognizes in the other its human history, where it is consciously recognized as incompleteness simply as a continuation of its own. The questions and the answers, that the needs and the desires "make us similar in the fragility of the pathos". It is to be articulated, as claimed, as a kind of courageous permanent hermeneutic practice, always starting from the belief that it is not the man who is made for the law but the law that is made for man, always affirming that in the face of power of the primacy of the State, in the sense of the Hegelian *das Erste*, will undoubtedly be desirable that it is the last of the men who will have the primacy on the Nomos, in the introduction of a theoretical path of "Theology of the last" where the last are the first in the measure in which they will judge more or less worthy, those who hold the power of decisions on the lives of all.

An open question and on the agenda and in a historical moment that sees the advance which concerns sovereignty in economic and political processes, with a tragic fielding of an 'ideology of closure' (Magatti, 2018). There are many questions analyzed and evoked, susceptible to various readings, as I briefly shown on this thinking and, the identification of common and shared values, with a spiritual value capable of nurturing a new "Ethics of Dialogue", could courageously to nurture the growth of a more supportive and responsible culture.

References

Abella, M. (2001). Globalizzazione, povertà e migrazioni internazionali. In R. Papini (ed.), *Globalizzazione: solidarietà o esclusione?*. Naples: ESI.

Baeck, L. (2006). Il dialogo interculturale e lo sguardo dell'Altro. In G. Häbich (ed.), *Culture, religioni e democrazia nel Mediterraneo (*pp. 21-33). Rome: Aracne.

Baldini, V. (2012). Diritto, Pluralismo culturale, Costituzione. La prospettiva storico-filosofica quale 'precomprensione' per l'interpretazione dei 'valori' costituzionali (pp. 1-13). In V. Baldini (ed.), *Multiculturalismo*. Padova: CEDAM.

Bauman, Z. (2013). *Collateral Damage: Social Inequalities in a Global Age*. Cambridge: Polity Press.

Braudel F. (2009). *La Méditerranée : L'espace et l'histoire*. Paris: Flammarion.

Cesareo, V. (2002). *Società multietniche e multiculturalismi*. Milan: Vita e Pensiero.

Collotti Pischel, E. (1989). *Gandhi e la non violenza*. Rome: Editori Riuniti.

Comanducci, P. (2000), Quali Minoranze? Quali diritti? Prospettive di analisi e di classificazione. In E. Vitale (ed.), *Diritti umani e diritti delle minoranze. Problemi etici politici giuridici* (pp. 47-67). Turin: Rosenberg & Sellier.

Dal Lago, A. (1999). *Non-Persone. L'esclusione dei migranti in una società globale*. Milan: Feltrinelli.

Di Santo, L. (2012). *Per una Teologia dell'ultimo: riflessioni sui diritti umani al tempo della crisi globale* Naples: ESI.

Di Santo, L. (2017). Il declino della socialità giuridica. Il necessario contributo del pensiero cattolico. In I. Tarolli, M. D'Agostini, F. Reali & F. Rabotti (eds.), *Il tempo del coraggio. L'Italia fra rassegnazione e coraggio. La ripartenza dei cristiano popolari* (pp. 247-251). Soveria Mannelli, Cz: Rubbettino.

Facchi, A. (2001). *I diritti nell'Europa multiculturale*, Rome-Bari: Laterza.

Galeotti, A.E. (1994). *La Tolleranza. Una proposta pluralista*. Naples: Liguori.

Galeotti, A.E. (2000). I diritti collettivi, In E. Vitale (ed.), *Diritti umani e diritti delle minoranze. Problemi etici politici giuridici*. Turin: Rosenberg & Sellier.

Habermas, J. (1994). Struggles for Recognition in the Democratic Constitutional State. In Ch. Taylor & A. Gutman (eds.), *Multiculturalism: Examining of Politics of Recognition* (107-148). Princeton: Princeton University Press.

Habermas, J. (1999), *The inclusion of the other: studies in political theory*. Cambridge: Polity Press.

Hein, C. (2010). *Rifugiati. Vent'anni di storia del diritto d'asilo in Italia.* Rome: Donzelli.

Kern, S. (2003). *The Culture of Time and Space 1880-1918.* Cambridge-London: Harvard University Press.

Kymlicka, W. (1996). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.

La Pira, G. (1964). Discorso alla "Conferenza della gioventù e degli studenti per il disarmo, la pace e l'indipendenza nazionale". In G. La Pira (ed.), *Le radici politiche della crisi*. Florence: Giuntina.

Lohrmann, R. (2000). Migrants, refugees and insecurity. Current threats to peace?. *International Migration*, 38(4), 3-22.

Maffettone, S. (1992). *Le ragioni degli altri*. Milan: Feltrinelli.

Maffettone, S. (2016), *Il valore della vita. Che cosa conta davvero e perché*. Rome: LUISS University Press.

Magatti, M. (2018). *Oltre l'infinito. Storia della potenza dal sacro alla tecnica*. Milan: Feltrinelli.

Maritain, J. (1974). *Integral Humanism. Temporal and Spiritual Problems of a New Christendom*. New York: C. Scribner's Sons.

Montanari, B. (1989). Soggetto politico e cultura giuridica. *Democrazia e diritto*, 6.

Morin, E. (2000). *Penser la Méditerranée et méditerranéiser la pensée*. In J. Bethemont, *Géographie de la Méditerranée* (pp. 33-47). Paris: Armand Colin.

Onorato, P. (1989). Per uno statuto dello straniero. *Democrazia e diritto*, 6, 303-328.

Panikkar, R. (1995). *The Cultural Disarmament. The Way to Peace*. Westminster: John Knox Press.

Perez Esquivel, A. & Ikeda, D. (2013). *La fuerza de la esperanza. Reflexiones sobre la paz y los derechos humanos en el tercer milenio.* Barcelona: Emecé Editores.

Pope Francesco (2013). *Evangelii Gaudium*. Bologna: Edizioni Dehoniane.

Pulcini, E. (2001). L'Io globale: crisi del legame sociale e nuove forme di solidarietà. In D. D'Andrea & E. Pulcini (eds.), *Filosofie della globalizzazione* (pp. 57-83). Pisa: ETS.

Ricoeur, P. (2003). *La Mémoire, l'histoire, l'oubli*. Paris : Seuil.

Rizzi, A. (1995). *L'Europa e l'altro. Abbozzo di una Teologia europea della liberazione*. Cinisello Balsamo: San Paolo.

Said, E.W. (2005). *D'Oslo à l'Iraq*. Paris: Fayard.

Schellenbaum, P. (1998). Multietnico. In G. Bolaffi, S. Gindro & T. Tentori (eds.), *Dizionario della diversità. Le parole dell'immigrazione, del razzismo e della xenofobia* (pp. 187-188). Florence: Liberal Libri.

Waldenfels, B. (2006). Inside and Outside the Order: Legal Orders in the Perspective of Phenomenology of the Alien. Ethical Perspective. *Journal of European Ethics Networks*, 12(3), 359-381.

Walzer, M. (1999). *On Toleration*. Yale: Yale University Press.

Pan-Islamism. Attempt of Political Islam in the Restoration of Caliphate a Century after its Abolition in 1924

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Abstract

The phase of geo-political developments taking place in the Middle East as the aftermath of so called Arab Spring has entered the region into a new era of imbroglio transition. One of the peculiarities of the ME new era is the major event of emergence of the Islamic State proclaiming the re-establishment of a new Caliphate. Moreover, the restoration of Muslim *Ummah* as ever continuing discourse is not limited to IS. It has its crucial fundamental nostalgic origin in the Political philosophy of Islam, which wishes to form the *Ummah* under the doctrine of Caliphate system, which has long history since the emergence of Islam in the seventh century. What is remarkably important to pan-Islamists is that in their view the reconstruction of the *Ummah* is a reaction of political Islam to the Sykes-Picot agreement.

This paper individuates itself by examining the socio-political manifestation of caliphate from perspective of Islamists struggling to restore the institution of Caliphate since its destruction in 1924.

Keywords: Caliphate, *Ummah*, Political Islam, Pan-Islamism, Sykes-Picot agreement.

1. Abolition of Ottoman Caliphate: end of an era and beginning of a trauma

In 1922 the Ottoman Empire totally disappeared from the world map. However, the institution of Ottoman Caliphate still existed until 1924.

In making a modern secular state, Mustafa Kemal, the founder of the newly formed Turkish Republic, on the occasion of the Turkish National Assembly held on 1 March submitted a new proposal.

according to which the Assembly abolished the institution of the Caliphate–literally successor to the Prophet of Islam–which was allegedly obtained by Ottoman Sultans since 1517. Consequently, in secular Turkey every element of the Islamic era such as the Sharia courts, the office of the Shaikh al-Islam (the Garand Jurist) and the Ministry of Justice and Islamic institutions were abolished too (Schulze, pp. 66, 67).

What is crucially significant is the abolition of the last Muslim Caliphate

which was considered the flag holder of the Islamic Ummah.

This must not be perceived as the cessation of other political systems in the world. Due to the formation of new Arab states, the demolition of the Ottoman Caliphate is perceived as "the end of an era" (Pankhurst, 2013, p. 31) imposing the nation-state system on the Ummah state which "created a feeling of alienation among the peoples of this region" (Ali, 2015, p. 83).

In his book *Recalling the Caliphate*, Sayyid describes a Muslim without Caliphate as a "Muslim without history" (Sayyid, 2014, p.2).

In the same vein, Mona F. Hassan describes the absence of the Caliphate from the Muslim's public consciousness as a "trauma" happened twice in Muslim history: the first time in 1258 through the collapse of Abbasid Caliphate in Baghdad; and the second time in 1924 through the destruction of Ottoman Caliphate (Hassan, 2009, p. 2).

However, the difference is that the last trauma of the Ottoman dissolution had and still has lasting consequences on Muslim politics leaving behind a feeling of "identity crisis" and "power vacuum".

Pan-Islamists consider this crisis as the cause of political weakness, social instability and cultural ignorance.

In this regard, a video published on YouTube by the pro-Caliphate Islamic party of Hizb-ut-Tahrir of Britain tells us much about how they see the situation of the Ummah after the dissolution of the Ottoman Caliphate. Hereby it is stated:

> Brother and sisters! Ever since the destruction of our Caliphate system in 1924 our Umma has not witnessed a single day of happiness. Our lands were divided. Our fathers humiliated. Our brothers disheartened. Our mothers and sisters dishonored. Our Umma had to face occupation, disunity, colonialism. Brothers and sisters! The problem is the lack of Caliphate system. It is not that we lack resources. It is not that we lack people. It is the absence of Islam. It is the political system that exists today…You never solve the problem without the Caliphate.

As is seen, this view–in Sunni Islam and not Shia Islam– presents the existence of a very enduring and incisive attachment to the Caliphat, because it is assumed that Muslim's flourishing and advanced period – known as the Golden Age of Islam–wa sthe time in which God rained down all his mercy and blessings on Muslims through economic, philosophic, scientific, cultural and military strength. They see in the

Caliphate a correlation between their faith and their worldly success.[1]

However, once in July 1798, French under Napoleon Bonaparte with stunning ease conquered Egypt under Ottomans and Muslims gradually came to realize they have no longer such advanced past.

During the following centuries, under European colonialism the contrast between Muslim's medieval successes and the more recent tribulations measured in terms of military strength, political stability, and economic development shaped a trauma in question: who did this humiliation to Muslims?

In addressing the question pan-Islamists, such as Hizb-ut-Tahrir, often lay the blame on the termination of the "divine" institution of Caliphate.

In other words, they lay the blame of Muslim's failure today and lose the so-called past greatness by falling away from authentic Islam under the divine Caliphal institution. They do not see the cause of this loss in the deficiency of Caliphate office in modern world.

Recalling the flourished Muslim Golden Age under the Caliphal system, the notion of reviving the past grandeur and return to imagined pristine Caliphate as a nostalgic dream holds attraction for many Islamists particularly *Salafists* who look for their future in the past (Esposito, 2004, p. 275).That is why such a nostalgic dream has always been playing a significant role in inspiring Muslim intellectuals and activists in search for glory they had in order to alleviate themselves from the current suffering situation.

2. Pan-Islamism: one Ummah, one government

The fragmentation of Ottoman's Arab lands into small state lets left behind two anti-colonial reactions: pan-Arabism based on common

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[1] In her book *"God's rule"* Patricia Crone characterizes the Golden Age of Islam as a romanticized mythical and utopia never existed. Also in her insightful work *"Salafi Utopia: The Making of the Islamic State"* Maryam El-Shall reiterates that the so-called Golden Age of Islam is "purely imaginative status". She argues that "the memory of Islam's Golden Age is complete fantasy, delusional and a product of selective memory…never really existed, except in the contemporary Salafi imagination". See http://clogic.eserver.org/2006/el-shall.html#note8 (accessed 3 October 2017)

language and shared history and pan-Islamism based on the notion of the restoration of Muslim unity in the format of "one Ummah, one government".

Pan-Arabism-also called Arab Nationalism-with slogans of "one nation Arab state" reached nowhere due to the artificial nature of the countries created in the Middle East (See: Dawisha, 2016).However, pan-Islamism has gradually become of popular appeal for a wide range of social norms, political movements and significantly militant Jihadist groups in the twentieth century.

The term pan-Islamism is used to refer to the intellectual and institutional tendency appealing to the Muslim traditions to solidify Muslim unity.

Unlike the ethnic identities emphasized in pan-Arabism, however, pan-Islamist tendency took shape as a result of socio-political challenges that emerged in Muslim societies during colonialism and dominated the Muslim world through the nineteenth and early twentieth centuries. Maryam El-Shall describes the politicization of Salafi movements as "a response to colonialism" (El-Shall, 2006).

As a Movement, historically, pan-Islamism started in the mid–nineteenth century in Ottoman Empire and continued until today. It was a socio-political project proposed by Muslim reformer Jamal al-Din Asadabadi (1839–1897) and launched by Sultan Abdul Hamid II(1842-1918) in order to hold the Ottoman State together in the battle against the European powers.

In the seventeenth and eighteenth centuries,t hey began to win back territories that had been lost to the Ottomans during the fifteenth and sixteenth centuries. The climax of the Ottoman decline became clear in 1798 when Egypt was easily occupied by French.

As a series of Ottoman reforms occurred throughout the first half of the nineteenth century, James Piscatori holds that pan-Islamism we know today is another form of reform which came as a reaction to the "double assault of imperialism and decentralisation on the Ottomans in the late nineteenth century" (Piscatori, 2006) when the Sultan Abdul Hamid launched his project of pan-Islamism believing that the Caliphate of Ottomans was the strength of Islam in the face of West. "He utilized pan-Islamism as a tool to hold the Ottoman State together in the face of Western

encroachments and internal divisions against merging nationalism" (Pankhurst, p. 23). Also, he had perceived that the so-called divine institution of the Caliphate could be used as a political means against the European colonial powers holding a vast number of Muslim colonies.

3. Islamism and pan-Islamism

The phenomenon known as political Islam –also Islamism– has gradually had a major presence and is the central point of reference for a wide range of cultural models, social norms, militant agenda, global media, academic arguments and political movements[2] in the twentieth century.

Also, political Islam's presence in IR literature can be easily traced through numerous invented terms in world politics and literature such as *political Islam, Islamism, pan-Islamism, Islamophobia, Islamic state, Islamic awakening, Islamic revival, Islamic resurgence, Islamic reformation, Islamic movement, revolutionary Islam, progressive Islam, jihadist Islam, militant Islam, fundamentalist Islam, moderate Islam, reformist Islam, maximalist Islam, political philosophy of Islam, transnational Islam, cosmopolitan Islam, globalized Islam, Islamic block, Islamic identity, Islamic Ummah, Islamic republic, Islamic terrorism, Islamic modernism, Islamic socialism, Islamic Republicanism, Islamicate, Islamdom, house of Islam (dar al-Islam)*. A century ago almost none of these political terms could be found in IR literature.

In an endeavor to better understand this phenomenon, some scholars call it *Global Political Islam* (Mandaville, 2007) or *International Relations of Political Islam Movements* (Al-Khazendar, 2009). The phenomenon is also known as *Islamic Revival* or *Resurgence of Islam* (*ihya* in Arabic) which in Peter Berger's words is "vast in geographical scope affecting every single Muslim country from North Africa to South-east Asia" (Berger, 1999, p. 7).

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[2] Some examples are: Egypt's Muslim Brotherhood, Turkey's Refah party, Algeria's Islamic Salvation Front, Tunisia's al-Nahda party, Islamic Movement of Afghanistan, Islamic Movement of Nigeria, Islamic Movement of Tajikistan, Yemen's Islah party, Jordan's Islamic Action Front, Kuwait's Islamic Constitutional Movement, Bahrain's al-Wefaq, Dar al-Islam Movement of Indonesia, America's Nation of Islam, al-Qaeda, Egypt's Islamic Jihad, Hezbollah, Hamas, Daesh, etc.

Oxford Islamic Studies Online defines it as "return to Islam in its purest form as the solution for the ills of Islamic societies"[3].

Notwithstanding, when it comes to pan-Islamism it is more restrict than Islamism. Oxford Islamic Studies Online define it as a political ideology "calling for sociopolitical solidarity among all Muslims posing the sultan as a universal Caliph to whom Muslims everywhere owed allegiance and obedience."[4] Moreover, Sohail Daulatzai (2012) calls it "Muslim international" and Jack Miles (2002) describes it as a discourse in which lays the foundation of Muslim's "potentially global ambition".

Here comes the difference between Islamism and pan-Islamism. In spite of the fact that both are political ideologies looking for *Islamization* of Muslim societies, pan-Islamism as a political movement advocates the unity of Muslims under one single Islamic state (Ummah) in the only form of a Caliphate (Demant, 2006, pp. 20, 23),while Islamists hold that the reconstruction ofthe Ummah can take the form of an Islamic international organization, with democracy and elections, for example, within the current countries and borders; not necessarily in the formation of one single Muslim state. They argue that "the Caliphate's political mission may have passed, but the idea of Islam's political mission has not. The unity of the Ummah is not simply synonymous with the Caliphate" (Piscatori, 2006, p. 6).In the restoration of the Ummah, re-building the institution of the Caliphate is not their first priority, while they focus on the implementation of pre-modern Sharia law.

Also, while implementing the Sharia (Shariatism) is the final goal in both, the other distinction is that pan-Islamism qualifies itself by holding that *Jihad* is the way in re-building the Ummah. In this respect, all pan-Islamists are Islamists but not all Islamists are pan-Islamists.(It is the same with Muslims. All (pan)Islamists are Muslim but not all Muslims are (pan)Islamist.)

The Egyptian scholar Sayyid Qutb (1906-1966), who advocated armed jihad in the advance of Islam, is known as one of the most influential contemporary theorists of pan-Islamism. He argues that Islam is a perfect
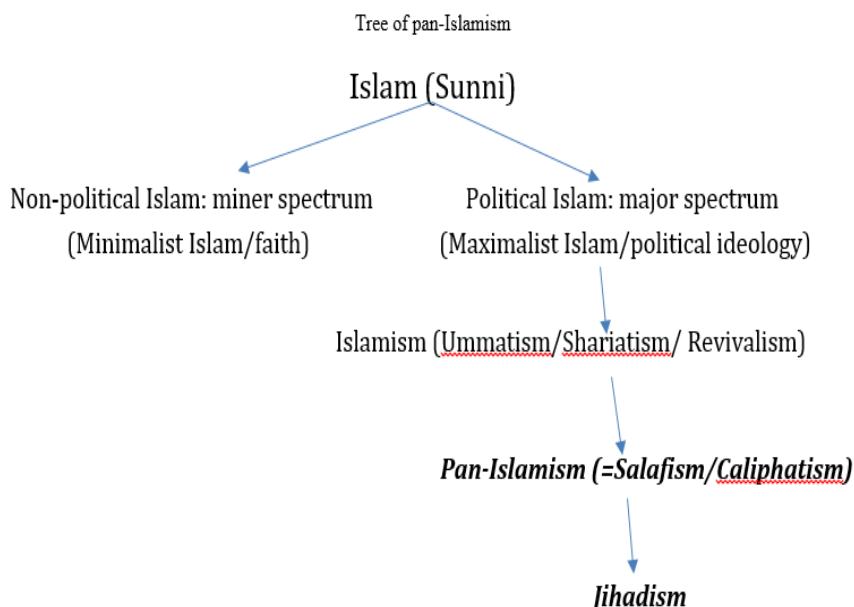
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[3] Retrieved from http://www.oxfordislamicstudies.com/article/opr/t253/e9 (accessed 3 October 2017)

[4] Retrieved from http://www.oxfordislamicstudies.com/article/opr/t125/e1819 (accessed 3 October 2017).

way of life and governance, whose sharia laws and principles should be the sole basis of governance (Roy, 1994, p. 41).In short, pan-Islamists are:

- Revivalists believing in Islamization of society.
- Ummatists believing in the Ummah as nationality (denying borders and nation-state).
- Caliphatists believing in the restoration of Caliphate as political system.
- Shariatists believing in Sharia as constitution and perfect law.
- Jihadists believing in Jihad as military strength in the restoration of Ummah.

Many of these elements can be traced, for example, in the Muslim Brothers's mottos declaring that "Islam is the solution, Allah is our objective, the Quran is our constitution, the Prophet is our leader, jihad is our way; and death for the sake of Allah is our wish" (Helbawy, 2009, p. 65).

Tree of pan-Islamism

Islam (Sunni)

Non-political Islam: miner spectrum
(Minimalist Islam/faith)

Political Islam: major spectrum
(Maximalist Islam/political ideology)

Islamism (Ummatism/Shariatism/ Revivalism)

Pan-Islamism (=Salafism/Caliphatism)

Jihadism

4. Pan-Islamism and its call to the Caliphate

The Caliphate and its call play a major role in the discourse of pan-Islamists who advocate the idea of Muslim single government. They assert that the Muslim Ummah deserves the loyalty and adherence of believers wherever they are in order to regain their lost and ignored glory through the restoration of new Caliphate to unite the Ummah (Mandaville, p. 12).Applying a "back to basics" approach, the core of the notion is the reconstruction of the past in the present.

For example, in his magazine al-Manar, Rashid Rida, the Egyptian Muslim thinker, states that "the Islamic Caliphate is the best system known to man" through which "the Muslims were the greatest nation when they established it" (Pankhurst, p. 54).

In their discourse they argue that throughout Muslim history the institution of Caliphate is not merely the substitution to prophet hood but also a political system. It is not only as a symbol of Muslim's unity but also the strength of the Muslim world. It is a shield by which they experience Islam as a united strong Ummah.

In their overarching discourse the Caliphate is conceptualized as the centralized political system of government representing both unity and leadership of the Muslims. Throughout history of Islam, therefore, the Caliph as the successor to the Prophet of Islam was the head of state at the highest level both in religious and the social spheres of Ummah. The Caliph's main duty, therefore, is to protect both religion of Islam and Islamic state (the Ummah).

Here is why pan-Islamists firmly intend to resurrect the institute of Caliphate. They believe that only under a unified Islamic government the lands and people of Islam can be reunited once again. In fact, the Caliphate movement–as in the example of the *Khilafat Movement* in British India(1919–24)–is based on a theological vision of a state in which the Caliph guarantees both religious and secular spheres of a Muslim's life.

To perceive the central role of Caliphate office in history of Islam, one just needs to recall that from the prophet of Islam's death in 632 A.D. until the dissolution of last Caliphate in 1924, there was almost always an office of Caliphate ruling Muslims over the course of thirteen centuries. The list of Caliphate offices below illustrates that one or another Caliphate office and

even sometimes two parallel Caliphates were ruling the Muslims not only in Central Asia, the Middle East or North Africa but also in Córdoba in Andalusia, Spain:

1. Rashidun Caliphate (632–661);
2. Umayyads Caliphate (661–750) continued as Emirate (756–929) and Caliphate of Córdoba (929–1031);
3. Abbasids Caliphate (750–1258) continued as Abbasid Caliphate of Cairo (1258–1517);
4. Fatimids Caliphate (909–1171);
5. Ottomans Caliphate (1453–1924) the longest surviving Caliphate in Islamic history.

Despite the fact that the Caliphate under later Turkish office was different in many ways from the one under Arabs, the central role of the Caliphate institution in all of them cannot be denied. This is because the leader carrying the title of Caliph was considered a religious vicegerent to the prophet of Islam and a political leader of the entire Muslim Ummah. In his book *The Prophet and the Age of the Caliphate* Hugh Kennedy observes the unity of Muslim Ummah as one of the considerable achievements of the Caliphate. He writes:

> Another remarkable achievement was the maintenance of the unity of the Muslim community in the face of regionalist tendencies. Despite their differences, almost all Muslims believed that they should be governed by a single Caliph and despite the vast geographical dispersal, they kept a common religion and a common culture (Kennedy, 1986, p. 81).

Such achievements under the Caliphate have roots in political philosophy of Islam in which the sovereignty is for God, then His prophet Mohammad and his successors (the Caliphs) (Najjar, 1996, p. 5).
 In the doctrine of pan-Islamists, therefore, the Caliphate is not merely a political system, but rather a divine institution representing the Prophet who in turn represents God.
To the pan-Islamist way of thinking, once the Prophet of Islam died, his legacy as an ever-valid pattern for Muslims to emulate was not his religion but rather *"the perfect Ummah brought forth for Mankind"* (Quran, 3:10) which protects the religion.

Pan-Islamist strong call to the re-construction of the Caliphate is due to the role it plays in protection of Islam. In their view, Islam without the Caliphate has no effective existence. Muslin scholar al-Nabhani (1909-1977), the founder of pro-Caliphate party of Hizb ut-Tahrir, firmly holds that:

It was incumbent on Muslims to set up the Islamic state because Islam has no effective existence without the state and because their lands are not *dar al-Islam* (house of Islam) unless an Islamic state governs them.(Al-Nabhani, 1953, p. 46).

Conclusions

Having said that the destruction of Ottomans is seen as the end of an era the paper examines some socio-political aspects of pan-Islamism as a Muslim movement which gradually became a popular appeal in the region and beyond. It was said that the fragmentation of Ottoman's Arab lands into the ME artificially constructed Arab states left behind a trauma. From the pan-Islamist perspective, the official decline of the Ottoman, the guardian of the house of Caliphate, was a major geo-political turning point that transformed the ME of Islam's dominance to the ME of Western's influence.

According to the pan-Islamist way of thinking, the destruction of Ottoman caliphate is constructed and diagnosed as a fatal blow to the Muslim Ummah identity throughout the world. Also, it is perceived as the imposing of the system of nation-state on the Ummah state.

The term pan-Islamism as a movement denotes the intellectual and institutional tendency appealing the Muslim traditions to solidify Muslim unity in the form of "one Ummah, one government".

According to pan-Islamists, the unity of the Muslim Ummah is not determined by territorial locality, nationality, ethnicity, color, blood, language or race. It is based on common confessional identity of Islam. They explicitly express that there should not be Muslim nations. In their political philosophy, the Ummah itself is a nationality for it is an entity and identity that comprises all Muslims throughout the world, no matter what their national origin is.

Moreover, the restoration of Muslim Ummah as the ever-continuing discourse of pan-Islamists has its fundamental nostalgic origin in the Political philosophy of Islam.In its Sunni version, it wishes to form the Ummah under the doctrine of the Caliphate system, whose long history dates back to the emergence of Islam in the seventh century until the abolition of the Ottoman Caliphate in 1924.

Pan-Islamists holds that the Ummah must be under only one authentic sovereign state. In this respect, pan-Islamism is more restrict than Islamism. In spite of the fact that both are political ideologies looking for Islamization of Muslim societies, pan-Islamism as a political movement launched by Ottoman Caliph Abdul Hamid advocates the unity of Muslims under one single Islamic state (Ummah) in the form of Caliphate office only. This is while Islamists hold that the reconstruction of the Ummah can be in form of an Islamic international organization, with democracy and elections, for example, within the current countries and borders; not necessarily in the formation of one single Muslim state. They argue that the Caliphate's political mission may have passed, but the idea of Islam's political mission has not.

On the contrary, pan-Islamists advocate the notion of returning to the Islamic Golden Age. That is why such nostalgic dream has always been playing a significant role in inspiring Muslim intellectuals and activists in search for glory they had in order to alleviate themselves from the current suffering situation. In this appeal the call to the Caliphate is an ongoing discourse and a notion in motion since the day the Ottoman Caliphate is dismantled.

In this sense, the removal of Ottoman Caliphate was not merely the dissolution of a political system like many others. It was seen as dissolution of an institution every Muslim has duty to protect it and owes allegiance even through armed jihad as suggested by the Egyptian scholar Sayyid Qutb.

It was also examined that pan-Islamist firmly hold that a true revival of Muslim society depends on the re-establishment of the Islamic state under the Caliphate.

In other words, the most credible political call in the Islamic political philosophy is resuscitation of the Caliphate in order to regain the so-imagined lost dignity of Muslims. According to the pan-Islamist way of thinking, once the Prophet of Islam died, his legacy as ever valid pattern for

Muslims to emulate was not his religion rather his Ummah which must be protected by the institution of Caliphate.

References

Ali, S. (2015). The Decline of the Islamic Civilization and Unanswered Question of the Relationship between Islam and Politics. *Palestine - Israel Journal of Politics, Economics, and Culture*, 20/21 (4).

Al-Khazendar, S. (2009). *Political Islam Movements and International Relations: The Concept and The Practice*. Florence: European University Institute.

Al-Nabhani,T. (1953). *Mafahim hizb al-tahrir*. The Liberation Party publication.

Berger, P. (1999). *The Desecularization of the World: Resurgent Religion and World Politics*. Grand Rapids: Eerdmans.

Dawisha, A. (2016). *Arab Nationalism in the Twentieth Century: From Triumph to Despair*. Princeton: Princeton University Press.

Daulatzai, S. (2012). *Black Star, Crescent Moon: the Muslim International and Black Freedom Beyond America*. Minneapolis: University Press.

Demant, P. R. (2006). *Islam vs. Islamism: The Dilemma of the Muslim World*. Santa Barbara: Praeger.

El-Shall, E (2006). *Salafi Utopia: The Making of the Islamic State*. https://clogic.eserver.org/2006/el-shall, retrieved 3 October 2017)ì.

Esposito, J. (2004). *The Oxford Dictionary of Islam*. Oxford: Oxford University Press.

Helbawy, A. k. (2009). *The Muslim Brotherhood in Egypt: Historical Evolution and Future Prospects*. London: London Middle East Institute.

Hassan,M. F. (2009). *Loss of Caliphate: The trauma and aftermath of 1258 and 1924*. Princeton University Press.

Kennedy, H. (1986). *The Prophet and the Age of the Caliphates: The Islamic Near East from the 6th to the 11th Century*. London: Longman.

Mandaville, P. (2007). *Global Political Islam*.London: Routledge.

Miles, J. (2002). Theology and the Clash of Civilizations, *Cross Currents*, 51 (4).

Najjar, F. M. (1996). The debate on Islam and secularism in Egypt. *Arab Studies Quarterly*, 18 (2).

Pankhurst,R. (2013). *The Inevitable Caliphate? A History of the Struggle for Global Islamic Union, 1924 to the Present*. London: Hursts.

Piscatori, J. (2006). *Reinventing the Ummah? The Trans-Locality of Pan-Islam*. Berlin: Zentrum Moderner Orient, www.zmo.de/veranstaltungen/2006/Piscatori_Reinventing_the_Ummah.pdf, retrieved 3 October 2017.

Roy, O. (1994). *The Failure of Political Islam*. London: I.B. Tauris.

Sayyid, S. (2014). *Recalling the Caliphate: Decolonisation and World Order*. London: Hurst.

Schulze, R. *A Modern History of the Islamic World*. http://islamicblessings.com/upload/A-Modern-History-of-the-Islamic-World.pdf, retrieved 3 October 2017.

The evaluation process as a model of social determinism

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Abstract

This paper addresses a central theme of the contemporary debate on education: the concept of evaluation. In particular, the reflection starts from a recognition of the theories of educational evaluation, to reach consideration that concerns the promotion of equality and equity through evaluation process. Recently, educational organizations have changed profoundly and terms like *complexity* and *system* are part of the scholastic terminology. Complexity that characterized today society requires a new way of knowing, studying and discovering reality, according to a different cultural paradigm which often share the same spaces. The purpose of this contribution is to recognize to the evaluation process the merit of promoting knowledge of reality, particularly of that scholastic one, and to promote the recognition the student individualism in a community, taking into consideration the principles of equality and equity.

Keywords: Evaluation, Value, Equity, Equality, Educational system.

Introduction

In contemporary debate it is recognized that the importance of evaluation practices derives from the increasing social complexity, characterized by the *constant process of change* (Giddens, 1990), in which numerous causes intervene, such as:

- the increase in variables that changes social actors' behaviour;
- the decrease in heuristic capacities of *structural variables* (educational qualification, social background, also gender or/and age differences) on individual behavior;
- the growth in the number of institutional operators acting in the social, economic and political sphere;
- the speed of change in different domains of humans' activity.

The evolution of social programs also had enormous impacts on the role of evaluation processes, which are nowadays such a vital part in international policies, in terms of responsibility and awareness.

In fact, evaluation practice is today considered a necessary step in the implementation of interventions aimed in promoting measures and projects in the field of social policies, from social-health and welfare, to urban and social sustainability, through technological innovation and researches applied to the improvement of social well-being.

Evaluation develops within real decision-making processes within which, however, the traditional, rational and conceptual model meets several obstacles to its full realization.

Evaluation processes take place in real, dynamic, changing contexts, often characterized by conflicts, oppositions between different groups in the interpretation of the problem, as well as in the solutions to be adopted and in the order of priorities to be attributed. The relationship between evaluative data and decision-making, therefore, is not linear and unambiguous as established by rational models of problem solving, precisely because it assumes a political value. The evaluation process, in general, wants to determine the value of something or the degree of achievement of fixed objectives and correspondence to the real needs of consumers.

Evaluation, far from being a mere instrumental procedure, plays a preeminent role in the teaching/learning process. The evaluation process is in fact the result of a deliberate action that allows the evaluator to reflect critically around educational issues, accompanying the project from the analysis of needs to reporting (Iannotta, 2018), because it "describes-measures-judges" (Dewey, 1939) the transformative processes towards the established ends.

Therefore, evaluation is an important activity that contributes to the construction-modification of social programs, although certainly it is neither the only nor the most influential among the variables. Many factors control and influence the action of the decision-makers: the balance between different interest groups, the ascendancy of individuals or group, the sensitivity towards the problems to be faced, the continuous changes that the agenda of priorities undergoes as a function of succession of the historical-political periods. At the origin of the idea of evaluation there is

the conviction that between knowledge and human action there is a very precise connection of a logical nature: the conviction that in order to rationally act, to achieve a goal, it is necessary *to know*. This principle translates into the recognition of a cognitive need of the community, aimed at a rational use of the resources already invested or even to invest, in social activities for the well-being of the members of a community. In this paper, the authors try to outline epistemological reasons for social evaluation procedures, specifically with regard to the assessment in formal learning contexts. The study of evaluation process, an essential component of didactics, permits the application of control procedures to guarantee equality and equity.

1. The epistemological reasons of evaluation

The evaluation process, wrote Scriven in the 1973, means to determine and to discriminate both the intrinsic and extrinsic merit or the value of something, in other words the degree of achievement of fixed objectives and correspondence to the real needs of users. In the educational field, the purpose of evaluation cannot correspond to a simple judgement, but rather it consists in the attribution of value to facts, events and objects in relation to the goals that the evaluator intends to pursue (Notti, 2014, p. 12).

The Evaluation is above all a pedagogical fact that requires reasonable choices with considering the "educational fact" (Notti, 2010), these choices are situated inside a precise project. The education process means to create the right condition in order the person can to grow and to affirm his own identity. The assessment is a planned and methodical process of data collection related to educational facts, it leads to a value judgment that doesn't end in itself, but aims at educational action (Beeby, 1977). The evaluation represents an important and central action of education process, it is the moment of critical analysis, reflection, rethinking of the planned intervention, it provides the essential information to understand how to adapt the education setting according to the objectives defined (Galliani, Notti, 2014). To evaluate in the educational field means to examine the structure and all other elements of educational intervention, it means also to investigate about individual and group aspects and on organizational

and methodological aspects (Galliani, Notti, 2014). The evaluation is the preferred instrument in order to regulate educational actions and to identify appropriate improvements. (Barbier, 1977).

The evaluation process involves attribution of "value", now it is worth asking about what is a "value". "... It is daily experience that the values commit us to establish priorities among themselves in order to decide the judgment to formulate or the behavior to implement; at the same time is an existential fact that disagreement around values are not associated to their recognition as such, but about the position we assign to them" (Damiano, 2012, p.25).

Regarding the *position of value*, the literature refers to the pedagogical philosopher John Dewey and his work *Theory of Evaluation* (1939) in which the author starts from considerations involving to science defining it not only as a set of new knowledge to which man comes, but science also as process, method, then all tools that lead the person to such knowledge. His reflections also recognize the *value* of what is preliminary to knowledge, then proceeding with scientific precision and all that it involves: observation, analysis, discrimination, investigation. When man acts, he knows, because every action produces new knowledge; knowledge exists thanks to the process of knowing.

The evaluation exists because it is necessary to assign value to performance and not to people, to appreciate what has been achieved, "the educational evaluation must draw attention to positive aspects of a performance and not the negative ones" (Notti, 2014, p.21), we evaluate because teachers and students can recalibrate their compass, because it is necessary to analyze the instruments in view of new horizons, to regulate the action and improve the results. Pellerey believes that "the effects of [...] evaluation influence the continuation of studies, but also the perception of oneself, the confidence in your own abilities, it produces effects also about the respect of adults and classmates, the type of relationship established between teachers and students, as well as, on the short-term choices and long-term decisions. Moreover, the evaluation system used in the school, with its purposes, its methods and the way in which judgments are communicated to students and parents, offers values - or disvalues - that are gradually internalized both by the subject, the local community, and by society, more generally. Is not possible not evaluate, if it were possible, would make the educational relationship difficult or

impossible. Everyone must receive a reaction, approval or disapproval, in relation to one's work, otherwise it would create a state of fear and ambiguity" (Pellerey, 1994, p. 133).

2. *Evaluation as equality and equity*

For many years the school has been based on an exclusively disciplinary-notionistic approach, a school based on a transmissive teaching, it was a place where was in force a passive and dull didactic, then a punitive or rewarding assessment. Contrary to this situation, recently the educational system has changed profoundly, the terms of *complexity* and *system* are today part of scholastic terminology, in this way has changed the vision inside and outside of the school. Complexity requires a new way of knowing, investigating and exploring of reality, according to a different cultural paradigm defined by Morin (1991) as a *complex rationality*. The educational process becomes complex, therefore it follows that the teaching also becomes problematized, relational and communicative, as well as, the evaluation converts in formative. Today the school is a system that opens its own towards the external environment, so the school is no longer a monad, closed and isolated, but part of an environment with which the school maintains constant relation, while keeping its own peculiarity. The deep revolutions of society have transformed the formation, giving it a character of solid complexity. Nowadays, most of the postmodern countries identify in the effectiveness and efficiency of their educational systems and in the development of human resources as the fundamental elements to ensure high and qualified levels of training, to ensure competitiveness and development of the productive system and to promote citizenship education, as well as the democratic growth of their communities. Then the need that educational procedure becomes a dynamic, adaptive and planned process. All this involves attributing to the formative act characters, connotations and quality values (Ferrantino, 2018, p.65). These considerations can be furthermore analyzed through the characteristics of the educational quality defined by Egle Becchi (2000). The author distinguishes five meanings of quality:

- *quality in the sense of excellence*, that is a special quality, which doesn't need to be evaluated. It is an obvious, self-referential and perfect quality;
- *quality as the achievement of the established standards*, that is quality in the sense of productivity, and responds to pre-defined criteria and ideas;
- *quality as conformity to particular specifications*, that is when the user expresses preferences and needs through the voice of specialists and the latter translate them into services;
- *quality as adequacy to the objective*, that is an assessment of what has been declared by the institution and what has actually been achieved;
- *quality in a transformative sense*, it refers to idea of a quality that transforms, which produces changes in all the subjects involved in the educational process (students, teachers, parents, etc.). It represents the most appropriate way to understand quality at school (Notti, 2010, p. 83).

The evaluation, in the educational field, is not limited to the evaluation of learning because it considers a systemic dimension, that is the scholastic context within which to place the work of the single school and the evaluation of the educational Institutions and of other institutions that provide training, through a local, national and international comparison (Ferrantino, 2018). The evaluation action is neither linear nor can it placed in a precise point of the formative process, as it was in traditional didactics, now it becomes procedural and circular, it is part of the whole training path. Today is not possible to consider the evaluation only as a technical act of comparison of empirical data, actually it gives value (Notti, 2014), it follows that evaluation "is not to establish factual mathematical data, but to assign a value through principles which are sharing, by convention, by everyone. Evaluation process is also an interpretative action (I don't limit myself to registering a fact, but I add value to a fact on the basis of a more or less explicit agreement or a more or less shared agreement)" (Citran, 2016). At this point it is reasonable to explain which are the value choices involved in the evaluation. Important aspects are certainly the promotion of cultural diversity, the development of personal identity, equality and inclusion, values that, naturally, cannot be taught but they represent the substratum on which the whole educational action acts. Galliani (2011) affirms that the formative evaluation, although centered in the present,

looks far away, has a glance towards what is in progress, describes, measures, judges the transformations towards a purpose considered "good" or "better" (p. 50). The end-value on which these authors will focus is that of *equality*, this is the matrix of all the values to which the school must inspire, however the equality alone it is not sufficient to guarantee homogeneous learning and/or adequate to the potential of each student, with equality alone there is the risk of producing further inequalities. This is why this term has been joined, for several years, by the concept of *equity* (Benadusi, 2006; Bottani, 2009). This term doesn't mean homologation, but diversification, it requires a teaching that considers characteristics of each student, it has to offer incentives not reducible to undifferentiated and standardized schemes, because the purpose of equity is to develop the potential of individuals to the highest degree, without falling in the trap of flattening or leveling the formative path, taking into account only the slower students or those who are in the socio-cultural disadvantage, equity must guarantee everyone the right to quality education (Besozzi, 2009). It is superfluous to underline that a uniform and "equal for all" treatment doesn't correspond to a real equity of formative opportunities, if the educator does not take into consideration differences of pupils, it means to perpetrate inequalities. Equity, therefore, feeds on the difference, recognizes it, appreciates it and acts in its name, regulates the moments and actions that motivate the teaching-learning process, if not there would certainly be a climate of discontent, dissatisfaction and passivity, both in those who live in a poor reality, because they come from families culturally deprived of cultural stimuli, and socially on the margins, both in those who, instead, adequately inserted in the social fabric of belonging, they are the "good" of the class, the able, talented people with perfect performances. Equity is not in contrast with equality, rather it is its extension; where equality records differences, equity acts through a broader framework of effectiveness, efficiency and quality. Equity, therefore, implies that the training process offers the same opportunities to each student, giving value to the merit of each one. If we consider the idea that the school should limit itself to taking note of inequalities, then the concept of merit would obviously lead to a model of learning that is the result of *social determinism*, there are countless studies that demonstrate a clear link between an individuals' abilities and his social background. If, on

the other hand, it is believed that school must not only register inequalities but offers *equal opportunities*, then the concept of merit must plan individualized and non-homologous mechanisms.

   Only after that the school has placed every individual in the same conditions to act, then and only then, we can talk about merit of students capable of better performances than others; all these considerations lead to the conclusion that capacities are not intended as innate qualities, on the other hand "it is not possible to think that merit is the result of a genetic lottery" (Baldacci, 2014, p.136). Don Milani's lesson (1967) is always of great relevance and authenticity, an equitable school is not limited to reward the skills because "there is no merit in belonging to a socially advantaged family or in having inherited a good genetic background, a *right* school aims to cover inequalities (or at least shorten them), trying to assure all learners the right of complete training and optimal development of all capacities" (p. 137). It can, therefore, be said that to guarantee a right equality it is essential to adopt diversified paths by offering unequal *chances* of learning. Here it is necessary the reference to Rawls' work (2008) "undeserved inequalities require reparation, and since the inequalities of birth and natural gifts are undeserved, they need to be compensated in some way" (p. 110). The theoretical conceptions, which were discussed before, on the methodological field translate into two didactic measures: *individualization* and *personalization.* Since the school makes the idea of heterogeneity its own, the evaluation no longer has the character of exclusion but of inclusion. Therefore, through individualization, teachers, after having established the founding basis of each discipline, will plan different didactic activities, using different and flexible methods and strategies, but which will lead to a common educational goal, thus guaranteeing *equality of training opportunities*. "In other words, the school is asked to realize an equality that is not purely formal, in terms of access or treatment, but that more substantial and significant of mastery of basic competences" (Baldacci, 2006, pp. 10-11). At this point it is reasonable to affirm that the same classical methodology, that is the *didactic method*, shows traits of anachronism, in fact the sequential relationship that exists between theory and techniques, is at the origin of the limits of this practice, since the definition of the educational itineraries precedes the knowledge of the characteristics of the learner. The didactic method has been,

gradually, dated by the concept of *strategy*, that is, by that multi-differentiated set of operational choices, whose activation cannot be separated from the needs and specific characteristics of each student (Bonazza, 2014). To develop an active learning means that educational agencies have to use didactic methodologies centered on teaching, but also those centered on learning and then to promote the knowledge through methodologies such as: *active learning, cooperative learning, problem solving and role playing* (Vegliante, 2016). The ultimate goal of the school is not to homologate, but to identify, to support and to care potentialities and inclinations of everyone. When it is evaluated individualization, a path that involves different times, strategies, methods but which tends towards a single goal, it is inevitable to refer to performance models estimated desirable and/or acceptable. The evaluation therefore in this case tends to favour the quantitative, measurable aspect through the use of structured and semi-structured tests, without to lose sight of the main objective. The latter must be transversal to all activities, and must develop in students a metacognitive awareness of their knowledge, skills and competences.

The evaluation of personalization, instead, wants the students to acquire awareness of their talents, possibilities, strengths and preferences to allow them to develop them. Here the evaluative action becomes democratic because it allows to co-construct one's own evaluation through awareness of what has been done and what still it is necessary to do, in one word: self-assessment. Talking about self-assessment involves redefining the subject that learns. The subject, from passive becomes active protagonist of the training process, aware of his own knowledge and above all of his cognitive style, able to give meaning and value to the whole learning process. In terms of personalization, the evaluation aims to enhance differences, to give each student the opportunity to develop their own potential and preferences, without falling into the error of considering these as innate forms of capacity. They are, actually, the result of hereditary, environmental and cultural information. For this reason, it is preferable that the analysis of talents and predispositions is always "a provisional budget that is placed in a route open to different developments" (Baldacci, 2002, p. 166). In this framework the evaluation is essentially qualitative, it becomes a starting point for reflection on the experience in progress, an experience that has upstream a flexible teaching

in terms of time and space, sensitive to the characteristics of the reference environment to reach the *training system integrated* (Frabboni, Pinto and Minerva, 1998) that is a real collaboration among the educational agencies of the territory: school, family, local institution, associations and stipulate a real "iron pact" among them.

Conclusions

Evaluation accompanies educational design, from the beginning to the conclusion of the teaching/learning process. In the educational context, evaluation is a structured process in which there is the need for well-founded, objectively formulated argumentative bases inserted in a relationship established aprioristically between the evaluator and the examined. The student, according to the constructivist-social approach, becomes critically involved in his educational process. For this reason, the evaluation expresses the necessity to have a scientific method that can guarantee, on the one hand, the reflective practice (of all the stakeholders involved in the teaching/learning process), on the other the reporting of the cognitive process of a specific educational reality. As mentioned above, the evaluation process wants to determine both the intrinsic and extrinsic value of something and in formal educational contexts, the main objective of the assessment is not a simple judgement: it involves the attribution of value to facts, events and objects, or *performance*, in relation to the goals that have been declared in educational. It is good to say again that evaluation is not limited to the evaluation of learning products because it is necessary to take consideration to the systemic dimension; for this reason, the evaluation process is neither linear nor it can be placed in a precise moment of the educational path, as it was in traditional didactics practices. Significant characteristics of the evaluation process, among other features, are the promotion of cultural diversity, the development of personal identity, equality and inclusion, values that cannot be qualified but they represent the substratum on which facing the whole educational action. Evaluative processes, therefore, wherever they are organized according to the appropriate methodological and instrumental criteria, can benefit social inclusion, equity and the control of the quality of the educational offer

provided. The evaluation, also in the form of educational assessment, is always a pedagogical fact that requires rational choices which correspond to precise project. The education process means to create the right condition in order the person can to grow and to affirm his own identity, in a specific cultural dimension.

References

Baldacci, M. (2014). *Per un'idea di scuola*. Milan: FrancoAngeli.

Baldacci, M. (2006). *Personalizzazione o Individualizzazione?* Trento: Erickson.

Baldacci, M. (2002). *Una scuola a misura d'alunno. Qualità dell'istruzione e successo formativo*. Torino: Utet.

Barbier, J.M. (1977). *L'Évaluation en formation*, Paris: PUF.

Becchi, E. (2000). La qualità educativa: punti di vista e significati. In A. Bondioli & P.O. Ghedini, *La qualità negoziata*. Bergamo: Junior.

Beeby, C.E. (1977). The Meaning of Evaluation. *Current Issues in Education*, 4. Willington: Dep. of Education.

Benadusi, L. (2006). Dall'eguaglianza all'equità. In N. Bottani, L. Benadusi (Eds.). *Uguaglianza e equità nella scuola*. Trento: Erickson.

Besozzi, E. (2009). Senso e significati dell'istruzione e della scuola oggi tra equità, merito e valorizzazione della differenza. *Notiziario - Ufficio Nazionale per l'Educazione, la Scuola e l'Università*, 34, 3, pp. 22-40.

Bonazza, V. (2014). La dimensione assiologica: equità, rendicontazione, miglioramento. In L. Galliani, A. M. Notti (Eds.), *Valutazione educativa*. Lecce–Brescia: Pensa MultiMedia.

Bottani, N. (2009). Nessuna scuola è un'isola: come sviluppare l'equità tra le scuole. In N. Bottani, *La scuola bene di tutti*. Bologna: il Mulino.

Citran, P. (2016). I molti volti della valutazione, http://www.edscuola.it/archivio /ped/i_molti_volti_della_valutazione.htm, retrieved 20 October 2018.

Damiano, E. (2012). Il "senso" della valutazione. Fenomenologia sociale e opzioni epistemologiche. *Education Sciences & Society*, 2: 10-39.

Dewey, J. (1939). *Theory of Valuation*. Chicago: University of Chicago Press.

Don Milani (1967). *Scuola di Barbiana. Lettera a una professoressa*. Firenze: Libreria Editrice Fiorentina.

Ferrantino, C. (2018). La valutazione di sistema. In R. Tammaro, *Valut/Azione*. Lecce: Pensa Multimedia.

Frabboni, F. & Pinto Minerva, F. (1998). *Manuale di pedagogia generale*. Roma-Bari: Laterza.

Galliani, L. (2011). Fondamenti scientifici e pedagogici della valutazione educativa. In L. Galliani, V. Bonazza & U. Rizzo, *Progettare la valutazione educativa*. Lecce-Brescia: Pensa MultiMedia.

Galliani, L. & Notti, A.M. (eds.) (2014). *Valutazione Educativa*. Lecce: Pensa Multimedia.

Giddens, A. (1990). *Le conseguenze della modernità. Fiducia e rischio, sicurezza e pericolo.* Bologna: il Mulino.

Iannotta, I.S. (2018). Il concetto di misura nella valutazione. In R. Tammaro, *Valut/Azione.* Lecce: Pensa Multimedia.

Morin, E. (1991). Le vie della complessità. In G. Bocchi, M. Ceruti (eds.), *La sfida della complessità.* Milano: Feltrinelli.

Notti, A.M. (2014). *A scuola di valutazione.* Lecce: Pensa Multimedia.

Notti, A.M. (2010). *Valutazione e contesto educativo.* Lecce: Pensa Multimedia.

Pellerey, M. (1994). *Progettazione didattica. Metodi di programmazione educativa scolastica.* Torino: SEI.

Rawls, J. (1972). *A Theory of Justice*, Oxford: Clarendon Press.

Scriven, M. (1973). Goal-free Evaluation. In E. House (ed.), *School Evaluation: the Politics and Process.* Berkeley, CA: McCutchan.

Vegliante, R. (2016). *Valutare per progettare. Progettare per valutare.* Lecce: Pensa MultiMedia Editore.

GeorgiosTheotokis&AyselYıldız (eds.),*A Military History of the Mediterranean Sea. Aspects of War, Diplomacy and Military Elites*, Leiden, Brill, 2018, pp. XV+473.

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Abstract
Review of the book by GeorgiosTheotokis&AyselYıldız (eds.), *A Military History of the Mediterranean Sea. Aspects of War, Diplomacy and Military Elites*, Leiden, Brill, 2018, pp. XV+473.

Keywords: Military History, Byzantium, Ottoman Empire, Early Modern Europe.

The enormous expansion of Europe, started in the XVI century, was mainly allowed by the technological development:thanks to "guns and sails» (Cipolla, 1996) some European countries were able to colonizeentire continents and build huge overseas empires. The expansion was simultaneous to a great evolution in the military field.

Technology and new tactics, in fact,deeply changed the framework of warfare. According to the thesis formulated by Michael Roberts (1956) and later developed by Geoffrey Parker (1996), a "military revolution» arose in Europe between XV and XVII centuries, provoking great changes, among which: the replacement of spears and pikes with bows and muskets (and, consequently, the reduction of the role of cavalry); the greater impact of armies on societies; the more ambitious strategies. In shot, the military art was deeply modified.Suffice it to say that the size of the army increased tenfold in many countries between the XVI and the XVIII century. The origin of such a revolution must be found in the Middle Age and in the innovations developed in the military field after the fall of the Roman Empire.

This new bookabout the military history of the Mediterranean,edited by GeorgiosTheotokis&AyselYıldız, deals with some little known aspects of the centuries preceding the military revolution. In other terms, the book

highlights some aspects of the path that drove Europe to achieve a clear military and technological superiority.

The book collects scholars coming from different countries and different academic backgrounds, whose essays concerns diverse topics, thus offering a wide panorama of military art in the post-Roman Mediterranean.

The Middle Age was, as is known, a very conflictual period, during which the conflicts between Byzantium and the European powers, the emergence of Islam, the reaction of Christendom trough the Crusades, etc. provoked continuous fights.

> The legacy of Rome – the editors write in the introduction - was still one of the most unifying elements that connected the historical traditions of the Byzantine, Islamic and Western European worlds. The basic characteristic of post-Roman Mediterranean is the shattering of the political unity of the Mediterranean under the rule of Octavian (p. 4).

The fight, however, did not prevent the different civilizations living on the Mediterranean shores to interact and had fruitful exchanges. Think, for example, to the relation between Charlemagne and the Caliph Hārūn al-Rashīd in the VIII – IX century, to the Arab domination in Spain and Sicily, or even to Crusades, which certainly were a moment of bloody confrontation between West and East, but they also allowed different civilizations and peoples to interact and "meet» each other. Therefore, military history must be understood as a part of a more general framework, which involves economic, social, political and cultural aspects.

The book pays attention to several topics. A first part (contributions by TilemachosLounghis, Lilia Campana, ElinaGugliuzzo and Wayne H. Bowen), focuses on naval activity, highlighting the development of the Byzantine and Ottoman navy and their conflict with the European powers, first of all Venice. Other essays are dedicated to weapons and armours (works by Raffaele D'Amato, GeorgiosTheotokis, Iason-EleftheriosTzouriadis), shedding light on the development of armaments and their iconography. The third section (contributions by Alan V. Murray, Cornel Bontea, Stephen Bennet and Ian Wilson) deals with strategy and command, describing tactics and movements of troops during the Crusades and after. Another section (articles by Philip Rance, NikolaosKanellopoulos, SavvasKyriakidis) takes into consideration the military literature, showing how the war was told by late medieval and early modern authors. Finally, the last section of the book (articles by

StathisBirthachas, ChrysovalantisPapadamou, Jacopo Pessina and AyselYıldız) focuses on the relation between military roles and society, describing social position and careers of some officers.

Most topics of the book are almost unknown, even within the scholars, as the contributions are based on archival and other little studied sources. The reader, in such a way, is involved in an ideal travel, which moves him from Byzantium to the Holy Land and to the Modern Europe, as well as from the Middle Age to the verge of the modern world.

The common thread of the book is "to examine the mutual influence and interaction of war with societies and study the effects of war on societies in general bringing the cultural analysis of wars and warriors to the front stage" (p. 6).

In essence, the book is interesting not only for researchers specialized in military history, but also for other scholars and "common" readers interested in the history of the Mediterranean.

References

Cipolla, C.M. (1996). *Guns, Sails and Empires: Technological Innovation and European Expansion 1400-1700*,Barnes Noble, New York (first edition: 1965).

Parker, G. (1996). *The Military Revolution: Military Innovation and the Rise of the West, 1500–1800.*Cambridge University Press.

Roberts, M. (1956) *The military revolution, 1560-1660; an inaugural lecture delivered before the Queen's University of Belfast.*Boyd: Belfast.