Giovanna TRUDA – Jan SPURK
Editors

ON MIGRANTS ROUTES IN THE MEDITERRANEAN: POLITICAL AND JURIDICAL STRATEGIES

Mediterranean, Knowledge, Culture and Heritage

Book Series edited by

Giuseppe D'Angelo and Emiliana Mangone

The Book Series, published in electronic open access, is a permanent platform of discussion and comparison, experimentation and dissemination, promoting the achievement of methodological action-research goals, in order to enforce the development of the territories and of the local and European identities, starting from the cultural heritage and from the Mediterranean Area. All the research work revolves around three key topics:

Mediterranean: The knowledge and cultural values of southern Europe and the Mediterranean Area may represent the strategic elements to overcome the current crisis in Europe, to the point of becoming a stimulus for the review of policies.

Knowledge: Language, history, tradition and art have always conveyed dialogic relations and interpersonal relationships within societies, founding on otherness the peculiarities understood as knowledge development, processes, sedimentation and transformation. What becomes peculiar is the "knowledge" as the achievement of an advantage derived from the possession of unique and inimitable knowledge.

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The Mediterranean is a Place of Encounter with the Foreigner

In the last two centuries society has became more and more complex - both in the relations and in the processes - with a different gradualism according to the social-cultural contexts considered as reference of analysis. Secularization (loss of importance of religion in social life), rationalization (prevalence of rationality over purpose) and, finally, individualization (shift from community to society, with the consequent substitution of mechanic solidarity with the organic solidarity of Durkheimian memory) produced transformations both in the social representations and in the values that orientate men within society.

These processes also provoked a re-definition of the relation between man and social environment, which produced a sort of cleavage (transformations) of life-styles, influencing, in general, the representation of life of men and of their world. These reflections, which keep together men and environments of life, do not provide an interpretation of this relation as a "crisis of human species" , but as a crisis that includes a series of elements and factors, among which "to live coexisting with others" and with "other cultures". This is mainly happening in the Mediterranean.

This sea is not a fact, but a process (Ruel, 1991), and it has become a place of closure and not a place of openness to dialogue, which could give an answer to the crisis of European identities and to the independentist pressures arisen in this historical moment (think to the United Kingdom with the Brexit and to the Catalonia).

This sea of "dialogue and freedom" has become a sea of "closure and death". Yes, because today the migrants died in the Mediterranean amount to thousands, because of the growth of the migratory flows from Africa and Middle East to the European coasts: in 2017, more than 166.000 migrants landed on the shores of Italy, Spain, Greece and, to a very small extent, Cyprus; some 3.000 of them are lost at sea (UNCHR, 2017).

The *Mare nostrum*, place of encounter of knowledge (Mangone, 2015; Benguerna & Mangone, 2016) - because it has always been place of encounter with the foreigner - turned into a place in which good and evil have not borders: in the

collective imagery of migrants, the Mediterranean represents the search for freedom (the good) but, at the same time, the sea of "freedom" turned into a mortal trap (the evil).

Despite this negative social transformation, the Mediterranean still plays an essential role for the promotion of pluralism, diversity and freedom, because this sea, becoming place of dialogue and encounter, could transform itself into a table of peace among the West and the Islamic world (Hadhri & Mangone, 2016).

The formal breaking down of geographical borders that characterizes the global society should ease the movement of population in voluntary or less voluntary, peaceful or less peaceful, way, but today de facto does not happen (think to the construction of the border between Hungary and Serbia in 2015). This provokes different dynamics, in which different cultures are "forced" to meet and coexist, permeating the social and cultural processes of both societies of origin and those of destination.

This new book, edited by Giovanna Truda and Jan Spurk, with the cooperation of authors of several nationalities, is an attempt to reflect - through the analysis of several aspects of the migration flows - on the idea of border and the way to live it. In the three parts into which it is divided, some chapters examines more general and abstract categories; others specifically address concrete realities.

Fisciano, Italy   Giuseppe D'Angelo
March 2018   Emiliana Mangone

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Introduction
Migrations in the Mediterranean Sea: Rights, Security, Emergency

GIOVANNA TRUDA and JAN SPURK

The transformations in the spatial-temporal categories that occurred in the late 19th and early 20th century gave new impetus to a series of studies in a range of scientific disciplines, particularly the cognitive ones, which by their very nature deal with space more than others. This led to an interest in the study of distance and social distance (Simmel, 1989; Park, 1923; Sorokin, 1927), rediscovering the origin of the relationship between individual and society.

These changes in the categories of space and time transformed the meaning of things and disclosed a new opportunity for observing the world and opening up to it. This opens new potential prospects, not only in the spatial sense, but also in terms of identity. The new idea of space goes beyond State borders, allowing for observation in all directions. It seems natural to think that, when one can look around, the observation always tends towards wealthier and richer societies, and this can explain the increase in mobility of a multitude of people who move from poor countries, where economic resources are scarcer, to high-growth ones.

Time, which has always marked industrial societies by regulating their various activities (working and others), has been transformed into an eternal present. A present that requires commitment and participation, which cannot draw on the experience of the past nor foresee the future: communication cancels distance and resets time. It thus happens that two people who are physically kilometres apart can share the same social space, for example in a chat. In light of these changes it became essential, in order to explain some social phenomena, to adopt new modalities of interpretation, such as Sorokin's *social mobility*[1].

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[1] He envisages three types of social mobility: economic, political and professional. Economic mobility concerns money income, wealth, land ownership; political mobility instead refers to the influence of an individual in the community, his/her access to political resources; while one's job, its stability, the privileges and gratifications deriving from it and the prestige that the community attributes to it represent professional mobility. All three types are connected, and different times or

For the purposes of this book, whose title is in this sense significant, at least for the first part (*On Migrants Routes in the Mediterranean*), is particularly relevant the scholar's analysis on the mobility of individuals from one production sector to another or from one profession to another: the conditions that help individuals in satisfying the almost desire to better themselves can be different and, usually, more emphasis is put on the economic ones, probably because they allow a quicker rise in the social ladder.

We should add to this analysis the other type of mobility that characterizes current societies, *i.e.* geographical one, as in the case of migrations, that produce their economic and competitive effects both on those who emigrate and on the host groups and social structures. Moving from one social environment to another while maintaining the same social position, typical of horizontal mobility can, in any case, lead to the internalization of behavioural models of a different culture. In the life of an individual, this aspect can act as a push towards vertical mobility. The real possibilities of movement depend, among others, on one's group and his context of belonging. Therefore, living in a closed system society, such as rural communities, means fewer possibilities of experience compared to those offered by a large industrial or commercial city. As a consequence, migration flows almost always go towards large centres, characterized by the multiplicity and diversity of the offer.

The interactions between different cultures have multiplied and accelerated due to the globalization process, which, according to various scholars (Wallerstein, 1975; Giddens, 1990; Robertson, 1992), characterizes contemporary society. A greater number of exchanges, and thus a greater mobility in space, undoubtedly increases the life opportunities of an individual and can become a valid channel for social mobility. Similarly, the development of new technologies, especially communication media, causes the illusion of being able to move freely in all directions. Globalization has multiplied and relativized the points of reference and has widened the boundaries, creating the conditions for the affirmation of the image of a world that is uniform and yet inhabited by many differences.

In this sense, migration is perceived not only as a necessity (economic or political, for example) but also as a fundamental and more general right of individuals (Vesto and Marchese, 2017). But how is this claimed right reconciled with the restrictive policies of some countries?

The claimed right of the individual, that is the human right to move, has great difficulty in reconciling with the fears and obstacles legitimately posed by the States. In some respects, migrations have always brought problems to be solved, in terms of reception and public order. We live in an era in which, faced with the claimed right to move freely, we are witnessing the general tendency to strengthen and consolidate borders against men and women fleeing from

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periods see the prevalence of one rather than the other. As for the direction, there are two types of social mobility: vertical and horizontal. The vertical one can be either ascending or descending.

misery and war: this contradicts the tendency to break down barriers for the movement of goods and capitals.

Migrations involve, on the one hand, organizational and other kinds of problems that require political responses; while on the other hand, they raise a moral question. The increasing number of migrant landings – the 2017 data (UNHCR, 2018), for example, show that 171.332 migrants arrived on the coasts of Italy, Spain, and Greece and for a smaller part in Cyprus, while 3.081 are dead or lost at sea – show that, for these subjects, the need to move from one country to another in order to grasp new and better life opportunities is stronger and more important than their existence, to the point of risking it in desperate trips. And yet to migrate, that is, to be free to circulate, is an individual right stemming from the libertarian tradition.

Migration, it means the movement of individuals, is considered as one of the most ancient natural rights and its statement can be traced back to the Spaniard theologian Francisco de Victoria. To better understand the arguments, it is necessary to shift the focus "from the rights of the citizen to the rights of the person", to the so-called fundamental rights, "those subjective rights that are universally due to all human beings as having personal status".

The right to emigrate is recognized by the 1948 *Universal Declaration of Human Rights*, whose art. 13, par. 2, states that "Everyone has the right to leave any country, including his own, and to return to his country". In our days, despite this clear and explicit formulation, the contradiction between the fundamental right of individuals to freedom of movement and the right of States to decide and define entry rules has not yet been resolved. Each State sees this legitimacy recognized as a fundamental aspect of its sovereignty.

The right of freedom of movement, the *Declaration* states, are limited only by the restrictions established by the law. As it is known, it is precisely on the ground of national legislation that the question of migration is played out, in the sense that fundamental rights can be denied.

This, however, is not enough to stop or contain the person's desire to move. In contemporary societies, freedom of movement is "the main factor of stratification" (Bauman, 1999) and constitutes the criterion around which which the new social hierarchies are defined. Moreover, this freedom is significantly linked to the mechanisms reproducing inequalities.

Mobility paths can therefore help to describe the reproduction mechanisms of inequalities. In this sense the migratory project is also a project of social mobility, it refers to the individual and/or to the group of belonging: the decision to emigrate is not only an individual choice, but a project of the community that supports it through a network of relationships (in the context of departure and arrival) and that, like a network, works by exchanging information and providing support.

Migrating is in our days not only an answer to an economic, political, or religious need: these motivations are intertwined with social and cultural ones. At the same time, cultural and imitative factors also play an important role, explaining the arrival of migrants not only from poor and marginal regions, but also from

those characterised by processes of social and economic transformation. This phenomenon confirms the person's right to experience different life styles and practices, as well as different identities in a context of respect for differences. Recognizing human rights means recognizing the diversity of humanity, but does this also mean recognizing the network of cultural bonds and networks within which this identity is satisfied?

The network is a metaphor of belonging and constitutes is linked to the construction of identity. In addition, it represents for the migrant also the basis on which are based both his migratory project and his hopes to realize it. The network of departure or arrival, either formal or informal, clandestine or not, supports this necessity and at the same time allows to fulfil a fundamental individual right in the sense of the *Universal Declaration of Human Rights*. In the first steps of migration, from departure to arrival, the network of compatriots is a fundamental support for the success of the project and its role changes in its various phases, depending on the knowledge acquired over time.

Once the migrant has reached his destination, the network supports him both in the reception and in the search for a job, but above all by building a psychological and social support in difficult situations, which otherwise the immigrant would face on his own. The structural character of the migratory phenomenon concretizes the role of the network above all in the initial contacts with the host society. However, politicians, television and newspapers affirm more and more the need to stop the flow of migrants in their places of origin; paradoxically, it is precisely the media that, through the images of the rich part of the world, foster the need to move, proposing better places and situations day after day, inspiring people to move and stimulating the desire to reach wealth and affluence in order to share them.

If institutional channels hinder the legitimate aspirations for mobility, criminal organizations hack into the path (Marchese, 2017), offering the possibility to concretise expectations through a mediation that constitutes a real alternative network.

The migrants who land on the northern shores of the Mediterranean have neither visa nor residence permits. Their documents are often in the hands of their drivers, which makes blackmailing them much easier. They are men, women, and children who will end employed as low-cost labourers, often swelling the ranks of criminal organizations.

A possible solution would be to make sure that the desire is not generated, and this can occur only by creating better economic and social conditions in the countries of origin. We realize that this is not a simple process; in fact, many attempts have failed almost instantly: only integrating the destination of resources to the countries of origin and the fight against international organized crime could stop the migration flows, particularly in the Mediterranean, now no longer controllable.

An open society or changing society[2] (Bobbio, 2015) promotes mobility through infinite potential for the individual, who can acquire new social status and a different dignity. No action, law, agreement or resolution can stop those who struggle to survive. Nothing will stop the boats, trucks, trains of men, women and children who try the last measure to improve their situation and that of their loved ones in escaping from crisis situations.

According to many, curbing migrant landings means patrolling the North African coasts with the collaboration of the countries involved, especially Libya, but while the agreement signed between Italy and Libya in February 2017 actually produced at least a reduction in the number of migrants, it has also created – on Libyan soil – extremely serious humanitarian situations, such that UNHCR intervened.

There are many elements that allow us to affirm that migrations are now a structural fact that the countries bordering on the Mediterrean live with every day. And reflecting on what is happening in the Mediterranean may represent the strategic element to overcome the current crisis situation, becoming a stimulus for the revision of European policies and providing a solid basis for the emergence of a true common cultural heritage.

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This book is precisely an attempt to reflect – through the analysis of various aspects related to migration flows – on the current idea of Europe and the Mediterranean, and on the way to live it. Reflecting on what happens in the Mediterranean can therefore constitute the driving force to overcome the impasse of the migrant emergency that Europe cannot solve. Thus, while some chapters strive to formulate more general categories, others specifically deal with concrete realities.

The book is organized in three parts in reciprocal engagement. However, the first chapter, "*The complexity of the global world and the differentiation of rights*", written by Giovanna Truda, is not part of this tripartition because it deals with the general topic of the differentiation of rights and the idea of "border" in global society. In fact, more complex relationships models have created the conditions for to the emergence of a global image of a uniform world. In this sense, migration is perceived as a general and fundamental right of the person to move. But how is this right reconciled with the restrictive policies of some countries? If, on the one hand, institutional channels hinder legitimate aspirations for mobility, on the other hand, the migrants build life strategies that go beyond local boundaries, maintaining a strong link with their country of origin. This migration modality is inconsistent with the institutional policies of integration of the territories of arrival and the

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[2] A social system can be distinguished between a stable model and a changing or open model; in the first case we are dealing with a system that perpetuates its own cultural models, while, conversely, in an open society there are factors of change that make the traditional cultural models inadequate. See (Bobbio, (2007) (digital edition 2015)

general tendency to strengthen and consolidate the boundaries, in contradiction with the tendency to break down barriers for the circulation of goods and capital.

The first part, "On migrants routes in the Mediterranean", is composed of three chapters. The first chapter, "*The Impact of Illegal Immigration on Security in the Mediterranean Sea Region*", written by Youcef Hamitouche, focuses on the impact of illegal immigration on security in the Mediterranean Sea region. At the beginning the author studies migration matter as phenomenon which has affected humanity for long centuries, also it is a social and economic factor, in addition, migration represents an element for integration as well an element for repulsion. Concerning the south part of Mediterranean region, illegal migration is linked to political reasons, economic and social, due to political instability, civil wars, political crises and the absence of a strong economy which absorbs unemployment, as well as poverty and famine. The seductive life in Europe is also a reason for illegal immigration. So, with European perception of illegal immigration as a new threat to their security, they exercise pressures on the North Africa states to establish centers to contain illegal immigrants, then to expel them to their origin countries. this role had been rejected by the southern countries such as Algeria. And bottom, the closed of European borders does not stop illegal immigration, which will stay more and more. This contribution poses many questions: What is the impact of illegal immigration on security in the Mediterranean region? What is the perception of both European and South countries for illegal immigration?

The second chapter, "*International Politics, Migration, and the Europe of Malta. The Valletta Summit and the Euro-Mediterranean challenges for the EU and Africa*", by Gian Lorenzo Zichi, continues the reflection on relations between Europe and Africa continues. This chapter – in a perspective of the History of international relations and applying its specific methodology – aims to provide an overview of the foreign policy approaches of national and international actors in the migration field related to the Mediterranean area. Its focus is put on the migratory crisis involving Europe since 2014, with a particular emphasis on the conference held in Malta from November 11[th]to 12[th]2015, that brought together European Union countries along with twenty-five African states in a historical «*Summit on Migration*». The event took place in the most difficult period of the «*year of migration*» – as the IOM has named 2015 – and represented the first attempt to create a shared dialogue between countries of destination and countries of origin and transit.

The first part of the book ends with the chapter written by a group of scholars of the University of Palermo (Silvana Leonforte, Roberta Teresa Di Rosa, Gaetano Gucciardo & Gabriella Argento). The chapter, titled "*Unaccompanied Migrant Children in Sicily. From the Arrival to a Social Inclusion Project*" deals with a topic that takes on aspects of a real humanitarian emergency. The research presented in the chapter is focused on the reasons that build up the migratory project starting from the elements of the anticipatory socialization processes in the countries of origins minors come from, all expectations and representation about the countries of destination and the consequent projects for the future. In particular, the research

is led by a study focused on the pull and push factors for migration, starting from the socio-economic situation of the countries of origin seen by those, conflicts and their nature, traditions, with particular reference to the family structure, arguing that family is the basis where the project of migration comes out and lead all the migration experience of an unaccompanied minor, who to proceed its dream of success for the future in Europe had to follow what it is left behind such as tradition, expectations, request for monetary remittances.

The second part of the book, "Migration and Religions", deals with a very particular aspect of migration, which is the relationship between the different religions and the freedom to profess one's own faith.

The first of the chapters in this part, "*Uncommon Denominators? Christian-Muslim Relations and the Legacy of al-Andalus in Contemporary Spain*", by Jessica R. Boll, examines these contemporary Christian-Muslim encounters in Spain and the ways in which Islamophobia is manifested in policy and practice. A plural society that has historically chosen to define itself in singular terms, we must call to question whether Spain, too, has ceased to be a common denominator for Christians and Muslims in the 21st century.

We then find the chapter by Giuseppe D'Angelo, "*The Immigration "Emergency" between the Legal Protection of Religious Freedom and the Public Role of Religion*", and that by Carmela Elefante "*Migrations, Migrants and the Contemporary Issues of Religious Freedom: The Right to the Availability of Worship Places and Buildings*", both of which deal with religious freedom. The first proposes some fragments of an overall interpretation of the legal issues induced by the contemporary migration flows, considering them in the perspective of the religious freedom and the relationships between law and religion in the multireligious and multicultural societies. So, a very special attention is reserved to the idea that, on the one hand religious groups can be really important for a better solution of the migration issue but, on the other hand, that this "public role" of religion can determine problematic consequences in the way to interpret some concepts and rules which are on the basic of the democratic legal protection of the religious freedom as well as of the Secular State (or, in other words, of the Italian legal principle of "laicity"). The second, instead, focuses on some legislative initiatives – at the regional level – through which the idea of limiting the right to availability of worship places and religious buildings is motivated by the social reliability of the religious groups who demand this right. This is an attempt that has been hampered by a recent ruling by the Italian Constitutional Court, although it does not seem to have been completely overcome.

The last part of the book, "Representation of migration", consisting of two chapters, deals with a very interesting and complex theme that concerns the way and the forms through which the means of communication represent migrations in the Mediterranean. The first, written by Hanife Aliefendi-oğlu ("*Mediated Suffering on the Mediterranean: Portrayal and Representation of Mediterranean Refugee Crisis in the Turkish News Media*") examines online Turkish news media content to

exemplify hate speech toward refugees and myths and facts regarding, especially Syrian refugees. And then she suggests a humanitarian approach and human rights-oriented peace journalism by exemplifying positive narrative in alternative media.

The second, instead, "*The Representations of Migrants in the European Newspapers: A Comparison of Words and Media frames*", written by Emanuela Pece, aims at illustrating a comparison of the frames and the words used by some of the main Italian national newspapers associated with the phenomenon of migration. The frequency and use of the words in news can illustrate, by way of example, how the media, in some cases, are instruments able to spread among the public stereotypes and attitudes that can in turn lead to a narrowing and / or opening of relations towards the Other.

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The Complexity of the Global World and the Differentiation of Rights

Giovanna Truda

1. The risk in the complexity of global world

For some scholars, such as Giddens and Touraine, the end of the last century marked the entrance into an era in which the consequences of modernity are increasingly radical and universal. The transformations of contemporary society appear deeper than those of previous periods. They are at the same time *extensional* and *intensional* (Giddens, 1990): they relate individuals to large-scale systems within a complex dialectic of change at local and global level. The *extensional* level refers to the global scope of events that reinforces their effect, and it is precisely this global reach that makes them transcend all economic and social differences. However, the first reaction to what Giddens defines "risk" is indifference, given the awareness that many risks are widespread and are now part of social background. In addition, each risk creates a dispute about its likelihood of occurrence. The *intensional* level, on the other hand, refers to risks that modify the most intimate (Luhmann, 1987) and personal aspects of existence (Giddens, 1990). Beck (1986), for his part, in the book *Risikogesellschaft. Auf dem Weg in eine andere Moderne*, proposes a distinction between first and second modernity. The first modernity is characterized by a State, a national society, by collective structures, full employment, quick industrialization, and exploitation of non-visible nature. This first model can be called simple or industrial modernity (Touraine, 1997)[1]. Today we find ourselves in what Beck calls the "modernization of modernization", or second modernity, or even "reflexive modernity".

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[1] The distinction of modernity into different phases has been the subject of many analyses in various disciplines. For example, Touraine distinguishes between "high" modernity, referred to as "classical", defined by the discovery of the subject, or by its "political emancipation", whose effects are visible in the *Declaration of human and civil rights*; "middle" modernity, characterized mainly by a strong push for economic autonomy or by the "first industrial revolution" or, even, by the social revolution that can be defined as practical action and form of the theoretical-political premise.

In this process, the assumptions, inadequacies, and antinomies of the first modernity are questioned, and become an object of reflection. Reflexivity characterizes all human actions (Donati, 2011), in the sense that everyone maintains contact with the motivations that induced them to act.

In the second modernity, reflexivity takes on a different character. Social practices are constantly being changed in the light of new discoveries. This is true in all cultures. In this phase of modernity, this trait becomes radical and embraces all aspects of human life, including technological intervention. It is a world in which knowledge is applied reflexively. We are never sure that an element will not be questioned or refuted (Popper, 1962). Nothing is certain (Touraine, 1992).

Technological innovations have expanded people's perception, allowing them to see and hear distant and past things, allowing for simultaneous presence in different moments and places. It is the realization of McLuhan's "global village" (McLuhan and Powers, 1992), ensuring the transmission of communications in real time.

Through this definition, we can distinguish and indicate different processes, among which: individualisation, unemployment, underemployment, the gender revolution and ecological risks, and the turbulence of financial markets that together characterize global society.

Risk in itself is not a new feature of social life (Barbieri and Mangone, 2015), but new forms of risk appear in contemporary society, regardless of the conscious choice of the individual. These phenomena, resulting from a combination of different causes, are not easily perceivable.

In contemporary society, Beck claims, risks differ from those of past societies because they have attained a magnitude that is difficult to control. In risk societies, it is expert knowledge that defines the nature of the dangers and sets the tolerance thresholds. The nature of many risks is not easily identifiable, except through sophisticated techniques and tools, and this induces a tension in the subjects that cannot be assuaged even by the most reliable research. Insecurity is not produced by science, but rather by the ever-clearer awareness of its limits. There are many and different risks that are not easily controllable, well beyond the possibilities of control we currently have in the various sectors[2].

Today, citizens no longer accept experts' judgments uncritically, especially as there is a sort of quarrel between the experts themselves, who are no longer a source of reassurance. Thus, risk societies not only produce risks, but also have a low degree of acceptability of social risk and scientific rationality.

Another dimension of risk is linked to the social, cultural, and biographical transformations of the actors, since it also stems from the crisis of the internal systems that must ensure and reproduce in traditional forms the world of life, the formation of identity.

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[2] We refer to some viral diseases such as SIDA, bird flu, SARS, etc., to remain in the biology field, or to forms of environmental disasters, produced by toxic substances or clouds as in the case of Chernobyl, or in the case of large migratory movements, to remain within society.

Beck gathers the phenomenology of personal risks and insecurities under the heading of individualization, addressing a theme that sociological classics such as Marx, Durkheim, Weber, and Simmel had dealt with in different ways. However, Beck does not take the transition from traditional societies to modern societies as the background for his work, but consider capitalist society itself as tradition, whose cultural reference points are beginning to erode.

Until a few years ago, Beck says, it was easy to move from society to society and find the Chinese in China, the Italians in Italy, the Danes in Denmark; today everyone is everywhere. It was a view of the world that assumed separate cultures, although in a certain sense history rejects this postulate. Globalization and new media have instead penetrated all areas of the social and economic life of individuals. Everyone is closer to any ethnic or religious group, and what happens in one part of the world immediately affects the rest. This shared present is based on different pasts that cannot guarantee a shared future. The world is united regardless of the will of the people who live in it. There is no longer an exclusive geographic place of a group or a faith, but rather an interweaving of the two in a context of competition. And, just like cultures, individuals also mix together. In this context of closeness, people feel like strangers, alienated from one another; they do not understand each other and feel mutually threatened. Yet cultures are not hermetically closed, as some claim (Huntington, 1997), but they are the product of continuous interactions – as in the past Europe and the Arab-Islamic culture have given rise to intercultural processes. In any case, one should not believe that the interaction between different cultures will decrease the subtle, invisible competition in individual cultures that, at any cost, sustain the validity of their own values.

The process of globalization has profoundly changed the spatial-temporal conception, reduced the traditional barriers between people, and made communication processes paramount. However, in addition to speeding up the circulation and exchange of goods, individuals, and knowledge, it has also led different cultures to meet and dialogue.

While far from playing a secondary role in the socio-cultural changes triggered by modernization, globalization is at the same time ambivalent. It tends to homogenize cultures, reduce specificities, and universalize belonging, but in return it offers participation in larger social entities, increasing the degrees of freedom of individuals in the choice of their relational spheres; the protection of the different individual and collective identities is also part of this process.

The process of globalization makes it extremely complex to analyse many phenomena that involve different dimensions of social life in relation to the economic-cultural, political-relational, and integrative aspects of immigration in a strict sense.

In recent decades, due to globalization, migrations have reached an extraordinary scale and involve new latitudes with respect to previous years: the 2017 data (UNHCR, 2018), for example, show that 171.332 migrants arrived on

the coasts of Italy, Spain, and Greece, and to a lesser extent in Cyprus, while 3.081 drowned or were lost at sea.

The configuration proposed by Appadurai (see Featherstone, 1990) is of particular interest to outline the areas of influence of globalization. The aspect of globalization which interests us is what he defines "Ethnoscapes"[3]; according to this aspect, the growing migratory flows affect all nations, they have lost their unidirectional character, they are less and less exceptional events but rather part of global and complex movements of men, goods, and information.

Migration is linked to mobility, *i.e.* the possibility of moving in a given territory and social space, generating new relationships.

We cannot talk about spatial experience without recalling Simmel's lesson. For Simmel, space is a logical and perceptive *apriori* as well as a mode of experience. Therefore, space is not something we experience, but a way of experiencing it: it is not an objective dimension, but a subjective one.

In *Space and the Spatial Organization of Society*, Simmel (1989) explains how modernity binds us to specific ways of experiencing through space. He emphasizes how the imposition of monetary economics and the division of labour have allowed a greater number of relations to dispense with a spatial reference because they have made possible relations "for which the presence of individuals is superfluous".

In the part dedicated to proximity and distance, Simmel argues that distance capacity is linked to abstraction capacity. The categories that can do without proximity are the opposing poles of the connections between men, those purely objective-impersonal and those based entirely on the intensity of the state of mind. Indeed, the former can be expressed in formal, logical, written terms, while the others overcome the distance with the imagination and the intensity of feelings. The more the extremes lose their purity, the more local proximity becomes necessary. It is through greater or lesser proximity that, according to Simmel, social relations can be analysed. The increase in "objective-impersonal" relations in modern societies seems to translate into an increase in the capacity for absence. In modern societies, Simmel states, space movement is not necessary to unify the group. In the two processes of abstraction and objectification one can recognize the two fundamental mechanisms of Giddens' *disembedding* process (1990). He relates the capacity of society to "disengage from the contexts of presence" to the development of the means of exchange that circulate independently from the characteristics of the individuals or groups that use them (for example, money) and of the expert systems, that is, those systems of technical or professional realization that organize ever wider areas of our daily activities.

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[3] The other aspects considered are: "Mediascapes", which refers to the significant increase in information and image flows; "Technoscapes", which refers to the invasion by information and communication technologies; "Financescapes", which refers to the presence of technologies in financial markets; "Ideoscapes", which is divided between supporters of the potential for the spread of development of globalization and emerging ecological movements.

But Simmel looks at the development of these modifications from within the system of social relations, that is, he looks at how intellectuality, which translates into abstraction and objectification, changes the possibilities-abilities of the individuals to build relationships in space. Spatial-temporal changes in modern societies spring from and are accompanied by a different way of looking at space. According to Simmel, the world is smaller not only because distance is objectively decreased, but even more so for the increase in the ability of individuals to manage this distance. Ability of abstraction makes individuals indifferent to space; intellectuality means that memberships do not necessarily have to take root in actual places; objectification leads individuals to increasingly experience the space for its abstract characteristics and not for its specific qualities.

2. Migrations and integration between micro and macro

The profound changes that characterize the contemporary age highlight how study of migratory movements represents a radical challenge that the for social and human sciences. These studies are based on two fundamental dimensions: the *micro* dimension, that looks at the phenomenon through the study of social action, and whose objective is to trace back the motivations and causes that determine individual choice, and the *macro* dimension, which assumes an external perspective with respect to the individual and takes into account the factors and mechanisms that operate at the level of the social system.

Leaving aside all the classical theoretical reflection, one can assume to use more general categories. It can be said that in the study of migration and relations between ethnic groups we can identify various integrative approaches: integration and assimilation and other more recent ones such as multiculturalism, interculturalism and network analysis (Taylor, 1992; Baumann, 1999; Savidan, 2009; Donati, 2016).

The migrant or foreigner, as Simmel describes it, participates in the life of society, but is not present in all its sectors. With respect to the social actors residing on a given territory, its position can be interpreted using the proximity/distance criterion. At the level of social structures, the categories to be used are inclusion/exclusion. We must first identify the places in which integration is possible, and then delineate its meanings.

In one of his essays, Landecker (1951) analyses different types of integration: cultural, normative, communicative, and functional. According to his scheme, cultural integration occurs if the social norms shared by the actors are integrated; it is not a question of social action, but of its norms. If we consider the norms related to specific behaviours, we speak instead of normative integration; it is the case in which *Ego* and *Alter* share the same rules. Communicative integration refers to a common use of a communication code to exchange information. Finally, functional integration occurs when between the actors or between the groups "there is interdependence between the elements of a system of division of labour".

This typology is taken up and used by Lazarsfeld (1965) who in turn builds a typology of integration, distinguishing it into three different types: cultural integration, concerning the integration of cultural models; normative integration, that is, the integration between cultural standards and the behaviour of individuals; integration between individuals, that is integration in the sphere of behaviour.

The types of integration cannot exist in reciprocal isolation, there is a complex relationship between them. To simplify and summarize the analysis of the two scholars, we can talk about integration: a) linguistic and communicative; b) normative and institutional; c) cultural; d) functional (work activities).

The communicative level is the most general one and it stands at the base of all the others; the subject must possess the rudiments of the language without which he cannot understand the demands of the system towards him, nor can he interact with the system. The various types of integration are arranged in ascending order, so that the lower one implies and contains the higher one.

If one looks, instead, at integration from the point of view of rationality models, one can distinguish between systemic integration, that is integration within a given system, and social integration that takes place within an overall social system, with the adhesion to the general cultural models, the sharing, including critically, of its history and life-models. Social integration is understood as citizenship and it refers to linguistic and cultural systems whose rules are shared by all the actors. On the contrary, integration into the labour system presupposes only normative compliance, placing the linguistic and cultural assimilation in the background. Therefore, a set of rules shared by Ego and Alter can define the integration or, better, the degree of sharing of these rules can define the degree of integration. A foreign worker will be able to integrate himself into his host society only if, in his actions, he adopts the models of action of the system or social subsystem in which he intends to operate. Integration can be organised according to the levels and dimensions of the action. In fact, it is possible to achieve integration in one dimension but not in another; culture can be oriented differently. For example, the integration of migrants, which presupposes communicative and functional integration, does not necessarily require cultural integration.

The permanence of the cultural foundations of the personality system that promote motivational resources are the basis on which the migratory project is conceived. And yet migrants' personality is put to the test, since they must constantly live in an ambivalent situation: maintaining their cultural orientation while at the same time finding their way in a communicative, functional, and normative framework different from their own.

Many authors, especially American ones, use the concept of "assimilation", understood as a process of interpenetration of functions, but this approach has been flanked and surpassed by the integration-oriented approach, more in line with the model of cultural pluralism.

The concept of integration often escapes unambiguous definitions and can assume conflicting meanings. In its broadest sense, it is conceived as the process by which individuals fit into a group with different cultural characteristics.

Three factors are fundamental for integration: the orientation of the host society, the orientation of the migrant group, and the socio-economic status which favours or hinders the integration process. The first factor can range from the model of assimilation, when one wants to impose one's own models on newcomers, to that of pluralism, based on the recognition of diversity. The second factor deals with either a traditional orientation, *i.e.* the will to maintain one's own culture, or an acculturation orientation (Portes and Rumbaut, 2001), if one is open to interaction with other cultures.

The migration project contains in itself two components, one external and the other internal, related to the ability to maintain the cultural and emotional base of one's personality. This ambivalence is a necessary condition, leading to the failure to pursue cultural policies aimed at a forced integration that crush the cultural roots of the foreigner.

Within the "multiculturalism" approach, there are various positions related to the issue of the relevance of cultural systems; "in light of the link between choice and culture, [...] people should be able to live and work in their culture", states Will Kymlicka (1995). The concept of culture adopted by the theorists of multiculturalism seems to take for granted its compactness and impermeability, baed on the assumption of a correspondence between "culture" and "ethnicity", assumption that was vigorously contested by the most recent developments in anthropology (Amselle, 1990). When applied to migrants, the multiculturalist perspective tends to conceal the break with the "culture" or the "community" of origin that characterizes by definition and constitutes the paramount characteristic of the migrant's biography and to present one of the fundamental problems of the sociology of migrations, that is, the processes of *production*, *reproduction* and *transformation* of the identity of the migrants themselves, as solved in advance. As the French anthropologist Jean-Loup Amselle (1999) pointed out, one should not forget that the rights of minorities include the right to renounce their culture.

Today we talk of a crisis of both multiculturalism and the assimilation model: multiculturalism, which refers to political options, finds the solution in multi-ethnic coexistence, enhancing diversity. The concept of multiculturalism can be tempered through two perspectives: descriptive and prescriptive.

Within the prescriptive perspective, we can distinguish between a radical form, which rejects all selection and claims the right of every culture, on the basis of the equal dignity of cultures, and a moderate multiculturalism. The latter belongs to those scholars (Taylor, 1992; Apel, 1997; Raz, 1998) who, convinced of the existence of criteria for evaluating groups and cultures, include them in a liberal-democratic society. In this regard, we talk of the "paradox of multiculturalism" (Blau, 1995), according to which a multicultural society would become once again a homogeneous society.

This distinction prompts a reflection on the accuracy of the term "multiculturalism" instead of "multiculturalisms", in the plural form. For decades, multiculturalism has attracted a lot of interest from scholars and mass media, but it poses many problems and has been the subject of much criticism.

Possible risks are to exacerbate the differences and lead each group to isolation; to privilege some groups over others, to allow prevarication within the groups; to have stereotypical visions of the other (Mangone, 2016). A multi-ethnic society should recognize diversity and use the same code of coexistence. The interculturalist perspective is characterized by the focus on dialogue between different cultures with an openness towards them and paying attention to transformations. Multiculturalism emphasizes cultural differences, while interculturalism highlights the relationships between different cultures based on a bidirectional and symmetrical exchange. Unlike multiculturalism, interculturalism is characterized by the multiplicity of relationships and exchanges, and is based on the subjectivity of the person, with his dignity and freedom.

3. Differentiation of rights

The magnitude of migratory phenomena in the modern and contemporary age has shaped a complex relationship between citizenship and nationality that is articulated between the inclusive and universal character of subjective rights and the protection of ethnic-cultural minorities within national states. It is possible to distinguish between citizens' rights and human rights.

Human rights are those primary or substantial rights of persons that are due to all human beings, without link to any particular status, such as that of a citizen, worker, adult, etc. Although granting citizens certain rights aims at their inclusion, in some cases it may lead to the opposite and unintended effect of exclusion.

The path to the affirmation of rights has been very long, from the first ancient and Christian philosophical elaborations, to the achievements of Enlightenment, through the gradual insertion of these rights within the constitutions of the individual states.

After the Second World War the idea of human rights spread rapidly. The enormous importance given to human rights is due to the fact that they are linked to fundamental issues, such as those of democracy and peace. The recognition and protection of human rights are the basis of democratic constitutions and peace is the necessary precondition for the effective protection of rights both at the level of the individual States and in the international system.

In the modern age, through natural law, the concept of universality is transformed from a philosophical idea (the universality of nature) into a political institution, a different way of regulating relations between government and governed. Its first political expression is found in the declarations of rights of the late 18th century.

The assertion that some rights of men pre-exist the institution of the State overturns the traditional conception of politics by opposing men to society and to the *res publica*, which has long been considered superior to the parties, shifting the legal balance in favour of subjective rights. Three major currents of modern political thought – liberalism, socialism, social Christianity – converge in giving rise to a system of fundamental rights, while retaining their own identity in preferring certain rights over others.

Although they have been considered natural from the outset, human rights were not established and acknowledged once and for all. Today's dominant form of power distinguishes the current phase from previous eras and reinforces the demand for new rights.

The struggle for human rights found its first opponent in religious power, then in political power, and then in the economic one. Today the threats come from the ever-increasing power deriving from science achievements and their applications.

We have entered the era characterized by a huge, "irreversible" progress, caused by technological transformation. The growth of knowledge has increased man's ability to dominate nature and other human beings.

The "new generation" rights (Bobbio, 1992), such as the right to freedom, security, privacy, and free movement, or the right to live in an unpolluted environment, are born out of the dangers of life.

The history of individual rights, according to Marshall's periodization (1950), proceeds along a line of legitimisation that goes from the civil rights of the 18th century, with the emergence of the bourgeoisie, which concern the sphere of individual liberties (freedom of thought, religion, speech, etc.), to the political rights of the 19th century, related to the exercise of political power, with the active and passive electorate, up to the social rights of the 20th century, which ensure a minimum of well-being and security thanks to the process of institutional legitimisation of citizenship rights. Being a citizen is what gives access not only to political and civil rights, but also to social rights.

These rights of citizenship, continues Marshall, act as cushions for capitalism because they temper insecurity and inequality. Enjoying the legal status of citizen and enjoying citizenship rights, however, are not the same thing, as the limits of rights vary from state to state. Subjective rights, coupled with the political specificities, gave rise to different conceptions of citizenship. They coincide with two models of national state: the French model, in which positive law is the product of the parliament understood as an expression of the general will, and the Anglo-Saxon model, where positive law is understood in negative terms, as a guarantee against the violation of natural law in civil society.

The universalistic model of French citizenship corresponds to the idea of the people as *demos*, which is defined by the political participation of citizens within a territorial state. This model considers illegitimate to accord different treatments according to the group of belonging and finds its realization in a secular and neutral

state that shuns from adopting measures that affect the private sphere of the individual, aiming at those whose recipients are collective subjects.

The English model aims at the equal treatment of minorities, *i.e.* it recognizes and protects the various cultural identities through a multi-cultural policy.

French policies are therefore based on equality irrespective of group differences; British ones are based on the recognition of those differences and favours communities representing individuals. Neither model prevented the marginalization of foreigners; the former because, by excluding the differences, it reproduces and reinforces social exclusion, economic disparities, etc., the latter because it creates separate communities.

By contrast, Germany seems to have embraced the ethnic view of the people as a pre-political organic unity. This conception of people has given rise to a particular interpretation of the nation state in exclusionary terms, which from a legal point of view is expressed in citizenship criteria based on the principle of descent (*ius sanguinis*). Therefore, the citizenship-immigration issue concerns the position of a subject before a given State (for which we are either "citizens" or "foreigners"). Citizenship acquires an *exclusionary* character when it is understood as a status that guarantees the protection of the individual rights of a particular group of individuals. These are citizens when citizenship is understood as a condition of the sense of belonging given by the mutual recognition of the other as an integrated member in an organic society and involves values that are beyond the protection of fundamental rights.

The various models of citizenship have considerable value for the purpose of being recognized as belonging to a political community.

In this regard, one of the most interesting categories seems to be that of "partial naturalization", an expression that the English term *denizenship*. This term, coined in the 16th century, refers to the position of the foreigner accepted as a citizen by virtue of an act of the Crown. This act gave the opportunity to enjoy full rights without acquiring citizenship, thus suggesting an intermediate position between citizen and foreigner.

This concept could help to overcome the natural relationship between State, Nation, and territory that seems today to suffer a crisis, but there is the risk of transforming denizenship into a citizenship "granted from above" – as we could say recalling the historical origin of the term. And it is a risk not to be underestimated in a situation in which the individual national communities harbour within themselves tendencies to shatter the universalism of citizenship and to establish new internal boundaries in politically homogeneous spaces.

Continental Europe shares the principle according to which citizenship is obtained by descent, *ius sanguinis*, but individual European countries, as they realize they are countries of immigration, make it easier to acquire citizenship for children of foreigners born on the territory (*ius soli*) or for long residents (*ius domicili*).

Different interpretations of national identity are also addressed by different policies of integration, understood, on the one hand, as access to rights and

participation in the political-institutional life of the country, on the other hand, as assimilation and internalization by the foreigner of the cultural and civic traditions of the country. The European Union has also broadened the scope of exclusion by defining new boundaries. The right to acquire citizenship can be used selectively. Migration projects, in the early stages of what is known as a migration cycle (Böhning, 1984), often do not include permanent stabilization and naturalization. Acquiring citizenship is a symbolic renunciation of the cultural belonging of one's country of origin, which can be seen as a betrayal. Strengthening and complicating the pathways to acquire citizenship does not represent a coherent strategy of reluctance to grant rights to immigrants; on the contrary, in Italy there is an imbalance between a generosity of rights granted also to non-regular immigrants and a general reluctance to facilitate the belonging and emancipation of long-term residents. The practical aim is to discourage the opportunistic use of citizenship; to this end, there is a tendency to strengthen, in the face of immigration, an ethnic and family conception of belonging.

Citizenship is transformed, from a simple juridical-formal criterion, into a concept full of values, which also involve the criteria of subjective adhesion to a given order. However, according to Luhmann (2004), the massive increase in social complexity, information, and skills needed to supervise the management of public affairs makes it impossible for the citizens to actively follow this management; therefore, the modern state can, and indeed must, operate assuming *a priori* their passive consent. In turn, the citizens are willing to obey without particular reasons. The rule of law is the most developed form of autonomy, in the etymological sense of "free from all ties", of the modern political system. through the positivization of law the modern state has freed itself from any constraint coming from other ideological-social sub-systems such as morals, religion, money-property, dynastic restraints, etc. It seems now capable of self-legitimation, without any further need for the effective consent of the citizens.

The social reality of which we are part today is made ever more complex, dynamic, and differentiated by the information technology revolution. Luhmann claims that the differentiation of the primary subsystems of complex societies is so advanced that each subsystem interprets each other, and interacts with it, exclusively from its specific point of view. What is missing is an "outlook", a somewhat unifying perspective: even politics (which should to some extent represent this very perspective) is today merely a specific subsystem, which operates without knowing exactly the kind of society it deals with.

The vivacity of the debate on citizenship in recent years is not a phenomenon restricted to Italy (the first destination country for Mediterranean migratory flows); we could assume that this is due to an overall crisis of that constitutional welfare state described by Marshall. The current debate on citizenship, therefore, occurs in the context of a *crisis*, which the reflection on the relationship between citizenship and migratory movements cannot ignore.

The general theoretical emphasis on the question of the relationship between "citizenship and migration" refers to its exclusionary dimension, to the line that separates an "inside" from an "outside". Depending on historical eras and political and social conditions, the category of belonging, as a constituent element of the concept of citizenship, expressed the idea of a container whose contents could vary. If one thinks of citizenship as a set of rights and duties acquired by virtue of belonging, the notion of belonging expresses the "necessary" constraint that binds the individual to the territory of a state since birth. This constraint defines not only the series of rights belonging to the individual, but also and above all the series of obligations that he, at the same time, has towards the state[4]. If the point of view is changed in favour the people, it is difficult to determine the empirical referent of belonging. Belonging becomes the result of a process of self-identification, a subjective fact, which is based on a series of distinguishing traits usually sought in natural factors such as ethnicity and blood or cultural links such as language, history, customs, habits, values: the result is a sense of belonging with a strong emotional connotation that expresses expectations, desires, and ideals rather than what should be. Since the notion of belonging is the primary basis for both citizenship and for the articulation of relationship between inclusion and exclusion, we need to elaborate a re-definition of belonging that combines objective and subjective elements.

According to Marshall (1950), citizenship is a status associated with all rights are: civil, political, and social. The question arises as to whether such a broad concept of citizenship could confuse the concepts of "citizen" and "person". Since the French Revolution, every constitution distinguishes between *homme* and *citoyen*, person and citizen; to which correspond two distinct classes of fundamental rights: "personal rights", which belong to all human beings as "persons", and "citizenship rights" that belong only to citizens. The universal and equal character of fundamental rights could be affirmed precisely because almost all these rights were established as rights not of the citizen but of the person.

After all, the modern conception of freedom resides precisely in its configuration as a right of the individual, rather than the citizen: the transition from the ancients' freedom to its modern-day conception coincides with the shift from a community model of subjective status to an individualistic one. The community model proposed today by the sociological doctrines of citizenship can hardly escape, even under a merely "political" interpretation, the organicist, patriotic, and ethnicist, values – inclusive but at the same time exclusive – that it assumes in the *communitarians'* conceptions (Michael Sandel, Charles Taylor, and Michael Walzer).

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[4] According to this perspective, which can be considered as a perspective in favour of central power, belonging is ascriptive in nature and is mainly a form of subjection to the laws of the State. This traditional conception of belonging as subjection has two impassable limits: on the one hand it does not allow to distinguish citizenship from subjection; on the other hand, it fails to explain the rise of movements (neo-nationalism) that claim the recognition of their historical-cultural individuality as a presupposition and foundation of the claim of the right to autonomy. It therefore appears to be an inadequate conception to grasp the character of processes of collective identification of budding movements or groups.

In the current crisis of nation-states, with the phenomena of mass immigration and ethnic conflicts, we must wonder whether citizenship is still a factor of inclusion, or the last factor of exclusion, the last pre-modern relic of personal inequalities in contrast with the universality and equality of fundamental rights. Moreover, we should wonder if it contradicts the universalism not only of the rights guaranteed by the state constitutions, but also of those which, having been sanctioned by the international declarations of human rights, have become binding international law. Taking these rights seriously means disengaging them from citizenship as belonging (to a given state community), recognizing their supranational character and protecting them not only inside, but also outside and against states. Beyond geographical and political borders.

4. The political function of the border

Criticism of the political function of the border must therefore be one of the key elements of future reflection on citizenship and migration. This obviously means to place this reflection in a perspective that recognizes a *universalistic* system as imperative. This does not mean obliterating the awareness of the *specific* elements which, from both the historical and the theoretical point of view, indelibly mark the formulation of the *Western* universalistic paradigm. The language of rights and citizenship, however, cannot be amputated of its tendency towards universalization without turning into a mere instrument for defending the *status quo* or legitimising domination.

Consequently, universalism loses all character of natural and peaceful absoluteness to become instead *problematic*, as a prize at stake in a conflict in which multiple "particular" instances are expressed. In this context migrants can be positive protagonists insofar as we oppose the tendency, which we found in the theorists of multiculturalism, to reduce their "identity" to pre-packaged "cultural" containers. In the age of globalization, much more productive proposals are those, like Appadurai's (1996), that emphasize how migrants are, among other things, subjects of a strong demand for "cultural consumption", which constantly re-determines symbols and meanings, affecting the very statute of concepts such as "democracy" and "human rights".

A consideration must be made regarding the relationship between rights and *belonging*, which constitutes – historically as well as theoretically – the true point of balance between universalism and particularism in the discourse of citizenship. Regarding the position of migrants, many scholars point out that the "differences" they are claimed to be bearer of, far from being irreconcilable with any democratic conception of belonging, are consistent with the pluralism of images of the world, interests, and "loyalties" that constitutes a structural element of modern societies. Sarah Spencer, for example, writes that the best way to reconcile migrants' "difference" and "belonging", would be to ensure that all members of society,

independently of their nationality and immigration status, enjoy those political, civil, and social rights that allow us to participate as full members of society in all aspects of community life. If we encourage them to belong, they will be more oriented to perceive and act as if they belonged; if we respect their rights, they will be more inclined to respect ours (Spencer, 1995). However, the reasonableness of this position should not make us forget that migrants, considered from the point of view of "belonging", have peculiar characteristics: the request for "change of jurisdiction" which is the very expression of migration, the *escape* from a political, social, and cultural space hardly ever correspond, as mentioned above, to a request for full adherence to a new political, social, and cultural space.

Even in this respect, however, the focus should be on emphasizing that migrants are in no way an absolute exception in contemporary Western societies. Subjective behaviours of *secession* (or *exit*, in Hirschman's words (1991), have spread more and more in recent years in the very fabric of citizenship, signalling specific crisis thresholds.

The question of the relationship between citizenship and migration, in this sense, arises today within societies that are experiencing a growing uncertainty about a "precise, articulated anthropology", about the image of the subject of rights that, built within a complex network of inclusions and exclusions, has supported for over two centuries the development of the citizenship discourse. If we want to counter the risk that citizenship, denying its very history, becomes the "last privilege of status left in modern law", we must work to reopen, both theoretically and practically, its constitutive *movement*, looking at belonging not as a "legal status", but as "a form of identification, a type of political identity: something to be constructed, not empirically given" (Mouffle, 1992, p. 231). Migrants, with the simple fact of their presence in our societies, constitute a powerful impulse to work in this direction. The external borders, those controlling the entrances, cannot be controlled by patrolling nor can they be closed for economic and demographic reasons, there then is an "improper displacement of the borders": the access to citizenship is closed or selected on cultural or family bases.

Borders are mobile, permeable, geopolitics takes on new importance. Migration processes are an essential component of the current international *disorder* (Papastergiadis, 2000). But an analysis of these processes, from the point of view of the concept of citizenship, should highlight the *subjective* determinations underpinning them, the specific demands of which migrants are carrier. In this sense, it can be said that at a very abstract level, the behaviours of women and men who opt for migration are the demand and the practical exercise of the right to escape from "objective" factors.

Freedom of movement has recently been defined as "the main factor of stratification" in contemporary societies and one of the fundamental criteria around which new social hierarchies are defined (Bauman, 1998). In this sense, it must be emphasized that, in the face of the migrants' concrete claim of the right of escape, we witness today a tendency towards the proliferation and "rearmament" of

borders against women and men fleeing from poverty, war, social and political tyrannies (*e.g.*, the "external frontiers" of the European Union), accompanied by the simultaneous tendency to remove the barriers to the movement of goods and capital (as well as, within certain areas and for certain social categories, of persons). We are faced with one of the salient features of contemporary "globalization", which in Western societies is primarily reflected in the processes of stigmatization and radical exclusion to which so-called illegal immigrants are subjected. A theoretical-political perspective aimed at rethinking democracy in the new global scenario and consequently at reopening, in a "cosmopolitan" sense (Beck and Grande, 2007), the expansive movement of citizenship cannot but critically address the very concept of "illegality" of migration.

It is not surprising that in recent years international literature has recorded a renewed and intense interest in a theme that, in the decades following World War II, seemed definitively relegated to a marginal position: that of *borders*. This trend is not limited to areas of research that we could define geo-political and geo-economic (Badie, 1995). The ethno-anthropological literature, for example, is also a source of very interesting suggestions for reflection on the theme of the border. But the problem of borders poses very complex questions for political philosophy, first of all by forcing it to reopen the reflection on the relationship between universalism and particularism in democracy (Balibar, 1998). If these positions tend to consider the very existence of borders as the signs of an injustice on which political philosophers should continuously exercise their reflection and vigilance, it is worth noticing the growth of a differently oriented line of research, which re-elaborates some aspects of "communitarian" criticism within the liberal political paradigm. In this sense, for example, Jules Coleman and Sarah Harding (1995) attempted to show – through a comprehensive review of the migration policies adopted by Western democratic states – how the control of flows can be justified to the extent it helps in ensuring a fair distribution of the good of belonging to a political and *cultural* community.

Kersting (1998), stated that there is a *human right to borders*, borders that protect men from each other and give them the opportunity to lead a self-determined existence in freedom and security. This position tends to assume the *anthropological* value of the concept of boundary, whereby each of us, acting and interpreting the world, continually establishes boundaries, and to project it linearly into the constitution of the *political* concept of border. It is thus exposed to the risk of following purely reactive tendencies to the circulation and contamination of cultures, which is one of the fundamental aspects of globalization, trends that find expression in the growing importance of "cultural" systems in the rhetoric used to legitimize the exclusion of migrants in Western societies (Stolcke, 1996).

The border, in the collective imagination, is therefore that ideal line dividing a group, a people, an ethnic group, from another similar entity. The fear of disintegration is localized on the borders. Safety and durability seem to be guaranteed by that line, leading to continuously fearing for its fragility. That is why

the walls must be rebuilt every time. In this situation, paradoxically, the group guarantee is another group that threatens it. The external enemy provides a comparison and makes the group more structured.

The most dramatic case is that of the besieged city, when the image of the border is fragmented, when the space beyond the walls becomes unobtainable and the boundary between inside and outside becomes uncertain. Defence and exclusion are no longer possible towards the outside, the limit of the *Us* continues to retreat. Whoever comes from outside has neither history nor origins and endangers our roots, we must isolate and confine them. They are defined by a series of *no*: they have no origins, they do not live anywhere, they do not have our smell, they do not speak our language (Girard, 1986). One arrives at the extreme denial of their humanity.

But if the Others with their smell, their gestures, their language get very close to us, we run the risk of discovering that they are just Another, real like us, alive like us, and that they even begin next to us (Augè, 1986). The image of their diversity confronts us with the fear and charm of being in their place. Their diversity tempts us to cross the threshold, their being free from bonds and centres worries us, they appear free to us and this upsets the transparency of the *us*.

Migrants, citizens of the border have a "double conscience", they experience a "double political space". Originally coined by Du Bois to describe the position of African-Americans, these concepts have recently been re-proposed by sociologist Paul Gilroy (1993) in his fascinating research on the *Black Atlantic*. In this reconstruction of the culture of immigrant black communities in Great Britain, he shows how it is the expression of a specific set of local and global ties, formed historically in the great Afro-Caribbean, British, and American space in which the black people have circulated since the great historical break of the slave trade. However, according to Gilroy, black people have continually crossed this decentralized or multi-centred space, and not only as commodities: maritime workers employed on large commercial and military vessels, migrants by choice or necessity, they also fought for citizenship and emancipation, creating a practice of continuous crossing of borders and "identities" that, on an entirely "modern" basis, constitutes a true "counter-history" of modernity. Today, in the age of "globalization", it is a particularly topical challenge to reconsider the problems of nationality, localization, identity, and memory. The American anthropologist James Clifford (1997), for his part, has tried to summarize these ideas in a coherent theory of the *diasporic* traits that characterize a major part of contemporary migratory movements. The concepts of the "double conscience" and "double political-cultural space" of migrants are also present, albeit under the radar, in many researches on the cross-border communities of Latin migrants (Canclini, 2001) in the US territories close to the Mexican border.

Conclusions

Ethnic relations policies should be oriented towards the recognition of diversity and the affirmation of ethnic and cultural pluralism. Integration and differentiation are two poles that complement the action of social actors.

The immigration that began in the second half of the 20th century from countries such as Africa, Asia, South America, and even Eastern Europe gave rise to the multicultural characteristics of European societies. The growing number of foreigners and their need to express their own cultural and religious identity has conferred new elements to issues such as citizenship.

The development of transport and new technologies increases the ability of migrants to live simultaneously *here* and *there*, across the borders of geographical and political boundaries (Grillo, Riccio and Salih, 2000). This way of experiencing life modifies the paradigms adopted to date to conceive the migratory processes and the processes of inclusion and exclusion in contemporary migrations.

Faced with situations of exclusion, migrants build life strategies that transcend local borders, maintaining a strong link with their country of origin. The starting context becomes the source and support of life strategies, networks are useful resources to resist exclusion. In the various European countries, we are witnessing continual attempts to exclude, withhold or expel foreigners who are temporary work units that are temporarily functional, to which we have a hard time giving political and social citizenship.

This new method of migration clashes with the integration policies that are based on a logic of permanent settlement. Contemporary migration theory focuses on the ability of new migrants to belong simultaneously to two contexts that interact continuously.

In a global context made up of hybridizations between different cultures (Appadurai, 1996), migrants become a symbol of the "de-territorialization" that characterizes the current age and of a transgression of the relations between places, culture and identity, no longer considered as natural and immovable. Therefore, political solutions of coexistence must also take into account the new forms of social pluralism. Generally speaking, national and European policies aim at integration. But what integration do they refer to? And are we sure that foreigners want to be integrated following methods and processes chosen unilaterally by the host country?

The role of the migrant is defined in what Simmel calls the intersection of social circles, intended not only as an encounter between different groups, but also as belonging to both the country of origin and to the host country; that is, an intersection of at least two national affiliations. Modernity, the emergence of monetary economy and the division of labour have made it increasingly possible for more relationships to do without a spatial reference and movement in space is not necessary to unify the group.

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Part I

On migrants routes in the Mediterranean

Impact of illegal immigration on security in the Mediterranean Sea region

YOUCEF HAMITOUCHE

Introduction

This paper focuses on the impact of illegal immigration on security in the Mediterranean Sea region.

At the beging, I am going to study migration as a phenomenon which has affected social life for long centuries and as a social and economic factor.

Migration represents an element for integration as well an element for repulsion

So, Either it helps immigrant individuals to integrate into the societies in which they have intended to live or inhibits them from adapting to social values and traditions of these societies.

However, immigration in the Mediterranean region in the modern era is linked to the European colonization of the southern neighbouring countries.

In fact, during the World War I and II, European countries opened their frontiers to legal migrants from Africa in order to supply more workers in industrial sectors. This trend continued till the beginning of the 20th century when Europe has closed its frontiers in the face of legal immigration, because of the rise of unemployment and the growth of the extreme right, which adopted discourses and behaviours hostile to immigrants and foreigners.

These measures have encouraged the illegalization of immigration, which has expanded ever since.

In this situation, the European states considered illegal immigration as one of the new security threats to their security, political stability and for cultural values.

Thus, illegal immigration is viewed as affecting public order by encouraging increases in crimes, undermining Christian culture, identity and social cohesion, and aggravating unemployment and decreases in purchasing power.

The question is: does immigration represent really a threat to Europe?

Through past experiences, as well as the reality of immigration towards the European countries, it is clear that immigration does not represent a threat to Europe because it has benefited European economy, especially Scandinavian

countries and Germany which needed cheap labour to sustain their economic development.

Concerning the south part of Mediterranean region, illegal migration is linked to political, economic and social reasons, due to political instability, civil wars, political crises and the absence of a sound economy which can reduce unemployment, poverty and famine.

The good life in Europe is also a reason for illegal immigration.

Therefore, the perception of illegal immigration as a new threat to their security has pushed the European States to exercise pressures on North Africa states in order to establish temporary centres to contain illegal immigrants and then, to expel them to their countries. This role had been rejected by the Southern countries such as Algeria.

Finally, the closing of European borders did not stop illegal immigration, which has in fact increased more and more.

This paper poses another series of questions:

What is the impact of illegal immigration on security in the Mediterranean region? And what are the perceptions of both European and South Mediterranean countries for illegal immigration?

1. Migration from South of the Mediterranean to Europe as an historical, social and economic factor:

Migration, as a socio-economic phenomenon is not new phenomenon and it has affected human well-being for long centuries. Since the beginning of the history of mankind, migration has been an essential part of the process of social transformation.

Homo sapiens have gradually populated the earth as population movements moved from place to place being attracted by developed civilizations and fertile lands (Faux, n.d.).

The most important reasons for emigration were to survive, to earn means of living, and to look for convenient living conditions for conducting economic activities as well as escaping persecution, tyranny, and civil wars.

Migrants were seeking for similar environment to the one they have previously lived. However, they also faced ranges of natural conditions found as obstacles for their movements, from deserts, mountains, seas and oceans, while other regions were favourable for movements, such as the Bosporus region and the Sinai Peninsula.

In general, migration flowed westward, whereas north-south, migration influx was rare (Nour, 2007).

The Mediterranean basin has long been an attraction for the main migratory flows, particularly during Greek, Roman and Arab empires.

With European explorations, thousands of European migrants and travellers came to the new world of America, then followed by European colonialism with the rise of Portuguese, Spanish, British and French empires in the south of the Mediterranean. A new kind of migration appeared, through encouraging people to move from Europe to the new colonies in Africa, Asia and Australia, in order to exploit wealth and natural resources and at the same time, pushing native people to remote places and look for asylum in other regions of the world. This was the case of Algeria where hundreds of the natives were displaced by French colonial forces to Caledonia in 1871 and Africans who were taken to America by force by British colonial authorities.

Moreover, after the first and second world wars, the European countries, particularly France, West Germany and United Kingdom, opened their frontiers, through legal migration, to the peoples of their colonies because of the need for labour in factories, building, mines…etc.

Thus, these countries started to recruit labour force from Morocco, Algeria, Tunisia and sub-Saharan countries till the 1970s.

The first migratory phase occurred between 1945 and 1975, and known as the "Thirty Glorious Years", revealed a significant shortage of labour for building and reconstruction in Europe. At the time, governments and private companies have recruited immigrant workers, from the south countries of Mediterranean, who have, then largely, contributed to the development and economic growth in Europe (Garson & Loizillon, 2003, p. 3)

During this period, various bilateral labour agreements were signed between the largest importers of labour force and most industrialized countries in Europe, such as Germany, France, Belgium, and other South Mediterranean countries such as Italy, Spain, Morocco, Algeria and Tunisia (Garson & Loizillon, 2003, p. 3).

These workers were granted temporary work permits and residence documents. Through these measures, European authorities were able to control the flow of migrants.

The need of workers from the south continued till the 1970s.However, after the economic crisis of 1973, a second phase of migration policy took place with the policies initiated by European countries that aimed at reducing the number of migrants. For example, France and Germany closed their frontiers against migration flows in 1973 (Garson & Loizillon, 2003, p. 4).

Moreover, many migrants from Algeria and Morocco who stayed more than two decades in France, decided to come back to their countries after earning some of money and professional skills.

The third phase of immigration started at the end of 1980s with international development and transformation, civil wars and the collapse of Soviet Union. New members of European Union have become the target of illegal immigration like Spain, Portugal, and Greece and immigrants to Europe came not only from the former colonies of Africa but also from Asia (Garson & Loizillon, p. 5).

Moreover, due to economic and social crisis in Europe in 1980s and the 1990s, many countries decided to put end to legal migration.

This decision opened the way to illegal immigration which has been encouraged by the development of modern means of communication (mobile telephone and internet), mass media particularly television which transmitted the good life standard of European destinations (Withol de Wenden, 2010)**.**

2. The causes of Illegal Immigration

The causes of illegal immigration are numerous and complex since they are determined by the conditions concerning the countries of origin.

All the causes can be found according to two categories. First, "push factors″ include those favouring people to emigrate either legally or illegally, like economic, political, social and security factors. Whereas, the second category called "pull factors" reflect a need of immigrants due to a slow demographic growth, the ageing population, and qualified manpower (Rezoun, 2010, p.3)**.**

Indeed, political and security factors are considered as major causes for illegal immigration, such as armed conflicts in Syria, Afghanistan, Libya and Iraq for instance, ethnic conflicts like in Central Africa, as well as political instability such as the case in Iraq marked by clashes between Sunnis, Shies and Kurds. This situation has contributed to the movement of people and consequently to the rise of illegal immigration in the Mediterranean Sea.

These political factors are due to authoritarian regimes, the absence of democracy, political oppression and persecution against opponents and other opinions- like what happened before with the Puritans and Quakers who were persecuted in Europe then they moved to the USA.

On the economical level, one of the principal causes of illegal immigration has been unemployment which spread among the youth. Many youngsters search for jobs, better working conditions and prosperity. Illegal migrants who cross the Mediterranean Sea fit a variety of profiles: some of them are considered as temporary workers, planning to work for a limited period of time and sending most of their earning to their relatives in their native countries (Cabras, 2009)**.**

Some came back to their countries of origin later, but others, planned to stay in Europe because of the fear of wars, persecution, poverty and unemployment which their own countries faced.

According to the International Labour Organization's research on the youth, the unemployment rate reached14% in the Middle East and North Africa and 25.6% in the entire Arab world, especially among young people with university qualifications. At the end, this pressure on the labour market has encouraged displacement of populations and illegal immigration in the Mediterranean Sea (al-Tai, 2016).

Finally, workers of South and East Mediterranean countries try to reach the south coasts of Europe in order to find jobs and earn higher wages.

3. Evolution of illegal migration and routes migration in the Mediterranean sea

The number of illegal immigrants who have crossed the Mediterranean Sea has drastically increased during the last two decades, due to the Schengen agreement about free circulation of European people within the Union states, the pressure created on the Southern European countries as a first destination for illegal immigrations in the Mediterranean Sea area, particularly after the inclusion of Cyprus and Malta in the European Union which became the two new gateways and transit zones to the Europe (Cabras, 2010),the difficulty for people to obtain European visas, the implementation of strict control policies on the North African coasts and the development of the Integrated External Monitoring System of the European countries (Arab, 2014)**.**

The exact number of the illegal immigrants who cross the Mediterranean Sea, through the Strait of Gibraltar, the Atlantic Ocean, and the Canary Islandsis difficult to define and precise.

Moreover, according to NGO United against Racism, 17.000 people have died in Mediterranean waters during the last two decades, and according to the Forum of Associations of the Democratic Struggles of immigration, more than 20.000 have died (Arab, 2014).

The majority of the candidates for migration in the 1990's, originated from Morocco, Algeria and very few Tunisians, due to bad social and economy conditions in these countries, but in 1996 over 142 sub-Saharan Africans illegal immigrants crossed the Mediterranean Sea into Spain. Their numbers rose from 2% in 1999 to 20.3 % in 2000. 9.1% of the illegal immigrants were Moroccan and 86.8%came from other countries, mostly from West Africa (Arab, 2014).

Since the year of 2000 there has been an increase of migrants from sub-Saharan region (Nigerians, Chadian, Sierra Leoneans ...etc.) trying to reach illegally the Europe continent.

In general there are three main routes to the Europe:

The first route, the Otranto strait between Italy and Albania, from the East Mediterranean Sea, was launched in the 1990s (Eylemer & Semsit, 2007, p. 55) after the collapse of the communist regime and the two political crises in 1991 and 1997, a fact that led thousands of illegal Albanian immigrants to cross the Mediterranean Sea freely from the Adriatic to Italy (Frenzen, 2011).

Currently, Albania has become a main transit point into European Union for illegal immigrants coming from Afghanistan and Pakistan (Cabras, 2010), who escaped civil wars, poverty and misery.

If at the beginning the East of the Mediterranean Sea was limited only to the Albanian illegal migrants, now it is considered as one of the main important illegal

immigration routes, after the Central Mediterranean Sea. Many illegal migrants reached Europe -by crossing sea and land - through the Adriatic and Aegean Seas.

Since 2000,nearly 3 million illegal migrants have arrived to Turkey by crossing the Aegean Sea heading to Greece as a departure point to mainland Europe (Thibaut, 2015).

In that context, the Syrian crisis resulted also in a number of criminal networks of Turkish and Greek traffickers who set up the "phantom ships" bought in scrap metal from Turkey for around € 300,000 and abandoned on the Greek and Italian coasts (Robin, 2009). These smugglers exploited the deep tragedy of Syrian to collect money and make victims in the sea, particularly in the case of a lack of cooperation between turkey and Greece, due to Cyprus issue.

Then, a new main route for illegal immigrants appeared from the West Mediterranean Sea (Joannin, 2015), from Morocco, through the Strait of Gibraltar, the Atlantic road and Ceuta and Melilla, which are the closest roads between Morocco and Spain. These roads do not represent high risks to the migrants who can easily use boats of any size.

But, after the drama of Ceuta and Melilla in the autumn of 2005, during attempts of illegal migrants to cross Spanish enclaves in Northern Morocco(Robin, 2009), and the Europe's tightened control over the Straits of Gibraltar, as well as the agreements signed between Spain, Morocco, Algeria and Senegal, and the work of the Moroccan and Algerians authorities to counter the smuggling networks (Joannin, 2015), the West African illegal migrants were encouraged to explore the sea lanes further South of the Sahara as an alternative. Thus, from October 2005 to May 2006, the embarkation sites moved from the Mediterranean Sea to the Atlantic Ocean, gradually slipping from Dakhla in Western Sahara to Nouadhibou in Mauritania till Ziguinchor, in the South of Senegal. Thus, the route to the Canary Islands became to be privileged (Robin, 2009).

The third route was the Central Mediterranean Sea stretching from Libya, Tunisia and Egypt to Italy and Malta. This route became to be used by illegal immigrants to move to Europe.

In fact, their number is rising with the enlargement of the European Union to Central and Eastern Europe, and Since 2013, the Central Mediterranean has become the main road to the old continent (Thibaut, 2015) - See tables: 3 and 4.

The International Centre for Migration Policy Development has estimated undocumented migrants who cross the Mediterranean Sea each yearbetween100.000 to 120.000. Among these migrants, 35.000 come from Sub-Saharan Africa, 55.000 from the South and East Africa and finally, 30.000 from Asian and Middle Eastern countries (Lutterbeck, 2006, p. 61).

More recently, many thousands of African and Middle Eastern illegal immigrants and refugees have opted for Libya and Tunisia as a major transit point and routes to cross into Italy (by Lampedusa Island and Pantelleria Island, then in Sicily to reach the south of Italy) and Malta, because of more intensified patrol and

surveillance operations across the Suez Canal, the Red Sea(Lutterbeck, 2006, p. 61), and because of the weakness of border control in Libya and Tunisia.

Indeed, after the Arab spring, the Central of the Mediterranean Sea has become a gateway for illegal immigrants from Sub-Saharan, Middle Eastern-via Egypt- and North African.

According to the International Organization of Migrants, the number of illegal immigrants who reached Lampedusa Island rose from 17.000 in 2007 to 36.000 in 2008, whereas 1.5 million of them remained in Libya (Cabras, 2010) which uses them a political bargain with Europe.

In fact during the rule of Muammar Gaddafi, Libya-According to Surveys carried out by Ali Bensaâd, Libya becomes a crossroads for sub-Saharan (from Niger, Nigeria and Ghana) emigration to Europe during the first half of 2001 , their number is over 52000 per year who pass through Agadez (Niger) to Libya-(Robin, 2009) was an important point of departure for illegal migrants, by the sea to Italy and Malta. Rome paid money to prevent African migrants from crossing and help them to return to their countries, but since the overthrow of the Muammar Gaddafi regime and because of the chaos in Libya since 2011 and the absence of border control, the number of illegal migrants has jumped sharply and left the Europeans struggling to cut down illegal migratory flows from Libya, which has a coastline of 1770 km.

These illegal immigrants were gathered in places within each country, then the smuggling gangs transport them via large buses to Tripoli, where they wait for several weeks until smuggling gangs complete their "trivia" with some police and coast guard personnel through the use of bribery (Samak,2017).

In order to tackle this situation, the European Union tightened its control of the Eastern and Central Mediterranean region through the operations of coast guards and border-control cooperation with the Southern Mediterranean countries through bilateral agreements.

Such a measure has pushed illegal immigrants to the migratory routes through the West of the Mediterranean Sea via Gibraltar strait, Ceuta, Melilla (by crossing the tall border separating these towns from Morocco)and Algerian coasts. The flows of Moroccan, Sub-Saharan and few Algerian illegal immigrants have increased during the last years, after the crossing of illegal migrants of the Sahara, Algeria then Morocco coastline towns : Tanger, Kenitra and Larache then to Spain.

The deployment of surveillance systems in East and Central Mediterranean Sea encouraged West African migrants to opt for the road that passes through Algeria or Mauritania to Morocco, , then to the Spanish enclaves of Ceuta and Melilla which have become a stepping stone to cross to Spain in a boat with the cost of a thousand Euros by passenger (Robin, 2009).

Moreover, the Spanish Canary Islands remained an important route for Sub-Sahara African illegal immigrants to move to Europe. In 2006, 30.000 Sub-Saharans reached the coast of the Canary Islands, among them, 7.000 to 10.000 were repatriated to their country of origin. In the same year, Spain, in search of

cheap working force,saw its foreign population increase to 446.136 people(10%).These immigrants came mainly from Europe and South America (Robin, 2009).

In response to this challenge, Spain has enhanced its borders control, security and diplomatic cooperation with Morocco and Senegal.

Those efforts seem to generate positive results, as the number of undocumented migrants arriving in the Canary Islands decreased from 32.000 in 2006 to 9181 in 2008 (Cabras, 2010).

In the same context, Spain signed agreements with Gambia, Ghana, Guinea, Guinea-Bissau, Mali, Mauritania and Nigeria, between 2006 and 2008, for a "concerted management of migratory flows".

Much of the efforts were focused on the militarization of border controls in West African countries, with the aim of intercepting boats of illegal immigrants which were suspected of crossing the Atlantic Ocean route to the Canary Islands. The Senegalese authorities were earmarked for the identification of the candidates for emigration to Europe and for the responsibility for the result of these operations. Therefore, development aid is implicitly subjected to the "quality" of the results obtained (Robin, 2009).

Tab. 1. *Evolution of the situation in the Mediterranean Sea.*
Number of arrivals by the sea and deaths in 2015-2016

Arrival country	*1st January – 12 October 2016*		*1st January– 30 September 2015*	
	Arrivals	Deaths	Arrivals	Deaths
Italy	144 950	3 156 *(central* Mediterranean*)*	132 071	2926 (all Mediterranean routes combined)
Greece	168 427	414* *(EasternMediterranean)*	376 276	
Cyprus	28		na	
Spain	3 804 (au 31 août)	62 (Western Mediterranean)	na	
Estimated total	314 003	3 611	508 347	2 926

Source: Organisation International Pour Les Migrations,http://www.iom.int/fr/news/arrivees-de-migrants-en-europe-par-la-mediterranee-317-209-deces-en-mer-3-632

According to the tab 1., there have been large number of arrival and deaths of illegal migrants in comparing with previous years.

Morocco, Algeria and Spain represented the three most concerned countries with illegal migration, before the start of the uprisings in the Middle East and North Africa.

Then, after the so-called ″Arab Spring″, the number of undocumented migrants who have crossed the Mediterranean Sea into Italy, Greece, Cyprus, and Spain reached to508.347 in 2015, with 2.926 deaths, due to the push factors including political instability, wars, bad economic and social conditions in the South Mediterranean countries. In particular, North African countries become countries of export and transit of illegal migrations.

Lastly, the main route is found in the East of the Mediterranean Sea, which is considered as a transit region for the illegal immigrants from Asia who have recently joined the Syrian refugees who have reached Greece and Italy, after having fled and crossed all of Lebanon, Jordan, Egypt, Turkey and the Aegean Sea.

The Turkey, as a transit country of irregular migrants arriving in Greece, used the migratory phenomenon and crisis as a political resource by closing its eyes to the smuggling of undocumented migrants to the Greek islands, in order to exert pressure on the European Union to accelerate the process of its membership in the Union, and receive concessions from host countries- A draft agreement between the European Union and Turkey was concluded at the European summit on 7 March 2016, which was expected to be finalized at the European summit of 17 and 18 March 2016, as an aim to stop the flow of migrants, including Syrian refugees. On the other hand, the European Union has pledged Turkey to pay an additional €3 billion for refugees in Turkey , to expedite the visa regime on the entry of Turkish citizens into the EU, accelerate Turkey's accession negotiations with the opening of chapter 33 on budgetary provisions, and finally to resettle a Syrian refugee from Turkey to the European Union for each Syrian refugee returned to Turkey from the Greek Islands- (Allouche, 2016).

Tab. 2. *Evolution of illegal immigration in the Mediterranean Sea in 2016-2017*

Total number of arrival and deaths in the sea in 2016-2017				
	1 January - 20 August 2017		*1 January - 20 August 2016*	
Arrival country	Migrants	Deaths	Arrivals	Deaths
Italy	97 931	2 244 (centralMediterranean itinerary)	103 691	2 725 (central Mediterranean itinerary)
Greece	13 320	45 (EasternMediterranean itinerary)	162 015	383 (EasternMediterranean itinerary)
Cyprus	501(au 31/07)		345	
Spain	8 385 (till August 9)	121 (Western Mediterranean itinerary)	3 805 (till 31/07/16)	108 (Western Mediterranean itinerary)
Total (estimated)	120 137	2 410	269 856	3 216

Source: Organisation International Pour Les Migrations,http://www.iom.int/fr/news/arrivees-de-migrants-en-europe-par-la-mediterranee-120-137-deces-en-mer-2-410

The statistics of this table shows the decrease of the number of illegal migrants arrivals and deaths, by sea, in comparison to2015-2016 figures, particularly in the Eastern Mediterranean, as a result of the agreement signed by Turkey and the European Union.

Tab. 3. *Migrants and refugees arrived to Spain in 2016 and 2017*

Month	Arrival by sea in 2016	Arrival by sea in 2017
January	N/A	1331
February	638	179
March	415	916
April	289	888
May	466	----
June	668	3181
July	1328	1661
August	----	229 (till 09 August)
September	1167	
October	-----	
November	1855	
December	1136	
Total	8162	8385*(till 09 A8ugust)

Source : Organisation International Pour Les Migrations, Arrivées de migrants en Europe par la Méditerranée ,http://www.iom.int/fr/news/arrivees-de-migrants-en-europe-par-la-mediterranee-120-137-deces-en-mer-2-410.
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According to the statistics of International Migration Organization, the number of migrants and refugees who arrived, by sea, in Spain was 8385 till 9 August 2016, without counting the 600 migrants rescued in the sea. That number-8385- is higher than that recorded for the whole 2016 (8162).

Tab. 4. *Migrants and refugees arrived to Italy by the sea in 2016 and 2017*

Month	2017	2016	2015
January	4468	5273	3528
February	8971	3828	4354
March	10853	9676	2283
April	12943	9149	16056
May	22993	19925	21231
June	23524	22371	22877
July	11461	23552	23210
August	2718(till 20 august)	21249	22610
September		16975	15922
October		27384	8916
November		13962	3219
December		8047	9636

Source: Ministero dell'interno (Italy), http://www.interno.gov.it/it/sala-stampa/dati-e-statistiche/sbarchi-e-accoglienza-dei-migranti-tutti-i-dati

We note from this table that Italy has become the closest and most favoured destination and gateway for illegal immigrants and refugees.

Also through this data, the number of illegal migrants and refugees who arrived by sea in Italy was high in 2017 in comparison to 2015 and 2016 because of the political instability in Tunisia, and the absence of state centralized power in Libya. Both cases made it difficult for the European Union to reach and conclude an agreement to stop the flow of illegal immigrants.

Moreover, Italy, Greece and Malta, which have hosted illegal immigrants and refugees, have requested non-immigrant countries of the Union to receive some of these refugees. This demand was backed up by rich countries such as Germany, Sweden and Austria which have received the great bulk of these migrants (Samak, 2017).

Tab. 5. *Evolution of the situation in the Mediterranean Sea*

Previousyears	2016	2015	2014
Seaarrivals	362753	1015078	216054
Dead and missing	5096	3771	3538

Source : UNHCR, *Mediterranean situation*, http://data2.unhcr.org/en/situations/mediterranean

Whereas, for the statistics of the United Nations Refugee Agency, the phenomenon of migration in the Mediterranean Sea and Europe is clearly visible, in 2016 as 362.753 illegal migrants and refuges entered Europe through Spain, Italy and Greece. Even though the figure seems high, it has sharply declined since the year 2015 when 1.015.078 illegal migrants and refuges had arrived on the old continent.

We note also that if the number of illegal migrants and refugees arriving in Europe Union has fallen sharply during the past year, the number of people dead or disappeared on migration routes has, by contrast, increased further from 3.538 in 2014 to 5096 in 2016.

According to figures collected by the High Commissioner for Refugees, illegal migrants and refuges that arrived to Europe came from 10 different nationalities and half of them are Syrians whose country has been plunged in wars for six years.

Thus, thousands of Syrians have decided to flee their country in 2015, escaping the war and joining their families in Europe, while other illegal migrants and refuges were from Somalia or Afghanistan which have been also entangled in bloody conflicts.

The majority of illegal migrants and refuges, who crossed the Aegean Sea had used Turkey as point of embarkation, then they were heading to Greece Islands: Lesbos (Rantsiou, 2016, p. 10), Kos, Leos, Chios and Samos. According to UNHCR, Greece accounted for more than 80% of arrivals by sea (out of a total of 847.781) in 2015.Moreover, than half of the refugees (497.336) landed in the island of Lesbos (Le Cain, 2015).

In this situation, it is difficult to solve the problem of illegal migrants, even when there were readmission agreements concluded between Greece and Turkey in 2002 and other agreements signed between the EU and Turkey whose implementation still remains minimal(Joannin, 2015).

With the enlargement of the European Union, new gateways routes to the Europe continent have emerged in the Mediterranean area: the integration of Greece in 1981, the two Iberian states in 1990, Cyprus and Malta in 2004.

The consequence was the change of the status of Cyprus and Malta which changed the situation for illegal migrants from transit countries to the first one to enter the European Union(Arab, 2014**).**

While a number of roads gradually closed up, others came to open. At the beginning, the Straits of Gibraltar and Canary were the attractive migration routes and then Greece and Italy took the lead. Despite the militarization of the enclaves of Melilla and Ceuta, the implementation of SIVE devices in Spain, illegal immigrants were still ready to engage in longer journeys, to innovate, find numerous unlikely routes, and multiply crossing borders to develop a more important "knowledge-circulating" (Arab,2014).

4. European countries perception to the illegal immigration

Illegal immigration constitutes a great deal of interest from both the governments of the EU and the South Mediterranean countries. Both sides have focused their efforts on stopping illegal immigration phenomenon which constitutes a threat to Europe. Particularly, the south European countries focus on development of border security mechanisms without taking in consideration the economic and social conditions that cause the youth in the South Mediterranean countries to sacrifice their lives for a hypothetic exile (*Al-tai,2016).*

The immigration policy strategy of the European Union and the southern European countries relied on bilateral military co-operation through controlling coastal areas, land borders, the implementation of "readmission agreements" with transit countries not members of the EU in order to regulate the involuntary return of unauthorized migrants, and to encourage the development of immigration controls in neighbouring non-EU countries (Cabras, 2010).

The European work has been fulfilled by the Europeanization of migration policies through these main instruments such as (Withol de Wenden, 2008):

-The adoption of a single visa of less than three months, which is compulsory for non-EU citizens wishing to enter and travel as tourists in the Schengen area.

- The freedom of movement within Europe for Europeans and (non-Community) holders of a Schengen visa and the strengthening of the external borders of the Union through the cooperation and solidarity between the European countries in the external controls of the borders of Europe. In addition, agreements with non-Community countries bordering of the European Union have been signed since 1991.Under the provisions of these agreements, States were committed to take back illegal immigrants who have been found to be their nationals or who had transited through their own country.

-The adoption of a computerized control system, the SIS (Schengen Information System) for the on-line publication of national data on "undesirables" (clandestine, rejected asylum), requiring all European states to deny them the right to stay and expel them.

- Elaboration of a common asylum policy, defined by the 1990 Dublin Agreements which reinforced the filter system: the concept of a safe country, asylum seekers, manifestly unfounded demands, penalties against carriers, solidarity between European countries in the control of entry, a rejected asylum seeker is not being able, without exception and to ask asylum in another country of the Union (to avoid multiple and "in-orbit" asylum applications)

- Adoption of common rules at European level, for fighting illegal immigration, illegal residence (1990), harmonize family reunification and define a "European preference" for employment (1994), which protects the employment of nationals and non-Community workers in the labour market.

A convention (Eurodac) on asylum was established in December 2000 for the control of the fingerprints of asylum seekers and persons who have crossed a border irregularly from a computer database.

In addition, the control of borders has been enhanced by the SIVE (Integrated Vigilance System) by using radars between Spain and the African coasts. The European States decided in the Seville meeting of June 2002, to speed up the process of harmonizing migration policies in the direction of a more "balanced "policy, and focused mainly on the fight against illegal immigration and on the abuse of asylum applications: readmission clauses, joint management of migratory flows ("Ulysses" operation coordinated by Spain to combat illegal immigration at sea).

This security trend was confirmed by the EU summits of Thessaloniki (2003) and the Hague (2004) (Pratt, 2008, p. 171).

However, readmission agreements between the European Union member States tend to make many buffer states the "border guards" of the European area, while other states (especially in Africa) are already bound by a binding readmission clause. Immigration and asylum liaison officers through the Frontex program, formalized in a specialized agency, ensure greater control of external borders. Community repatriation (I.e. several EU countries, joining forces jointly) is seen as a strong deterrent.

In spite of this migration policy, Germany and Southern European countries, have regulated most illegal immigrants. This measure was considered by some European countries as an appeal factor for more illegal immigration (Withol de Wenden, 2008).

After all, the European countries have considered illegal immigration as one of the new security threats to their security and political stability. They perceived illegal migration as affecting public order by the increase of crimes, disturbing Christian cultural identity, disrupting the social cohesion of European societies, increasing unemployment and deteriorating purchasing power.

Illegal migrant is considered as a problem for Europe, like the increase of illegal drugs and street crimes as it happened for example in Cologne during the new year of 2015.Moreover, extreme right discourse in Europe considers illegal immigrants as an economic drain, tends to link illegal immigrants with financial drain on the European economy and services like schools and hospitals (Struve, 2008, p. 132).

The security threat engendered by illegal migration was confirmed later by terrorist attacks which occurred in the Stadium of France in November 2015. Two of the three suicide bombers involved in these operations were checked in Greece in October before joining France. This fact reveals that the management of migratory crisis in Europe remains considerably difficult because of the infiltrations of terrorist of migrant flows which have flocked since Summer 2015 through the Balkans routes (De Mareschal, 2015). Even worse, the Hungarian Minister Victor Orbán went further by considering in an interview given to the review Politico that "all terrorists are basically migrants" (De Mareschal, 2015).

The Hungarian Cabinet Office chief Antal Rogán believes that the recent atrocities in Europe happened on the basis of the link between terrorism and illegal immigration. He stated that:"illegal immigration and terrorism go hand in hand", and it was "quite clear" that the "terrorist perpetrators" of recent attacks including those in Paris were "illegal immigrants" (Christys, 2016). Furthermore, NATO's Commander-in-Chief, General Philip Breedlove testified before the United States Armed Forces Committee in Washington, that the Islamic state movement: "spreads like a cancer" among the refugees. Its members insinuate themselves on the porous routes of illegal immigration and "threaten the European nations and our own nation. He estimated, on the basis of intelligence services, the number of jihad fighters who would have returned to Europe at least 1.500 (Demetz, 2016).

Also, illegal immigration favours the existence of clandestine networks specialized in human trafficking which is considered as a violation of European security, as a challenge and as a serious concern.

Meanwhile, illegal immigration has been considered as a security threat for western European culture reference, Christian cultural identity and social cohesion of Europe.

These approaches and views have been expressed by the Eastern European countries, like Poland and Hungary and the right-wing political parties in Europe which refused to accept both legal and illegal immigrants, and consider migration as a threat to the existence of Europe and to the foundations of the European and Christian identities.

Indeed, during EU's Barcelona Conference, the member countries stressed two main threats coming from the South of the Mediterranean Sea: demographic and Islamic fundamentalist threats which represent an attempt to re-Islamize Europe, an issue raising the problem of minorities and religions within the European countries and the question of peaceful coexistence between immigrants and the native peoples of Europe (Kennou, 2011, p.126).

There has also been a growing perception among the European right-wing political parties and politicians that illegal migration constitutes a threat to European cultural and religious identity.

On the economic level, illegal immigration can lead to the rise of the number of unemployed in the host countries, as well as the deterioration of the purchasing power of European people. A specific study of the Organization for Economic Cooperation and Development stated that: "Despite the lack of obvious relationship between immigration and unemployment, concerns often expressed that immigration will lead to higher unemployment... These concerns are especially evident in many European countries, where unemployment rates are higher" (Rezoun, 2010, p. 2)

In contrast to the previous negative approach on illegal immigration, there is a positive conception which considers illegal immigration, through past experiences and the reality of migration to Europe countries on the basis that it has not represented a threat to Europe, but a gains and profits, in case of economic

development and growth, particularly for Germany and Scandinavian countries which have suffered from the need for workers used in hard jobs declined by European natives and labour force because of the ageing of their populations.

Usually, illegal immigrants, considered as a cheap labour, accept the work conditions defined by the European employers such as low wages, no retirement pension or social insurance.

It is important to notice that despite successive enlargements of the Europe Union, the number of European natives will decrease in the next decades. In 2050, the third of the European population will be aged more than 65 years, and the need for labour in many member states will be high, due to the loss of 20 million of Europeans workers by that time (Pratt, 2008, p. 169).

Also, according to statistics, Europe could lose16% of its population by 2060, mainly the young and adult segments of the population, while the population above the age of 65 and will rise to 33%. This population decline phenomenon will touch even European countries with high fertility like France and United Kingdom (Ambrosetti & Giudici, 2014)

Indeed, according to a United Nations Organization report published in 2000, France, for instance, will need 2 million foreigners, particularly the qualified workers, each year between 2010 and 2040, and 3 million at the end of this period (Chassard, 2008, p. 144) in order to stabilize the balance between active workers and retired ones by the horizon of 2050.

The European debate has focused on the ageing populations and its consequences on the pension systems, the role of immigration in maintaining an active labour market to compensate the growth in the number of pensioners and the sustainability of retirement systems (Ambrosetti & Giudici, 2014).

In fact, in southern EU countries there is a need for labour. Some sectors, particularly agriculture and fisheries, are requesting that governments increase legal immigration workers. However, this requirement issue is generally not taken into account by immigration laws. For instance, immigration law in Spain envisaged extensive and considerable fines for farmers employing "illegal" workers (Eylemer & Semsit, 2007, p. 59).

But, in order to challenge a complex situation, Spain launched a system of quotas for "the award of contracts for the benefit of Senegalese workers". It announced a need of 5.000 jobs, through the International Labour Office and offered 105 jobs in the fishery sector (Robin, 2009).

Moreover, the legal and illegal migrants contribute to the rise of economic growth of a country. For instance, At the United Nations, Peri and Ortega carried out a comparative study of 74 countries, including France, in the period 1980-2005 and concluded that an increase of 1% in the labour force, due to immigration, will increase the GDP of these countries by 1%, and thus leaves GDP per head almost unchanged. This effect is due to the increase in the factors of production and to the increase in final consumption; therefore, immigration stimulates demand in the host countries (Mouhoud, 2010, p. 139).

The same phenomenon can be observed in Spain in the early of 2000swith the arrival of 3.3 million foreigners who contributed over half of the growth, and in the increasing of GDP per capita (623 Euros on average). The relative overvaluation of the Euro in Spain and Portugal, with regard to their economic fundamentals and in particular their competitiveness, has led these countries to look for massive immigration, in particular from Ukraine and Moldova in order to reduce their labour costs (Mouhoud, 2010, p. 139).

5. South countries perceptions of the illegal immigration

Perceptions in South countries of the illegal migration vary according to the specific relations of each country with European Union, through the logic of avoiding bilateral crises and problems, the dominance of security, political, financial and economic challenges (Thibaut, 2010, p. 11)

In fact, the perception of Algeria differs from those of Morocco, Libya, Mali, Syria and other countries, although there are common perceptions that combine security and economic aspects.

In Libya, as a transit country, there was no public discussion and debate on illegal migration, because the issue of migration concerns more Sub-Saharan, Middle Eastern and other Maghreb peoples. By contrast, in Morocco, there has been a national debate on the management of illegal migration due to its relationship with Europe, its geographic proximity and the role of remittances of illegal migration in economic, as well as development and financial flows (Thibaut, 2010, p. 11).

The southern part of Mediterranean region finds illegal migration as a variable which is linked to political, economic and social reasons linked to political instability, civil wars, political crises and the absence of a strong economy which can absorb unemployment, as well as poverty and famine.

Illegal migrants transfer funds to their native countries, so to the economic and social development of their countries (Chassard, 2008, p. 144).

1-Legal and even illegal migration to Europe represents to South countries as an opportunity to reduce unemployment, poverty and to develop their national economies through the transfer of funds (Amar, p.13) .

2- Illegal Migration constitutes a source of economic, social and cultural enrichment of various parties.

Tab. 6.*Fund transfers of immigrants to their native countries.*
Demographic and financial data of the main migrant communities in France

	Amount of transfersreceived	% of GDP in 2001	% Total ODA Received in 2001	Number of immigrantsin France and in countries of the OCDE or Africa
Morocco	1.9 Billion €(1999) 2.3 Billion €(2000) 3.6 Billion €(2001)	10,90%	700%	-522,100 (France, 1999) -199,800 (Spain) - 159,600(Italy) - 111 400 (Netherlands) -106,800 (Belgium) - 81,400(Germany)
Mali	€112.11 million (1995) €83.41 million (1999)	3,50%	24%	-35,978 (France, 1999) -407,000 (West Africa, 1990)
Senegal	90.83 Million €(1995) €92.78 million (1999) €130 million (2000)	3%	31%	- 53,869 (France, 1999) -39,000 (Italy 1999) - 11,500(Spain, 1999) -15,000 (United States, 1999) -269,650 (Main African countries, 1997)

Source: Migration et phénomènes migratoires : Flux financiers, mobilisation de l'épargne et investissement local, apport-Migration et phénomènes migratoires-novembre2003,p.7, https://www.microfinancegateway.org/sites/default/files/mfg-fr-etudes-de-cas-migration-et-flux-financiers-04-2004_0.pdf

According to the table 6, Immigration represents an interest for the Moroccan, Malian and Senegalese banks for financial transfers and their injection into the national economy. As well it contributes to the finance of basic infrastructure and facilities on the territory like access to drinking water, electrification...etc.

Finally, migration compensates the weakness of the resources of the extended family, in particular to face exceptional expenses, including health care costs.

For Sami Nair, immigrants had an important role in the development of their native countries- as in the past for Spain and Portugal or now for the Maghreb countries or Black Africa- through their funds transfers to their families, which represent both a huge sums of money and a source of foreign currencies to their countries origin, so there is a sort of co-development there (Nair, 2008).

A field study on "Youth and irregular migration in Tunisia", conducted a sample of 1168 young people between the ages of 18 and 34 (Al-Sahbani,p.15) related to the perceptions of Tunisian youth on migration. The survey found that 36% of the interviewed youngsters intended to leave the country before the 2011 upsurge, 25% during the revolution and 54.7 % in its aftermath (Al-Sahbani,p. 112-

121)Regarding the choice of destinations, 30.9% of Tunisian youth prefer to go to France as the first destination, then Italy (20.8 %) and to Germany (20.3 %) (Al-Sahbani, p. 126-128)

This study came to the conclusion that reasons for migration comes from social problems related to unemployment, poor living conditions, the failure of the developmental model, the absence of security and fear of the future (Al-Sahbani, p. 22)

These causes resulted in the rise of irregular migration (about 25,000 Tunisian left the country illegally during the period of the revolution as stated earlier).

Under the pressures from agreements with the European Union and in spite of economic and financial benefits of illegal migration, the Southern Mediterranean countries have accelerated their efforts to manage population influx around the Mediterranean, increase military operations, control of their borders and intensified coast guard surveillance and patrols on Mediterranean shores to prevent the flow of illegal migrants to Europe.

Nevertheless, strengthening of the EU and Southern Mediterranean countries of the control of their borders have provoke not only a clear decrease of illegal immigration but an increase of the professionalization of irregular migration, acceleration of human smuggling and the development of migration flows through more dangerous routes, as well as organized crime which has benefited in particular from the European restrictions on migration in the Mediterranean region (Eylemer & Semsit, 2007, p. 60).

6. European policy in fighting illegal immigration

The illegal immigration represents to European community a major challenge to fight and a political priority, especially after the enlargement of Europe to 28 countries. In response to illegal immigration and border control, the European Union followed a global approach, which is based on the formulation of a whole, comprehensive and coherent migration policy, which includes a range of issues in the immigration debate such as development, trade, the Lisbon Agenda and looks forward to close cooperation between the countries of origin and transit for its implementation (Pratt, 2008, p. 169-171).

To implement this policy there has been an enhancement of external frontiers of European Union in order to curb down the flow of illegal immigrants to the European space, as well as common operations in order to protect foreign borders of the Union in the Mediterranean Sea and Atlantic Ocean by Frontex (Pratt, 2008,p .171), an European sea force whose objective aimed at securing and protecting European borders from illegal immigrants (Garcin, 2015), through intercepting boat people coming from Libyan beaches. It works from an operational centre based in Tripoli and the sea is monitored by radar and satellite covering the space that stretches to Italian coast (Robin, 2009).

However, from 2008, joint patrols involving European officials and Libyan border guards crossed the Straits of Sicily to board boats transporting illegal migrants. The goal was to push them back to Libya (Rodier, 2008, p. 105).

This operation action was extended, between 2006 and 2008, to West African countries, as Spain signed new agreements with Mauritania, Senegal, Gambia, Guinea Bissau and Guinea to extend the Frontex surveillance space in order to strengthen the ties between the security forces of the Spain and these countries in their fight against illegal migration, human trafficking networks, maritime control of fishing activities and Drug smuggling (Robin, 2009).

In addition, the European Union has followed a policy to help the countries from which illegal immigrants embarked, by providing economic, technical and financial assistance (Joannin, 2015). For example, a delegation of European Union migration experts discussed development assistance to Sudan and the Horn of Africa, as well as cross-border illegal migration issues. There was an emphasis on the principle that the projects would be agreed on the high transparency, accountability and respect for human rights, and that the initial European assistance would target the root causes of migration, and would be benefit to migrants, refugees and displaced Sudanese and host communities through with reinforcement of the capacity of the Horn of Africa countries to manage migration, combat human trafficking and smuggling of migrants (Al-tai,2016).

Moreover, European Union countries have intensified their collaboration on the exchange of information about different national policies of regularisation and other aspects of fighting illegal immigration (Pratt, 2008) successful police cooperation with Algeria, Morocco and some African States (Joannin, 2015)took place and a policy of readmission and expulsion of illegal migrants to their native countries was also considered (Pratt, 2008, p.171). For instance, according to official statistics, 19.841 illegal immigrants in France were expelled from France in 2005, an increase of 7.26% from the previous year. At the same time, the Minister of Interior, Nicolas Sarkozy announced a bill encouraging selective migration, considering irregular migration as an element of political and social instability[1].

However, in 2005, many European countries applied restrictive measures on illegal migrants, as well as adopted and implemented laws against terrorism and extremism.

Furthermore, the importance of preventing the employment of illegal migrants has been recognized and a series of measures have been proposed in the European Commission Communication on illegal immigration that was issued onJuly19, 2006.These measures have been complemented by a proposal directive of the European Union to harmonize criminal penalties against employers who recruit illegal migrants (Pratt, 2008, p.171).

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[1]*Les chiffres de l'immigration en France.* http://www.ladocumentation française .fr/dossiers/immigration/besoin-main-œuvre .shtml

EU fighting on illegal immigration was further consolidated by the signing of readmission agreements, particularly with countries situated in East and South of the community borders. At the European Council held in Seville in 2002, the heads of the EU proposed that clauses will integrate readmission in any future cooperation agreement, association or equivalent documents between the EU and non-EU countries (Kumin, 2007, p. 26) . For instance, bilateral deals, like those concluded between Italy and Libya, between Spain and Senegal and Mauritania have largely decreased the flow of illegal migrants from Western and Central Mediterranean routes. Whereas, Greece was unable to negotiate viable bilateral solutions to its immigration problems with other export countries of migrants (Blackwell, 2011, p.12).

In this context, the European Union adopted a strong restrictive policy to counter illegal immigration on border control and external relations. Therefore, the southern European countries adopted a more restrictive immigration policy in order to limit the flows of illegal immigrants from their territories and concluded deals with countries that are the final destinations of migrants. EU offered 610 million Euro to Niger, one of the most important immigrant stations towards Europe in order to curb illegal immigration (Samak, 2017).

EU has already offered similar plans to Senegal, Ethiopia, Nigeria and Mali, as well as to Afghanistan, Jordan, Lebanon, Turkey and other countries in 2016. EU leaders in Brussels agreed to seek more African states to join these agreements (Mcgwan, 2016)

Through these measures, the European countries consider that there is still a possibility of limiting the phenomenon by confronting the causes of migration, especially on the economic and security levels, within the framework of an integrated and multidimensional strategy as a decisive step to cooperate and control migration networks between the host and migrants exporting countries. Finally, governments need to play a greater role by intensifying awareness campaigns on the dangers of illegal migration (Al-tai, 2016).

On the other hand, the European Union took support measures about immigration and asylum. It had already financed activities in all relevant sectors through different programs. In the financial framework for the period 2007-2013, substantial funds were made available to support the efforts of the member States. In addition to the European Refugee Fund, there are three new funds for border control, promotion of integration and return-related measures. Significant funding was also available to finance programs of cooperation with third countries in these areas (Pratt, 2008).

EU launched also the "Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa" at the Migration summit held in Malta in November 2015. The fund is made up of 1.8 billion Euros of donations from the European Union and contributions from EU Member States to three regions of Africa: Sahel region, Lake Chad, Horn of Africa and North Africa (European Commission, 2015-2017).

Morocco obtained an aid of 10 million Euros in the framework of the partnership with European Union to combat the phenomenon of illegal immigration, with the hope of launching a new project between the two partners during the 2015 year (El Kanboui, 2015).

This European contribution aimed at enabling migrants legally resident in Morocco to have a better access to health care, vocational training, allowing their children to be educated and providing support to migrant pregnant women or those accompanying young children (Robin, 2009).

Italy promulgated a law 189 in July 2002, which hardens entry, residence conditions and asylum, and announced a radical change in migration policy, including some measures which will be deemed illegitimate by the Constitutional Court because of Italy's international commitments to protect the rights of migrants and asylum seekers (Robin, 2009).

There was as well an Italian Mare Nostrum plan in 2013-2014, but it has a limited impact because of the lack of the solidarity of the European community.

The United States, along with Italy and Germany expressed in 2014their support to the North Atlantic Treaty Organization (NATO) to conduct maritime patrols in the Mediterranean Sea, particularly in the Libyan coast and Aegean Sea in order to counter illegal immigration and stop the smuggling of human beings which was qualified as contemporary slavery (Robin, 2009).

Germany expressed its support to the naval operation to fight illegal immigration, the smuggling of arms and human beings, but it wanted that the operation would be conducted under the leadership of the European Union (Robin, 2009).

On the other hand, to ensure the territorial integrity of Europe, the Southern countries of the Mediterranean Sea have taken under the pressures of EU measures penalizing the candidates for emigration. For example between 2006 and 2007, more than 1.500 Senegalese were arrested on the coast of their country, then subsequently prosecuted, tried and sentenced for "clandestine emigration" (Robin, 2009). Algeria laws penalize as well the candidates for illegal migration (Maybritt Jill Alpes & Blondel, 2015).

Conclusion

Through this study , we conclude that migration is an old phenomenon linked to human mobility, which is due to political, economic and social causes and can not be stopped.

Migration is linked to different perceptions of the European countries and the south countries of the Mediterranean Sea.

Indeed, it is considered as an important source of input for south countries of the Mediterranean Sea, whereas European countries have considered it as a new threat for the security of Europe.

This phenomenon will continue in the Mediterranean Sea, even the different procedures and policies which had been taking by European countries to stop it.

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International Politics, Migration, and the Europe of Malta. The Valletta Summit and the Euro-Mediterranean Challenges for the EU and Africa

GIAN LORENZO ZICHI

Introduction

As a strategic and complex area, the Mediterranean basin has presented crucial challenges for the foreign policy agendas of the States in the past as today. Although considered a secondary scenario of confrontation between the two superpowers during the Cold War, at the end of the bipolar era the Mediterranean area became the object of a series of multilateral attempts to achieve a better level of cooperation and integration among the two shores of the Sea. Examples of this were the well-known Barcelona Process, sponsored by the European Union (EU), and the Mediterranean Initiative designed by NATO. All these initiatives were nevertheless characterized by a lack of effectiveness and have not reached their purpose. Instead of the dialogue, it was rather the level of entropy to be increased within the basin during the 00s, with the peak of instability reached in 2011 when the Arab Springs in the MENA countries spread out. As a partial consequence of the progressive deterioration of the economic, political and social situation in the Southern shore of the basin, since 2014 another issue started to emerged: the migration challenge.

While providing an overview of how this issue is becoming one of the key themes both for the security and stability of the area and for the foreign policy agendas of the States involved, the principal aim of this paper is to focus on the moment when this emergency changed into a structural phenomenon: the Valletta Summit on Migration of November 2015, in which the EU Member States and 25 African countries met to discuss the existing possibilities to achieve a better governance of the flows. The analysis will give an answer on why and how this meeting started, what kind of proposals both parts have submitted, the few lights and many shadows emerged at its end. The Valletta Summit represents indeed a paradigmatic symbol of the complexity that characterizes the migratory dimension in the Mediterranean, and how – today like in the past – this complexity set huge challenges that national States and supranational institutions often prefer to avoid,

taking only short-term solutions, thus relegating quest for a comprehensive approach, with the participation of all actors, into a peripheral dimension.

1. The origins of the Summit: the context and the diplomatic route

Throughout 2015, the European Union was clearly challenged by the migratory phenomenon, which has mined a series of security cornerstones, posing new challenges on how better manage these flows. In particular, during the spring of the 'Year of Migration' – as 2015 was labelled by the International Organization on Migration (IOM) – the EU behavior was characterized by a general political uncertainty, with no clear strategy on migration. In particular, the main problem seemed to be how answering to the increase in the number of arrivals, and – something fostered by the main NGOs committed on humanitarian activities - how to reduce the daily deadly sea accidents in the Mediterranean (European Parliament [EP] 2015). After one of the most dramatic of them – the shipwreck of a vessel occurred on April 19 out of the Libyan coasts, that caused the death of more than 800 migrants (Kingsley, Bonomolo, & Kirchgaessner, 2015) – the EU finally put these issues at the top of his agenda and – also with the pressure made by the public opinion – started to act more effectively to answer to this security and humanitarian emergency. According to this new mood, on 23 April, an important Special EU Council was held in Brussels, entirely dedicated to the migration situation. The Council decided to take some important actions – i.e. strengthening its presence at sea; fighting traffickers of human beings; preventing illegal immigration and to reinforcing internal and external solidarity and cooperation – but particularly announced that "the EU will raise these issues with the African Union and the key countries concerned, with whom it will propose the holding of a summit in Malta in the coming months" (European Council of Europe [CEU], 2015). That was the first indirect reference made to the Valletta Summit that would take place in the late autumn of 2015. It is of some importance to highlight how, as a EU Council's initiative, was a direct expression of the needs and fears of Member States: it is a crucial element to be kept in mind in order to understand how the initiative is grown up with its own potentialities and limits.

Additionally, the period between April and May was particularly important for the general future action on migration fostered by the EU institutions. A real turning point was the presentation by the European Commission, of the *Agenda on Migration* of May 13th, whose purpose was to define an European common strategy on migration (European Commission [EC]), 2015). But even more qualifying on the route to the Valletta route, was the decision made on 16th June 2015 by the President of the European Council Donald Tusk to appoint the ambassador Pierre Vimont as his personal envoy to lead the preparative works for the Maltese conference (CEU, 2015). The French diplomat – former secretary general of the European External Action Service and Permanent Representative to the EU –

stressed the opportunity to pursuit "among the Mediterranean partners, the importance of the North African countries as they push for closer integration with Europe" (Vimont, 2015). Throughout summer, the Council activity was dedicated to organize the summit, helped in this operation by the presence of some already established diplomatic channels between the two shores of the basin, focused on the mobility of people. In the specific, the reference is to the *Global Approach to Migration and Mobility (GAMM)* (2005), and to the two Processes of Rabat (2006) and Khartoum (2014). The GAMM is the principal tool of *the EU external migration and asylum policy*, and it works like an umbrella framework from which more specific and regional agreements come. Its four main priorities are: the commitment for a better organization of a legal migration through a well-managed mobility; the fight against irregular migration, with the eradication of trafficking activities in human beings; fostering a win-win solution between Europe and Africa on migration and mobility; and finally, the promotion of international protection and the enhancement of the external dimension of asylum. (European Commission Migration and Home Affairs [ECMHA], 2017). As a part of this general framework on migration, one year later its establishment, the so-called Rabat Process (RP) was launched, with the participation of 57 states from Europe and Africa, and also of the European Commission and of the Economic Community of West African States (ECOWAS) (IOM, 2017). The origin of the Rabat Process, recalls that of Valletta. The triggering events to the opening of this "broader dialogue with Africa on migration and mobility at bilateral, regional and continental level" (ECMHA, 2017), was the recognition of some incidents involving migrants at the Spanish borders of the enclaves of Ceuta and Melilla on October 2005: once again, the starting of a political action comes from dramatic events (Dünnwald, 2016). The aim of the Rabat Process is very similar to the GAMM. In fact, it tries to establish a cooperation around the attempt to foster a better mobility and legal migration; improving border management and combating irregular migration, giving priority to the link between migration and development, and finally promoting the international protection (Rabat Process [RB]). The RP had seen four Ministerial Conferences at its highest moment of political address, and the last of these was held in Rome in November 2014. The Roman meeting was the scenario in which emerged the last of the international *fora* dedicated to the migration between Europe and Africa, with the launch of the Khartoum Process, "a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe" engaged to provide "continuous dialogue", "concrete projects" and "new impetus to the regional collaboration", on the same cooperation lines of the Rabat Process, but specifically focused on the Horn of Africa area (The Khartoum Process [TKP], 2017). The KP is of particular interest for Italy, because a key-role was played by Italian Foreign Minister Paolo Gentiloni, who not only hosted the meeting under the Italian presidency of the EU, but has strongly promoted the birth of this platform since the 20 October meeting of the experts officers in the Sudanese capital (Farnesina, 2017). The reason for the

Italian activism resided, once again, around the fear of numbers: indeed, the KP was an attempt to curb the huge inflow of Eritrean refugees that had reached Italy in a number of 30.000 in 2014 (Hirt, 2017). So it is under these frameworks that the preparative talks for the Valletta Summit started (CEU, 2015). Another important step on the road to Valletta was the EU Council on 25-26 June, when in the final conclusions document, it was noted that "a true partnership between European and African countries, working together to tackle illegal migration in an integrated way, is essential". Furthermore, for the first time an agenda of the Maltese meeting was established. Some key points under this working text were the assistance to partner countries in their fight against smugglers; the strengthening of the cooperation for an effective return policy; and new investments in Africa, in order to address the root causes of migration, as well as providing economic and social opportunities (CEU, 2015). The preparative talks about the Valletta Summit become a constant of the discussions in every European Council from June to October 2015. In particular, it was at the end of the Justice and Home Affairs Council of June 20, that the dates of the conference were established, and in the final document of the Council was drafted that "the Valletta Summit will bring together leaders of the EU and of African countries on 11 and 12 November 2015". Even more important, there was a more clear explanation of which kind of themes would be object of discussion. In the specific, the final document of the JHA Council affirmed that "the purpose is to reinforce cooperation with African partners to tackle the causes of illegal migration and combat the smuggling and trafficking of human beings". (European Justice and Home Affairs Council [EJHAC], 2015). From this moment, the Summit started to be seen as a main tool of the European States capable to tackle the migratory flows, by which they could overcome their interior divisions and find a solution directly with third states (CEU, 2015). That seemed to be a vital necessity in a period in which – between the summer and the beginning of the autumn 2015 – all the previsions included in the Agenda on Migration were failing, like the attempt to create a common European migration policy based on the quota relocation system. (Traynor & Kingsley 2015). The preparation of the Valletta Summit can be considered as one of the first and more important moments of the externalization action towards third states, taken by the EU. The urgency to stop the migratory pressure on the southern border of the Europe was confirmed by Vimont himself, who - praising this initiative after a long period of ineffective actions from the European institutions – as a way to give an answer to those states of the Mediterranean coasts like Greece and Italy that were left alone (Vimont, 2015b). And as an EU initiative, it was during the EU Council of October 15, that the European leaders affirmed their own vision of the migration issue and stressed on the need that the Valletta Summit would be focused "on effective return and readmission, dismantling of criminal networks and prevention of illegal migration, accompanied by real efforts to tackle root causes and to support the African socio-economic development together with a commitment concerning continued

possibilities for legal migration» (CEU, 2015). On the eve of the conference, this European activism was perceived with a certain level of concern by some African States, because the European claims on security did not match with their vision of the migratory phenomenon. In particular, a week before the opening of the meeting, the African Union's ambassador to the EU, Ajay Bramdeo seemed to be sceptical on same elements of the EU point of view, such as the creation of some reception centres into the third countries states. According to this, the African diplomat warned that "if there is no clarity on how these reception centres are going to be constructed, managed, operated, who has oversight over them, how sustainable will they be, we are going to end up with open sky prisons, where human rights of those interred will be violated» (Nielsen, 2015). It is important to understand how doubts and fears were presented even before the official opening of the Malta appointment, and they influenced the proceeding of the works.

2. The Valletta Summit: the working session

Notwithstanding some bad forebodings, the Valletta Summit opened its works on November 11, 2015 at the presence of more than 60 national states delegations, with all the EU Member States – plus Swizerland and Norwey – and 25 African States (CEU, 2015). But even from the list of the participants, emerged the controversy related to the significant absence of Libya which was not invited. Weeks before, the EU Council was questioned by the press about a possible participation of a Libyan delegation, and it was noticed that an invitation was sent to the Tobruk government, so that Libyan delegates were actually present in Malta, guided by the Deputy Prime Minister Abdul Rahman Alahairesh. Nevertheless, it seemed that no official authorization was received by the Council, and for this reason, at the end, the absence of the Northern African country was formalized. One of the technical explanation for the exclusion could be the expiration of the mandate of the Tobruk's delegation, received by the House of Representatives in October. When it was clear that the delegation couldn't be any more representative, the exclusion was decided. Vivid protest came from politicians from Tripoli, as noted by Ahmed Wali, one of Tripoli's five municipal councillors who declared as "no one of us was invited to the summit" (Lindsay, 2015). However, the decision to move on without Libya was motivated by its known difficult political and institutional condition, and by the will of the Council to open the summit in any case, given by the necessity to achieve as soon as possible a reduction of the migration flows (Micallef, 2015). Despite this controversies, the conference opened at the Mediterranean Conference Centre in Malta on November 11 (The Africa-EU Partnership [AEUP] 2015), with the opening statement by the President of the EU Council Donald Tusk, in which he recalled that "the only way we can manage migration is by working together. Our purpose today is to agree a joint approach and concrete steps so that migration becomes fruitful exchange between our

peoples, and not a tragic loss to all. We have a joint responsibility, and we must deliver on it in partnership and solidarity. That is why we are here". The part of his statement in which President Tusk provided a list of the main issue on migration for the EU States is very significant, in particular when he recalled some key points as the need "to address the root causes of the movements"; the commitment that "people's aspirations and needs have to be met first and foremost at home"; the fight against traffickers of human beings and the guarantees of international protection for people with the refugee status, and the opportunity to create a fair return and readmission policy for irregular migrants or for those who decides to voluntarily return to his country of origin. All these purposes required a collaboration between European and African States, and for this Tusk ended his speech with a clear message affirming that "We need our African partners to help us better address our common challenges. We have no choice but to be partners in this" (CEU, 2015). Accordingly to this claim for a shared responsibility on migration was presented the *Political Declaration* signed by the participating States (CEU, 2015). Rather than a traditional strong security approach fostered again by the European member States, the Declaration begins with an humanitarian attention and with a common commitment in order to saving life, in particular at sea. But the second part of the text is explicative of the two points of view that emerged during the meeting. On the one side, the European priority to "address the root causes of irregular migration" (p.2), that is a restricted approach on migration focused on the reduction of the flows. The other was the position of the African countries, that underlined the "benefits of well-managed migration" and stressed for "advance of legal migration and mobility possibilities" (p.2). But since the Declaration had the significance of a political address, the concrete actions in the cited fields were included in the *Action Plan*, a procedural document in which five *priority domains* were indicated around which an active cooperation was needed. In particular, as main sectors of action were identified "addressing the root causes of irregular migration and forced displacement; improving work on promoting and organising legal migration channels; enhancing protection of migrants and asylum seekers; tackling the exploitation and trafficking of migrants; and finally on improving cooperation on return, readmission and reintegration (CEU, 2015). The participating states were agreed that all these targets would be declined through the implementation of "sixteen priority initiatives will be launched before the end of 2016" (CEU, 2015). The most of them[1] were addressed to analyse the causes of migration in the origin states. It was clear that an economic instrument was needed in order to realize these actions. In accordance with this, the third result of the Valletta Summit after the Political Declaration and the Action Plan, was the announcing of the creation of the *Emergency Trust Fund for Africa*, a special economic fund of €1.8 billion "for stability and addressing root causes of irregular

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[1] For a detail overview of the Sixteen priority initiatives can be useful the reading of the complete text of the Action Plan, available at http://www.consilium.europa.eu/en/policies/migratory-pressures/history-migratory-pressures/.

migration" (European Commission [EC], 2015). This Trust Fund was the main tool designed (Hackenesh & Keijzer, 2016) within the conference, and as stated by the EU Commission President Jean-Claude Juncker, "this Emergency Trust Fund for Africa, shows once more the EU's commitment to swiftly reply to the large challenges we are facing in the region" (European Commission [EC], 2015). Technically, 25 EU Member States plus Norway and Switzerland, announced a total contribution of around €81.3 million, while the rest was taken from the *European Development Fund* (EC, 2017).

3. The Summit of lost opportunities ? An overview between lights and shadows

Even if from a quantitative point of view the meeting can be considered a success, with the adoption of a political address document, a list of technical actions to put in practice, and an economic tool a deeper and wider analysis revels an opposite results (Toaldo & Barana, 2016), in fact an atmosphere of disappointment and disillusions emerged at the end of the Valletta Summit, on November 12, in particular from the African side. The main criticism was on the behavior hold by the European States, accused of foster their own *agenda of European self-interest* based only on a security interpretation of the phenomenon, oriented to steam the flows and protect the EU borders, in a moment when were registered the highest number of arrivals of the year. (United Nations High Commissioner on Refugees [UNHCR], 2015).

And from a deeper analysis of the discussions, emerged how a profound spirit of strong confrontation was presented between the two shores of the Mediterranean Sea. Both parts stayed in their own position, and the previous announce of a commitment for a dialogue, was early replaced by the explanation of two monologues unable to understand each other (Garavoglia, 2015). In fact, while the EU States fostered their security claims, the African countries opposed the more problematic issue of the link between high ratio of migration and low level of economic development. Therefore, in order to better understand the distance among the two positions, if the cited words of President Tusk's speech could be taken as a manifesto of the European reasons, the position of the African side could be reconstructed from "The Common African perspective for Valletta Summit on Migration", a declaration drafted by the African Union (AU) and presented at the conference. Through this document, the African States recognised their own commitment within the framework of the AU, in particular with the "African Common Position on Migration and Development" of 2006 adopted by the 9th Ordinary Session of the AU Executive Council, focusing on an intra-regional cooperation among the states of the continent. Thus, the AU presented at Valletta its "common position" on migration, based on six sphere of action: defence of the *labour migration* – with particular claims for the establishment of legal channels and cheaper transfer of remittances; a fight against human trafficking and

Smuggling of Migrants; guarantees for International Protection; facilitation of Trade in Goods and Services and Integrated and Coordinated Border Management; Education and Human Capital Development; and finally, a commitment in order to taking care of the challenges and opportunities related to the Diaspora (African Union [AU] 2015). From these points emerged clearly how it was completely different the African sensibility on the migratory phenomenon, and how far this position appeared from the European position. Indeed, the African interpretation gives to the migratory movements a wider economic meaning, as an expression of social development for the States through, for example, throw the role of the remittances. For this, the African rejected to put at the top of their agendas the security priority of the migrations. This different perception was presented from the beginning of the Summit, and it was the main reason for the incommunicability appeared during the works.

The European States seemed not to refuse all the elements of the African explanation, but they were not open to obliterate their security priorities, and not inclined to accept the African requests (Traynor, 2015). This situation created an absence of political engagement and trust, visible in almost every part of the final results of the meeting, starting from the Trust Fund. In spite of the establishment of this framework was appreciated by both parts, two aspects were criticised. The first was the unsuitableness of the total amount of money: €1.8 billion for all participating African States was considered not enough for the complexity of the migration challenge faced by the continent; and the second was a double accuse of lack of commitment by the EU States and the perception by the African States to have been marginalized by the European in comparison with other area. The foundation of this critic was based on the total contribution made by EU States (less than €82 millions), considered the symbol of a lack of will. The African States maintained unsatisfactory comments on the Trust Fund even in front of the Juncker statement in which he reminded how "the EU and its Member States have already been investing towards tackling the root causes of migration with over €20 billion of official development assistance (ODA) to Africa every year", because it was argued the impossibility emerged at the Maltese meeting to start shared talks about the revision on how this amount of money is spends (EC, 2015). The other accuse made by the African state to have been considered not as a priority area of action by the EU, was motivated by the comparison with the amount of €3 billion designated for the next EU- Turkey Deal on Migration, that during the autumn 2015 entered in a crucial phase of negotiation (Gotev, 2015). In fact, in this period, the highest number of arrivals in Europe was registered from the Western-Balkan route, and the European Union, with the decisive role played by the German government, changed his attention to this new area of crisis, searching again for an external cooperation with the main third country involved in this region, that is Turkey. The first effective step was achieved on November 29: so the timing help to understand how the EU attention was probably divided on both routes, and

dealing only with one State was easier than with a panoply of actors in a multilateral meeting (CEU, 2015).

The incommunicability and persistent distance between the European and the African positions emerged also on the return and readmission issue. The EU Member States pushed for the establishment of a series of agreement for return in the origin countries of illegal migrants, even in third states in case of impossibility of readmission of the migrants at their home country. The African States, through the voice of the African Union, expressed a complete disagreement, and put the issue of the remittances as one of the main sources for their economic development. A reduction of the flows and a return policy could damage this fundamental tool of economic and political stability, that for the 2015 was estimated in an total amount of $601 million (Haastrup, 2016). Only a partial compromise was found around the prevision for a reduction of the remittances taxation from 7.5% to less than 3% under by 2030 (Nielsen, 2015). The same hostility was felt on the theme of the returns and readmissions. Once again the European Union highlighted the impossibility to host all the migrants, introducing the distinction between asylum seekers and economic migrants, with no possibilities to host the second category, and proposed the formula of the forced readmissions. The African leaders rejected this system, and underlined the requirement for legal channels of migration, as a right to their development. Once again in this case, the (no) solution achieved in Valletta was a vague and unclear call for all the participating states to support the "voluntary returns" (Valletta Summit Political Declaration, 2015, p. 2). A third example of the tension that characterized the debate, was the question related to the refugee status. The African capitals described as discriminative the EU behavior on the acceptance practices of the refugee status with more favor to those migrants came from the Middle East – in particular from Syria – and rejected the most part of migrants from Africa. This discriminative selection was committed on the level of education, choosing that as one of the key requirements for applying to the refugee status. This requirement was perceived as an element of disadvantage for almost the majority of the migrants from the African continent. For all these conflictual points, it could be correct to say that the Valletta Summit was the meeting of disappointment. Great hopes were placed on the meeting at its opening, and huge delusions came out after its ending. The EU adopted a limited vision, and the fears concerning the syndrome of fortress under attack by the migratory flows, were stronger than any other political consideration. But one of the diplomatic aspect that can be called to understand the origin of the mistrust emerged at the conclusion of the Summit (Traynor, 2015), might be the contemporary presence of the EU-Turkey talks in the EU agenda. In fact, in that previously months, the diplomatic efforts and the political attention started to shift from the Central Mediterranean/African route to the Western Balkan route, which registered the peak of arrivals, and become the main gateway for the migratory flows in Europe (Lehne, Pierini, Sasse, Ulgen, & Vimont, 2015). This change in the EU priorities undermined the Valletta Summit

itself, stiffened the European positions and relegated the African migratory context in a secondary level.

Nonetheless, even more significant from a foreign policy point of view, is the starting of the European externalization strategy of the migration issue that could be visible from the Maltese conference, that until today is best represented by the EU-Turkey Agreement on March 2016. This strategy is the ultimate result of a short-sighted capacity to realize a EU migration policy, caused by the internal divisions among the Member States. For this, the only solution that seemed feasible was to devolve the management of the flows directly to the third states. This strategy appeared to be conflicted with some key elements of the EU action on the international scenario, such us the protection of human rights, with no concrete steps to protect the migrants rights. It should be said that at the partial failure of the Valletta meeting has contributed also the existing divisions among the African States. Behind the alleged unity around the AU 'Common Position', emerged deep differences between countries of transit and origin. The first, were agreed with the European proposal to establish a return system for migrants in their home countries, a mechanism saw as a possibility to reduce the migratory pressure on their territories. On the opposite, the origin countries of migration were more coherent with the aims of the AU Declaration, and were firmly convinced to defend the right to migrate for their citizens both to resolve the endemic problem of overpopulation and unemployment, and also to protect their access to the remittances, as engine of development. A final element that undermined the outcomes of the meeting was the important absence of some states, in particular of Libya. As revealed in the following months, the North African country is the crucial point in the management of the African migration to Europe (Morone, 2017), and all the following attempts to manage the flows in the Mediterranean basin – including the recent Italian initiative lead by Interior Minister Minniti or the activism of the French President Macron – show the centrality of Libya, but – once again - as the essential element in the Northern Africa to replicate the externalization strategy of the migratory flows (Nakache & Lousier, 2017).

4. What's next? The Valletta's heritage is not dead

All these disappointing elements, may suggest that few things are remained of this meeting. But at the end of the Political Declaration, were made some previsions in order to follow up the commitments established in Valletta. In fact, was drafted the approval to " launch a number of priority initiatives before the end of 2016" (ECE, 2015). At the same time, in the first part of the Action Plan, a prevision was inserted that "a dedicated Senior Officials Meeting to be held no later than January 2017" (CEU, 2015). But, the auspices notwithstanding, no relevant steps have been taken since. Indeed, assuming the Valletta Summit as an high level expression of the Rabat and Khartoum Process and of EU-Africa

Strategy, not one of the planned actions have been put in practice. In December 2015, it was launched the first project financed (€20 millions) by the Fund, called SINCE (Stemming irregular migration in Northern and Central Ethiopia), co-leaded by the EC and Italy. The project is addressed to four Ethiopic regions, and its aim is to "create favourable conditions for the socio-economic and employment development", and "young people and women are the main beneficiaries of the initiative, which provides for job training, support for small business, women's entrepreneurship and access to microcredit" (Ministero degli Affari Esteri e della Cooperazione Internazionale [MAECI], 2015). But - once again – it was more an expression of a single national need and initiative funded by an international budget than an expression of a multilateral and common governance of the phenomenon. Indeed the reduction of migration flows from the Horn of Africa was a priority for Rome at the end of the 2015, when the majority of migrants arrived in Italy was of Ethiopic nationality (United Nations High Commissioner for Refugees [UNHCR], 2015).

Only in June 22 2016 (Ouarraki, 2016) a stocktaking event was held in Valletta at the presence of the foreign ministers of the Rabat and Khartoum Processes, but at the end of the meeting, no significant forward steps have been made (Government of the Netherlands [GON], 2016). Moreover, a general lack of transparency characterizes the functioning of the Emergency Trust Fund, with no clear list of projects and actions already realized. But despite the difficulties also of the follow ups, the meaning of Valletta Summit has not vanished and is still alive. At the end of November 2017, in Abidjan, Ivory Coast, the opening of the fifth African Union - European Union Summit is expected, within the framework of the Joint Africa-Europe Strategy (JAES), launched in 2007 (Pirozzi, 2017). This event can be assimilated to the Valletta Summit, even if the European and African sides seems to prefer to come back to traditional forms of dialogue, without any special praised meeting as was the Maltese conference. The agenda of this encounter presents some elements familiar to both parts, such as the intervention in favor of the (legal) mobility of people between the two shores of the basin and the fight against migrant smuggling and the root causes of irregular migration (CEU 2017), but the positions may remain the same. Nevertheless, an element of difference in comparison with the former meeting, is the presence of a situation of not critical emergency. In fact, to November 29, the total number of arrivals to Europe in 2017 was 175.184, a reduction of more than 50% in comparison with over 387.895 arrivals of 2016 (International Organization on Migration [IOM], 2017). And how to explain this huge reduction? First of all with the physical reduction of the Syrian drain: almost all the people who could escape from the country is gone between 2014 and 2015. The second reason is the result of the implementation of the externalization policy of the EU, that however reprehensible from an humanitarian point of view (Baczynska, 2017), has contributed to steam the flows, pushing forward the migratory limes no more on the European borders, but in the Mediterranean or directly in the third countries. As examples of this action, it could

be useful to recall the EU-Turkey deal, but also the attempts to find a bilateral agreement with Libya, as the EU-Libya accord found by the EU on December 2015 (Barigazzi, 2015). This could be a prove that the absence of Libya at Valletta only one month before it was a mistake, and the centrality of the Northern Africa state was recalled with the Italy-Libya Memorandum signed on February 2, 2017 (CEU, 2017). With this decrease in the number of arrivals, one of the most important concern disappeared, and this new factor could be useful to set the discussions in a more co-operative mood. At last, but not less important, this time the Libyan situation will be a at the center of the discussion.

In order to summarize the meaning of the Valletta Summit, it could be noted that the most important result of the conference is to have indicated the way, showing that in order to achieve an effective strategy on migration, is needed a dialogue between the two shore of the Mediterranean, with an inclusion of all actors involved. The meeting had not achieved the expectations, but the form of the framework was correct. Finally, if after two years, the EU still has to face the migratory phenomenon. The hope is that with the experience of the mistakes made during the Valletta Summit and in a different situation not of emergency like on November 2015, the EU might have a wider foresight of long period, and even if today there is a huge distance between Europe and Africa on migration, the hope is that now is to be clear that the migratory challenge will be the common challenge for the stability and development of the Mediterranean basin in the years to come.

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Unaccompanied Migrant Children in Sicily. From the Arrival to a Social Inclusion Project

SILVANA LEONFORTE, ROBERTA TERESA DI ROSA, GAETANO GUCCIARDO and GABRIELLA ARGENTO

1. Unaccompanied migrant children and their educational needs

«Exactly! Anyone who doesn't know words is a half-life citizen[1]», said Tullio De Mauro in an interview in 2013 with the review Famiglia Cristiana: knowledge about the language of the country of arrival or living, is the basic for the access to citizenship rights, better social rights, according to a more universalistic point of view.

The words we have, but above all the words we miss, are the measure of our ability to be citizens (De Mauro, Camilleri, 2014): the words that we know, therefore, but especially those that do not know each other, define the field of opportunities that everyone must assert their rights and duties. Knowledge of language becomes an instrument with which to decipher the surrounding reality, translating the grammar from the field to democracy[2]. In 1991 Linguistic History of the Republican Republic, De Mauro, analyzes the phenomenon of illiteracy related to the emigration movements of the new Italian citizens and from there contributes to the realization, even institutional of equal educational opportunities, convinced as it was, that equality also passes through the possession of the word (Vecchio, 2017). Similarly, Don Milani strongly supported, first through his testimony of life, the need to "give the poor a language that they all mean, a language that opens and widens the circle of those who intend, and not (...) a language that restricts and excludes (Vecchio, 2017, PAGINA). "Reading and writing means being able to read the world," says Freire (Catarci, 2016).

Is there therefore a correlation between language proficiency and social inclusion? In addition, how much does migration affect access to the right to education and training in language knowledge? The relevance of these questions and the challenges of the aforementioned intellectuals and protagonists of the history of our country is shocking, where we observe the migratory phenomenon of the contemporary period. From "When we were the Albanians" (Stella, 2003), which describes the history of emigration of Italians or better than the new Italians, the

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[1] Our translation.
[2] www.indire.it/memorysafe/.../la-lingua-italiana-come-strumento-di-cittadinanza-attiva

question of integration, of equal access to fundamental rights, to social rights before citizenship rights is proposed. For the new migrants who arrive in our country from poor countries, the question of access to the knowledge of the Italian language as a presupposition of integration and not only assimilation is also proposed. In fact, the knowledge of the language of the country in which one lives or lands, is the basis on which one affirms access to the rights of citizenship or, in a universalistic sense, to social rights. This more valuable, when we talk about migrants, for whom linguistic barriers are those that primarily hinder access to rights.

For this reason, Italian language literacy, especially for those who are the most vulnerable among migrants, i.e. Unaccompanied Foreign Minors (hereafter referred to as the acronym UAMS), becomes the hub through which the possibility of acquiring rights of participation in public life by new citizens of a country trying to welcome them. From the binomial alphabetization to the Italian language and prospects of social inclusion is here, the survey proposed here is inspired. "The ability to read and write can be considered the minimum skills necessary to be able to undertake a path of social inclusion" (Favaro, 2011). At the same time, literacy is a condition of possibility for social inclusion, not only because it affects access to education and work, but above all because it binds the possibility of fully exercising its civil, political and social rights, or of being fully included in society.

On the other hand, literacy is a creative process because it allows us to see, understand, describe and transform our own piece of the emancipatory world, because it allows us to get out of the silence and the "avoidance" strategies of being autonomous and political because it gives the possibility of participation and living citizenship (Favaro, 2001b).

If we think about migrants, knowledge about the language of the country where they have landed is a key point: for them the linguistic barriers are the first obstacles and sometimes denials to rights access. For this reason, Italian language learning, above all for those most vulnerable migrants, such us minors and unaccompanied minors (since now named Uams), becomes the main joint to gain rights, in order to participate to public life, being new citizens of a country that tries to welcome them.

Starting from the hypothesis that exists a strong link between Italian language speaking, listening, comprehension capacities and in general multilingual skills and the social inclusion of young migrants, the research aims to explore two dimensions of the Life Project of Uams. On one hand, the research analyses the attendance in CPIAS (Italian language teaching and learning) and the integration in the reception system, together with the interconnection between them and their interaction that characterize social inclusion perspectives of Uams. "The skills to read and write can be considered the minimum skills necessary to embark on a social inclusion path" (Favaro, 2011b). Language knowledge for foreigners is a condition for social inclusion opportunities, not only because it conditions access to all education and job services, but above all because it limits the possibilities to fully exercise its civil, political and social rights, or to be fully included in society.

The final goal is to find out possible pathways to maximize educational system and services offered to them, with attention to LESLLA (Low Educated Second Language and Literacy Acquisition), many of whom abandon their countries at an early age without having to attend any regular school.

The research[3] issue concerns the attempt to conceive the arrival of Uams as from a positive perception that reveals the resource sides of this extraordinary diaspora. By exploring Uams educational needs, language competences, social and family conditions from their country of origin and once arrived in Italy, the research aims to define UAMs socio-linguistic profile and find out potential paths to base an adequate educational offer, with particular attention to LESLLA (Low Educated Second Language and Literacy Acquisition). LESLLA are people usually illiterate or low educated because of drop-out of the school such are many Uams.

The research issue aims to a main objective that is to analyze Uams *educational needs*, *language* (illiterates, but multilingual), *digital* or *job skills*, *social and family conditions* both in their country of origin and in Italy in order to define UAMs socio-linguistic profile.

Moreover, a goal of the research plan is to find out potential paths to base an adequate educational offer, with attention to LESLLA (Low Educated Second Language and Literacy Acquisition.

The investigation starts by checking the presence of Uams enrolled in all CPIAs in Sicily, by the detection of Uams linguistic and social features through the realization of 500 interviews by structured questionnaire and by the detection of linguistic and social needs, teaching strategies, best practices, and school policies for UAMS.

The methodology is based on mixed methods of quantitative analysis and qualitative analysis. The research activities are the following:

A. Data analysis: Uams enrolled in all CPIA[4] in Sicily in 2015/2016, compared to the presence of hosting accommodation (communities[5] and/or foster families) by analyzing data of the main institutional sources (Ministry of the Interior, Ministry of Social Policies and Family Affairs, Ong' Reports).

B. Structured questionnaire (500 interviews): Uams' linguistic and social features, migratory routes, family and social conditions of departure, situation in Italy, educational needs and expectations of job placement, paying particular attention to language skills of Uams illiterate.

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[3]The research is promoted in collaboration with Itastra, Italian School for Foreigners in Palermo whose responsible is Prof. D'Agostino Mari

[4] CPIA are Departmental Centers for Adult Education established in Italy through the following law: DPR n. 263/2012

[5] First level, second level accommodation and accommodation leaded from the Refugee Protection System, as describes in the following paragraph.

C.   Interviews with CPIA executives and focus groups with CPIA teachers: investigation about linguistic and social needs, teaching strategies, best practices, and school policies for UAMS.

D.   Map of hosting houses for migrants in the surveyed territories (whether sending migrants to CPIAs or offering Italian internship courses) and providing.

E.   Interviews with houses' directors about their strategies of service, linguistic training and other activities offered to satisfy social needs of the users.

F.   Individuation of some good practices: description of houses for Uams that give importance to education and training aimed at the integration process of Uams and asylum seekers.

As concerns the methodological background, it is important to underlying the difficulties linked to the impossibility to detect a phenomenon at some point, due to continual changes in reception system and the lack of longitudinal studies, so that all the results mentioned must be considered as working hypothesis than real results; perspective paths, instead of certain statements.

The first results emerging from the survey reveal some dimension of inclusion of Uams still not deeply investigate in literature, maybe because the phenomenon is still perceived as an emergency instead of a structured social issue. Therefore, considering the new forms of illiteracy in our country as target areas for politicians, which aims to build up social inclusion public policies, it is necessary to study all the dimension of this phenomenon, in order to see as a resource what is still seen as a problem and only a problem of numbers.

2. Reception system and UAMs in Sicily: a brief overview

According to Ministry of Labor fonts, in December 2016, Uams*in Italy are* about 17.373, 93.30% male and 6.70 % female. The report, reveals also that the 40.90% of Uams arrived in 2016 (in a.v. 7.097) has been receipted in Sicily[6].The table below shows the number of UAMs landed in Italy by geographical origins.

In particular, about nationalities, emerges that the countries Uams come from are Egypt (15,9%), Gambia (13,3%), Albania (9,3%), Nigeria (8,3%), Eritrea (7,7%), Guinea (6,7%), Ivory Coast(5,3%), Bangladesh (5,1%), Mali (5,0%), Senegal (4,8%), Somalia (4,7%) and Ghana (2,0%). The rest of the percentage reveals values under the 2% and describes Uams coming from Pakistan, Kosovo, Morocco, Sudan, etc.

Before describing the situation of the reception system in Italy, we think it is necessary to describe some elements of the legislative framework concerning Uams. For Italian law, the competence to the "prise en charge" of a child declared abandoned belongs to the Municipality where the child is traced (Comune di

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[6] Reference: General Direction for Immigration and Integration Policies Italian Government (Monitoring Report 31 December 2016)

rintraccio), that has the duty to find eligible facilities and authorized reception centers where he/she can be taken in care. In the case of landing, the landing site is considered a place of tracing.

Geographical area	A.V.	%
North Africa	3160	18, 19
West Sub-Saharan Africa	8150	46,92
East Europe	2022	11,64
East Sub-Saharan Africa	231O	13,30
Asia	1620	9,32
Others	111	0,63
Total	17.373	100,00

With the intensification of arrivals by sea and with the increase of the number of children arriving with landings, since 2014, the State –Regions Conference has approved the "National Plan to face the extraordinary flow of adult citizens, families and unaccompanied minors " giving directions to activate temporary structures for the reception of UAMs.

The "National Coordinating Table on Unplanned Migration Flows" was also established with addressing and programming tasks of unplanned migration management activities, optimization of reception systems coordination, updating of the National Operational Plan and coordination of similar Tables coordinating Regions for the establishment of which specific guidelines were defined and to push Regions to activate the reception structures for migrants. With the decree of the President of the Sicilian Region, the structural and organizational standards for the UAMs' reception centers in Sicily have been approved, with the prediction of "first level reception centers" with capacity for up to 60 seats and up to 90 days and second level reception centers with capacity for up to 12 people. At the same time, the Sicilian Region has issued a "notice for the definition of the reception system for unaccompanied minors", with which the social welfare organizations were invited to submit an application and documentation to obtain entry in the regional register. After the initial difficulties, accreditation procedures have been increased and accelerated, and many more centers are now authorized and is now overcome by the problem of finding reception places. The Ministry of the Interior - Department of Civil Freedom and Immigration - through subsequent public notices for the presentation of projects to be funded on the Asylum, Migration and Integration Fund 2014-2020 "Improving the capacity of Italian territory to accommodate unaccompanied minors" has funded several projects with the

opening of centers for minors located on national territory and whose insertion activities are coordinated by a special "Mission Structure" established by the same Ministry of Interior which supports the immediate placement of children arriving in the various landing places. About Uams, the recurring critical issues or weakness elements have been found during 2016 and are associated with the huge number of children who had come together at the same time. There was therefore a difficulty in placing children in authorized reception centers due to the saturation of FAMI structures and the short number of regional structures. Moreover, the Prefecture has created, with the permission of the Ministry and the Minority Judiciary, extraordinary centers for minors, called CAS for minors. This extraordinary solution has become a law provisions that changed the art. 19 of Legislative Decree No.142 / 2000 (Law on transposition of the Host Directive) which provides for the possibility, in case of lack of structures for Uams, that Prefects activate extraordinary reception centers for Uams (CAS Minori).

For Italian law when a public authority traces an unaccompanied minor in the territory, it provides immediately according to art. 403 Civil Code, to inform Public Prosecutor's Office of the Juvenile Court and identified the child giving an authorized reception center for minors (included in the regional list available to all municipalities).

For the age assessment, a holistic approachis adopted. This approach envisages age assessment through phases, applying non-invasive methods in the first instance (with multidisciplinary teams consisting of healthcare professionals or a social worker, a pediatrician with auxologic skills, an evolutionary psychologist and / or a neuropsychiatrist expert in child topics and an intercultural mediator. The whole procedure is set out in the Protocol for the Age Assessment initialed by the Prefecture and the Health Care Organization, attached), and medical type methods are only chosen as residual ones. In particular, age assessment by medical examinations should be arranged in case of reasonable doubt about the actual age being less than 14 or the possible age being over 18.

The Judicial Police will forward the documentation to the Procurator of the Republic to the Juvenile Court for the subsequent fulfillment.

The Social Services Office of the Municipality confirms the presence of the child in the designated reception center the Procurator of the Italian Republic for Minors and transmits the relevant documents to the Questura (Immigration and Minors Office), Prefecture, Immigration Area as well as the Ministry of Labor, the Directorate General for Immigration and Integration Policies.

The responsible of reception center confirms the fact that the minor has been transferred by the Social Services of the Municipality to the center. The responsible, until the nomination of the guardian, carries the guardianship powers, and hence:
-   in case of doubt about the registered age, after the authorization of P.M. minors, can make appropriate inquiries, in the first instance documentary, and if it is not

possible, ask to identify the age through the multidisciplinary individuals, asking to the presidium of the Provincial Health Care;
- initiates procedures for issuing the S.T.P. code; (foreigner temporarily present health document);
- may require a medical check-up of the child at A.S.P. or nearest hospital establishment.
- assist the child in the application for a residence permit for minors and in the event of a request for international protection:
- request the appointment for the nomination of the guardian to the Juvenile Court.

The reception facility, moreover:
- conducts individual interviews in the presence of the cultural mediator to learn about the child's history and migration project and inform him about the possibility of seeking for international protection and rights and duties due to the various possible status and forms of protection provided for a UAM;
- promotes contacts with the family of origin, provides information and support for reunification with relatives in Italy or other EU member states, in compliance with European legislation;
- collaborates with the Social Service responsible in transmitting information requested by the Judicial Authority of the child;
- assist the guardian in the acquisition, at the consulates of the countries of origin, of identity documents relating to the minor (consular card, passport or birth certificate), if the child won't apply for international protection;
- allows access to authorized humanitarian organizations by reporting the presence of potential victims of trafficking and/or smuggling;
- provide any information / data required by authorized humanitarian organizations (for example attendance list, transfers to other structures, departure, appointment of tutors, etc.), limited to those strictly related to the exercise of their mandate, by joining the guardian and 'juvenile justice authority';
- in case of transferring the person to another center, the responsible, provides to send information about the minor to the destination center and the transmission of the documentation relating the minor, including any medical records he / she possesses;
- in case of escape of the minor from the center, the responsible has immediately notify the police, Social Service and the judicial authority by providing the relevant complaint;
- Report to the juvenile justice and humanitarian organizations the presence of minors who may be victims of trafficking and, upon the disposition of the Judicial Authority, assist them transferring them to ad hoc centers ex art. 18 of Legislative Decree no. 286/98;

- Report to Prefecture subjects who have reached the age of majority for their transfer.

The Prefecture:
- requests the Central Service of the Protection System for Asylum seekers and Refugees to transfer the M.S.N.A. present in the reception facilities and in the I and II level housing communities;
- Coordinates the transfer of new-age applicants seeking international protection at a S.P.R.A.R. Project, based on the instructions of the Central Service S.P.R.A.R.
- Authorizes humanitarian organizations access the above-mentioned first reception centers by carrying out the activities provided for in their respective conventions, providing the Municipalities and the Prefecture with information on the quality of the service provided by the reception facilities.

Instead, the Juvenile Court has the following tasks:
- provides urgent care to the Social Service of the Municipality of the place where the authorized reception facility is located, or, in the case of placement in an extraordinary structure, at the Social Service of the place of the child's tracing, prescribing, in the latter case, the immediate transfer of the child to an authorized establishment;
- appoint a guardian to the minor;
- entrusts the Custodian's Social Service to evaluate further child-friendly interventions, such as reliance on relatives residing or domiciled in EU countries, namely family-friendly, monocultural affiliation, as well as any remaining declaration of adaptability and to start adopting;
- After the time spent in the First Reception Centers has been completed, the child is placed in a 2nd Level or SP.R.A.R project.

Social Services of the Municipality:
- takes care of the child by verifying the presence on the Italian territory of family members / relatives or persons of reference;
- verifies the possibility of activating the procedure of referral with the reference office;
- relates to the Juvenile Court;
- in the event of the child being removed or escapes from the center, they communicate to all professionals and people involved in the case, including the Minor Offense and the Juvenile Court.

The Guardian:
- knows the child at the center;
- submits a formal request for a residence permit for minors;

- represents the child in all cases where it is envisaged (enrollment in school and training courses, authorizations, health interventions, etc.), including the hypothesis of any remedies against him;
- periodically report to the relevant Judicial Authority;
- Assist the child in the international protection request.

The Questura- Immigration Office:
- provides the identification of the child traced in the territory;
- receives the application for international protection filed by those exercising custodial powers;
- decides on the application for a residence permit by a guardian.

The Territorial Health Care Company and the Hospitals provide free medical examinations required to determine the age of unaccompanied foreigners at the time of their tracing in the territory.

As has already been said, in Italy the principal and optimal model of receiving is that of the diffused and qualified reception of the projects of the System of Protection for asylum-seekers and refugee (SPRAR).

However, because of the remarkable number of arrivals by sea, the places of reception in the projects are insufficient for a long time and, therefore, have been created temporary and extraordinary structures of reception (CAS both for adults and for minors) activate from the Prefects and, for the minors, have been increased the structures of reception (first and second reception centers) authorized by the Region.

So, in the case of missed insertion of a minor in a project S.P.R.A.R., the Social Service of the custodial city on the base of the dispositions of the Court for the minor, it is activated for the swift transfer of the minor in a tier-two structure.

The structures of reception collaborate to the transfer of the minor near the project S.P.R.A.R. individualized by the Central Service preparing the minor to the relocation.

All the involved actors provide, in every phase, to the updating of the SIM (Sistema Informatico Minori).

The structures of reception F.A.M.I guarantee:
- Information and legal support preparatory to the start of the procedures of identification check of the minority, trust / nomination guardian, application of the international protection and family rejoining. Particularly they offer:
- Support to the competent Authorities in the procedure of ascertaining the minority (photo- signaling/detection of the digital imprints);
- Collaboration with the consulates of the Countries of origin of the minor for the dispatch of the documents of identity, if has not emerged the determination to insist for the international protection;

- Support to the competent Authorities in the procedures of trust and nomination of the guardians;
- Orientation, information and legal support personalized for the presentation of the application of international protection and for the following procedural fulfillment;
- Legal support and accompaniment for the regularization of the minor on the Italian territory;
- Information and support for the rejoining with relatives in Italy or other states members of the UE, in the respect of the normative European;
- Support in the management of the necessary administrative practices to the Uams (i.e. ID card, residence permit, document of trip).
- Sanitary assistance and psycho-social support, in consideration of the state of vulnerability of the MSNAs, consistent in:
- Interventions of first sanitary Uams assistance for the individualization of possible problem of physical nature and/or psycho-social in the first stadiums, to the goal to guarantee a suitable sanitary and pedagogic support in the continuation of the reception;
- Kit's endowment sanitary with the medicines of first necessity;
- psycho-social interventions personalized of support in consideration of the psycho-social stress of the traumas caused by the precariousness of the trip toward the Italian coasts (conditions hygienic sanitary and safety, overcrowding on the ships, shipwreck etc.);
- Individualization of further possible psychological vulnerabilities through specific examinations/psychological test or consultations.

The structures of reception handle to ask to the Central Service S.P.R.A.R. the transfer of the minor guests.

To define the prosecution of the run of the minor in the phase of second reception, they elaborate a card personalized containing a partner-educational plan finalized to the attainment of the autonomy of minor.

Back to the description of the reception system for Uams, by mapping all accommodation centers in Sicily we synthesize again the different types of structures:

- CPA, Primary or First Level Reception Centers
- CAS, Extraordinary Reception Centers for UAMs
- Second Level Reception centers[7]
- SPRAR, network structures for minors seeking asylum[8]

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[7] This accommodation service is usually characterized by a familiar atmosphere, few numbers of hosted (12 max) Uams, managed by educators, social workers, intercultural mediators who guarantee a specific support to the minor in the growing and integration process. Uams hosted here come usually from the first level centers.

[8] This accommodation is destined to Uams who applied for international protection.

By mapping all kinds of reception structures for Uams in Sicily, (achieved through the collection and integration of all the several existing sources), we can notice that the total number of structures dedicated to Uams are 686.

In detail, the province or department with the largest number of centers for Uams is Palermo with the 29.6%. Then the followings are Catania (18.65%), Agrigento (14.28%), Trapani (10, 35% Syracuse (8.6%), Messina (6.42%), Ragusa (4.22%) and Enna (2.33%).

About the Sprar Centers for MSNA in Sicily, it is reported that in November 2016, on 17,245 Uams at national level, 7,052 of them are in Sicily that is the 40.09% of the total national score.

In the same year 2016, in Sicily, availability of places for the Uams in SPRAR network were 595, which represents the 29.18% of the places at national level. In other words, the 8.43% of the total Uams in Sicily is welcomed in the SPRAR network.

The graphic below shows the number of reception centers by typology and department (provincia) only for Uams[9].

Fig.1. *Number of reception centers by typology and provincia only for Uams*
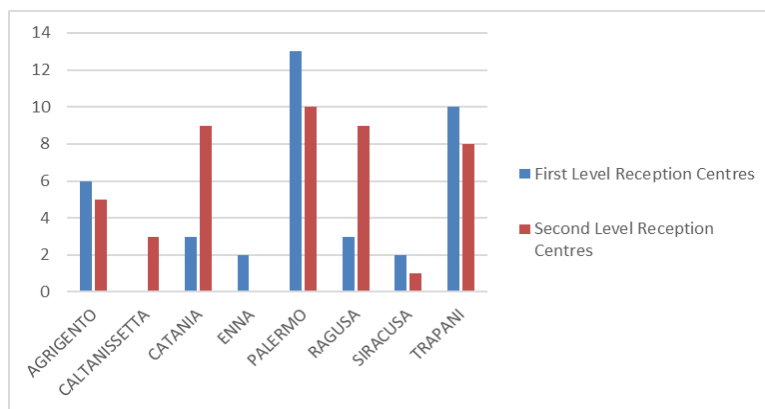
The province with the highest numbers of houses or centers for Uams is Palermo then: Catania, Agrigento, Trapani, Siracusa, Messina, Caltanissetta, Ragusa and Enna[10].

Consequently, the Very First Acceptance Centers for Uams in Sicily are 44, for an amount of estimated 1490 of available places, while for the Second Level Reception Houses, are 40 for 637 available places. We may suppose that the concentration of the reception system is still identified in the first level.

The table below describes reception centers by typology and departmental (pro-

9 Source: www.lineeattivita.dipartimento-famiglia-sicilia.it
10 Source: http://lineediattivita.dipartimento-famiglia-sicilia.it November 2016

vincia) distribution.

Tab. 1. *Reception centers by typology and departmental (provincia) distribution*

Territory	Community accomodation	Housing institutions	First and Very First reception Centres	Second level Repection houses	Total
Agrigento	63	16	1	2	82
Caltanissetta	22	13	2	1	37
Catania	68	48	3	0	119
Enna	9	4	1	0	14
Messina	20	23	0	0	43
Palermo	103	76	5	6	190
Siracusa	12	8	1	1	22
Ragusa	36	19	1	0	56
Trapani	42	13	3	3	61

From this distribution, we can estimate the numbers of Uams by calculating the hosting places, because from the arrival to the reception system, it is difficult to verify the real numbers of Uams presence. This reason is linked to the escaping phenomenon described by international reports (UNICEF e CNR-IRPPS, 2017)

Fig. 2. *Estimate hosting places for Uams*
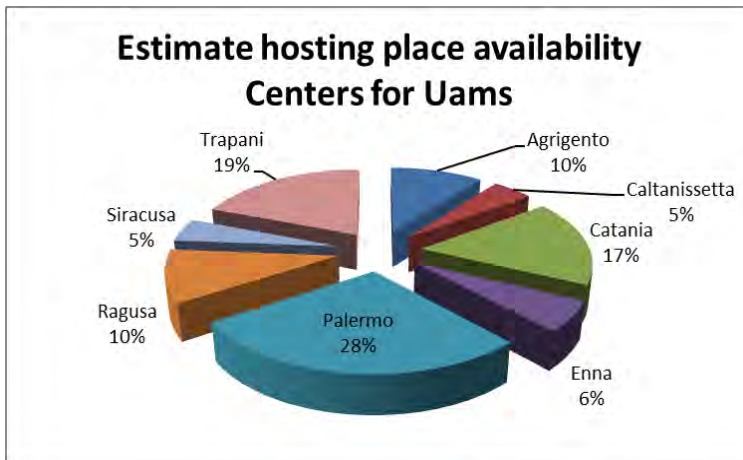
As for the SPRAR system we can observe that th totally SPRAR projects for Uams are 28. The 21.42% of these projects are active in Catania and its department, secondly in Agrigento (17.85%) followed by Palermo and Trapani (14.28%).

In the area between the Messina and Palermo Department (defined as Nebrodi area), reception centers belonging to Sprar Network are absent. Catania presents the highest number of hosting places then Agrigento, and Trapani.

The estimate of incidence of the hosting places for Sprar on the resident population (Istat, 2016)[11] tells that Agrigento has got the highest point.

Tab. 2. *Incidence of the hosting places for Sprar on the resident population[12]*

N.	Department	SPRAR availability	Population for department [13]	Incidence of Sprar for each department
1	Agrigento	1029	445.129	0,23%
2	Caltanissetta	300	271.758	0,11%
3	Catania	1.007	1.115.535	0,09%
4	Enna	160	169.782	0,09%
5	Messina	315	640.675	0,05%
6	Palermo	459	1.271.406	0,03%
7	Siracusa	498	403.985	0,12%
8	Ragusa	447	320.226	0,13%
9	Trapani	588	435.765	0,13%

Fig. 3. *Reception System Mapping in Sicily*
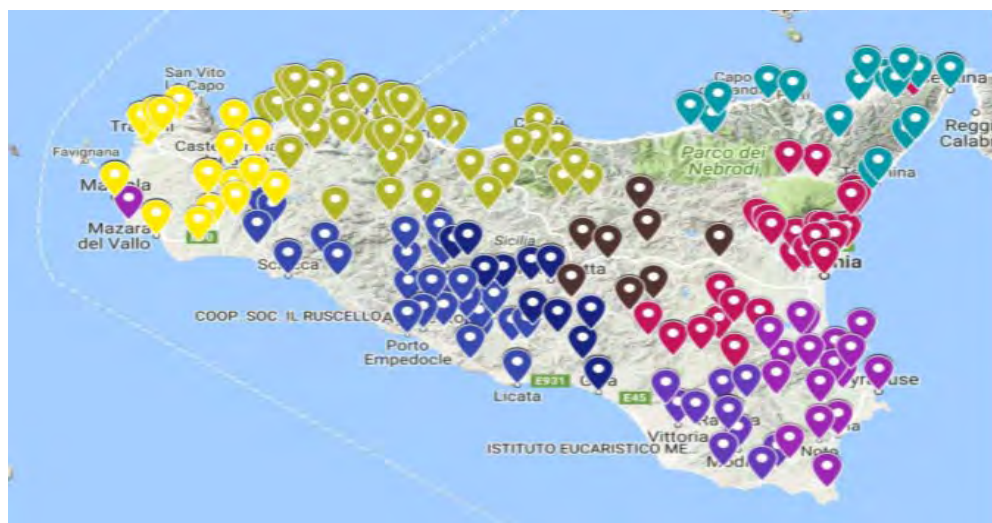
3. CPIA Network in Sicily

As published by Miur in 2015[14], the CPIAs in Sicily are located in all nine Sicilian department according to the proportions of the whole population of the Region. Totally, there are 75 points in Sicily: the department with the highest number of educational delivery points is Catania, followed by Palermo and Messina. Due to a geographical distribution of the points, in eastern Sicily are included the territory of Catania, Messina, Siracusa and Ragusa, while in western Sicily there are Trapani, Caltanissetta, Enna, Palermo and Agrigento. In particular, Palermo and Catania are organized in two main points, so there are CPIA Palermo 1 and 2, concentrated between Palermo and Termini Imerese and CPIA Catania 1 and 2, focused on Catania and Giarre.

Fig. 4. *Number of CPIA's points for departamental distribution*
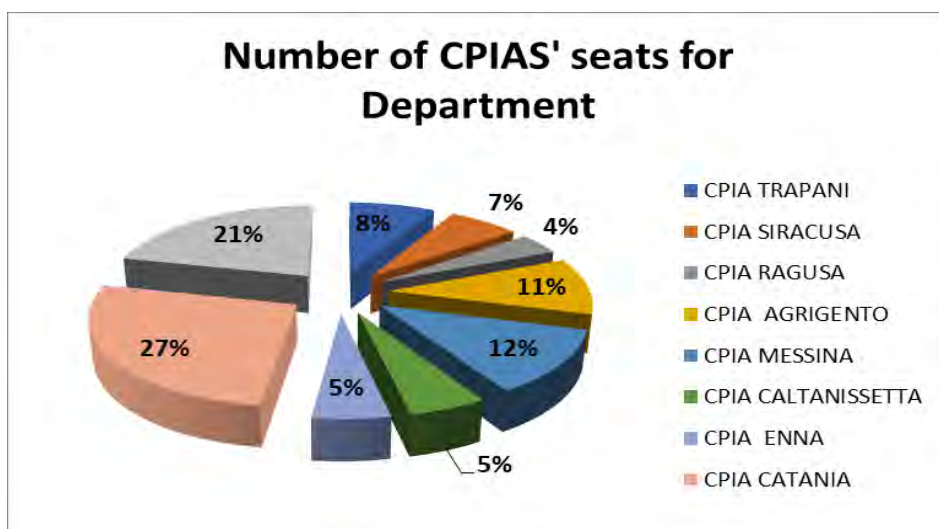
Here is what the Italiangovernment thought about educational delivery points.

We could find out many directors of the schools opened new point to go through Uams reception centers' needs.

As regards the number of Uams enrolled in the CPIAs, in June 2016, the amount is 3174 units. Data coming from the Usr[15], the score about the number of inscriptions sees first the CPIA of Messina (900), followed by the CPIA Palermo 2 (802), Agrigento (374), Syracuse (315), Trapani (278), Catania 1 (150), Palermo 1 (126), Catania 2 (105), Caltanissetta/Enna (90) and finally Ragusa (34).

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[14] Source: Circolare Miur 8366 del 11 settembre 2015 per l'avvio dei CPIA nell'a.s. 2015-2016, oldsite.usr.sicilia.it

[15] Regional School Administration

As concerns age distribution, a significant amount emerges from the presence of 17-year-old Uams who represents the majority. As for the gender distribution, the 90.68% of Uams affiliated to Sicilian CPIAs for a.s. 2015/2016 are males and only 9.32% are women.

The presence of the most significant female Uams is recorded at CPIA Palermo 2 (122), followed by Messina (106), Catania 1 (34), Ragusa and Syracuse (11), Catania 2 (10) and Agrigento (8): there is no Uams female presence at the CPIAs in Palermo 1, Syracuse and Caltanissetta / Enna.

About the duration of the educational process, considering the number of attendants in the same period, there is a decrease in numbers that may be attributed to a preventive abandonment of the route. This is due, probably, to the transfer of minors to other structures, to the escape of the same from the communities, as emerges from the interviews conducted with CPIAs' executives, teachers, and community leaders[16].

With reference to the CPIAs' Italian Literacy Delivery points we could check a ministerial planning and an active level, where the CPIAs' executives have subsequently adapted for territorial needs, so that to ensure educational service access to Uams, even for those hosted in centers far from the institutional point.

Uams of the CPIAs

Uams in CPIAs described below are those who we chose to insert in our sample. Here we want to describe only univariate variables and we refer to further publications and articles the analysis of cross-variables. The figure below shows nationality's distribution of the sample.

Tab. 3. *Distribution of the sample for nationality*

Nationality	%
Gambia	26,44%
Senegal	14,12%
Guinea	12,52%
Nigeria	10,74%
Mali	10,34%
Ivory Coast	10,34%
Bangladesh	5,57%
Others	9,94%
Total	100,00%

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[16] Interviews and focus group are still objects of investigation

More than half Uams interviewed comes from Sub-Saharan Africa and above all from: Gambia, Senegal, Ivory Coast, Mali, and Nigeria.

More the 90% Umas interviewed is male and is 17 y.o. Only a low percentage is less than 16 y.o. Female subjects are 16 y.o., than female Uams interviewed are younger.

Fig. 5. *Distribution of the sample for age and sex*
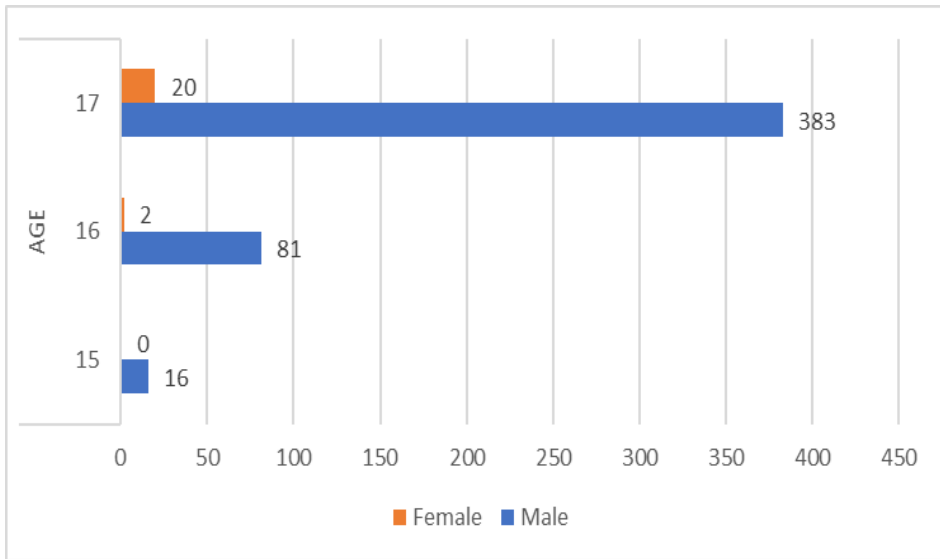
The general description sees that many Uams belong. to A1 Level (40%), 34% A2, 20% terza media (secondary school degree), only 6% B1, 0% B2. Many of them come from cities with more than 500 thousand habitants (35%) and another significant numbers (30%) comes from cities with less than 10 thousand: we can assess that almost half Uams composing the sample, comes from rural areas and other from urban ones, even if we need more elements to assert what observed. About religion, most of the sample interviewed is Muslim (86%), only 13% are Christians.

Fig. 6. *Typology of school of attendance in the country of origin*
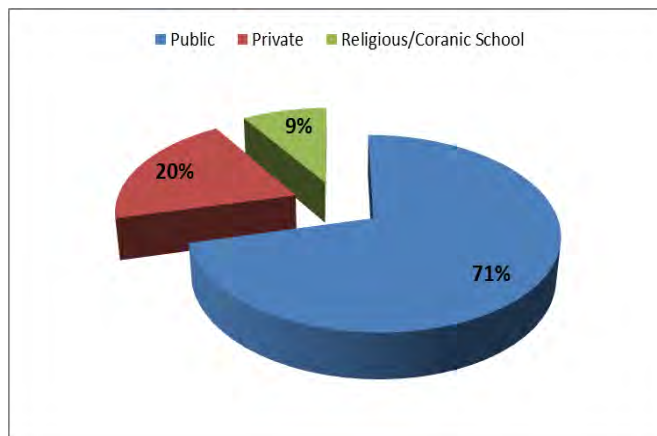
About religion, most of the sample interviewed is Muslim (86%), only 13% are Christians.

Fig. 7. *Distribution of the sample for religion*
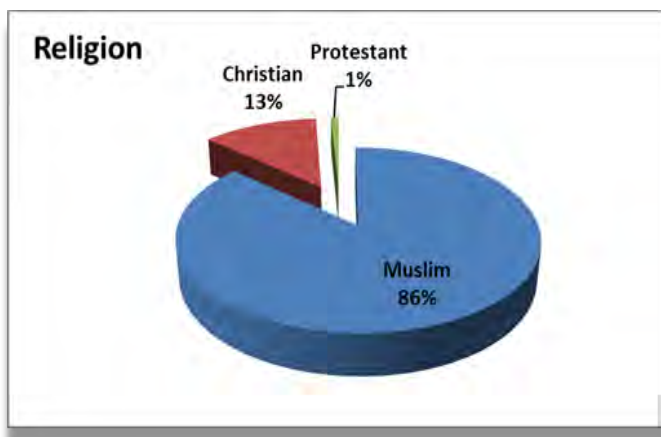
As concerns the attendance in the school of the country of origin, the 80% asserts they attended school, but if we check the numbers of years, Uams who have attended the school has got in medium only 6 years of attendance, such us that they have drop out of the school. The school typology in the country of origin is mostly public (71%), there is the 13% that have attended only religious school that does not mean they know alphabet for example.

The graphic below shows the self – reported attendance school in the country of origin

Fig. 8. *Attendance at school*
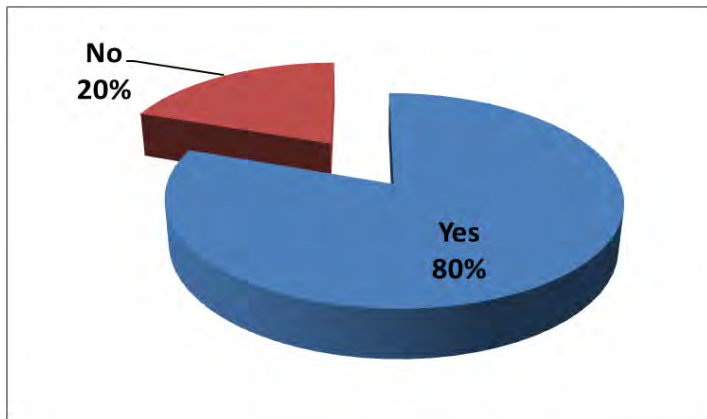
Even most of Uams who have attended the school has got in medium only 6 years of attendance, such us that they have drop out of the school

Fig. 9. *Years of attendance at school*
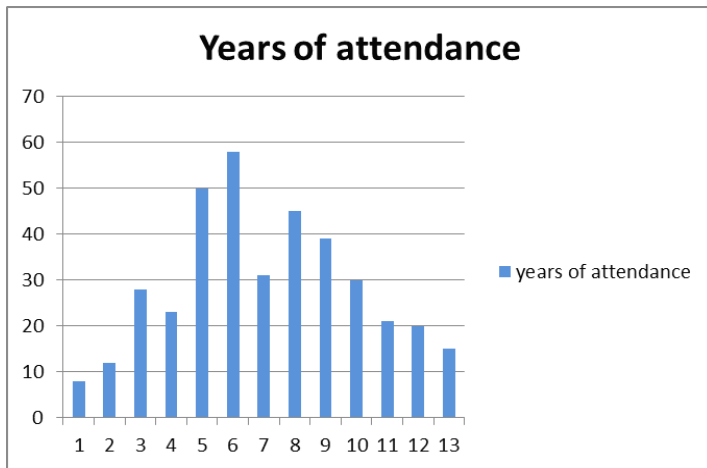
The reason of dropout are poverty (44%), but also war and persecution (15%) and family problems (16%).

Among family problems, we can find incomprehensions between parents and children, with new wives or husbands 'parent. Other reasons deal with the closure of the school, rather than the transfer of the school in too far location, difficult to reach. Generally, many of these reasons are interconnected i.e. a parent's death could determinate in some cases poverty or other.

Surprisely the 19% has drop out from the school because is orphan. We can observe that Uams are not only unaccompanied, but they are above all ALONE.

Fig. 10. *Drop-out reasons from the school*
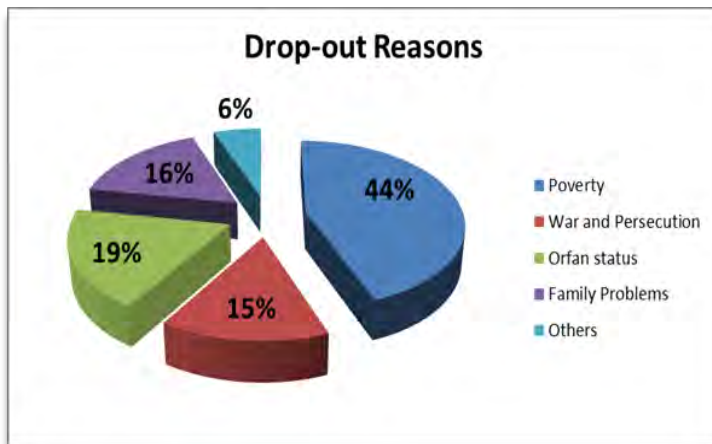
Reasons of dropout compared with migration reasons or "drivers" (Reach Report, 2017[17]) are family problems mostly. We are still studying correlation with nationalities and other indicators.

Regarding poverty, we can infer economic conditions by analysing father's job that is mostly farmer, so that we can say that economy is based on agriculture.

About skills and activities in the countries of origin, we can notice that Uams mostly worked (56%), so child exploitation is diffused, but not perceived because the job is also to help parents (36%) even the 38% worked around.

Fig. 11. *Uams' activities in the country of origin*

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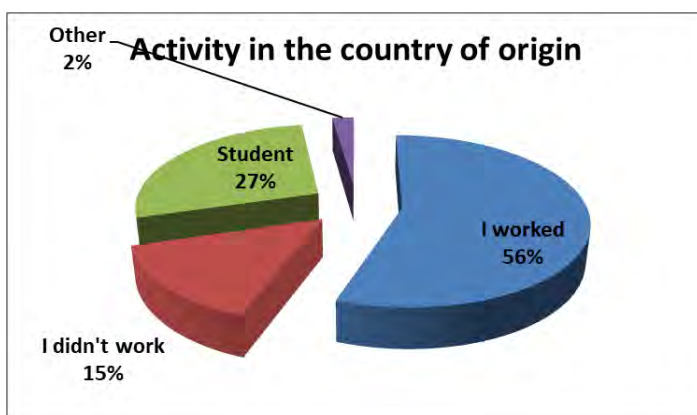
[17] Source: Reach Report 2017 edited by Unicef

Employee indicates profession which requires practical experience such us mechanic, electrician, mason. Working by myself often means being shoe polisher, bleacher, and greengrocer.

Fig. 12. *Kind of job held by Uams in the country of origin*

About Migration Pull and Push Factors, reasons for migration don't' coincide with reason for dropout, but they still are similar. Family problems come again, persecution, poverty.

Fig. 13. *Uams Migration Pull and Push Factors for migration*
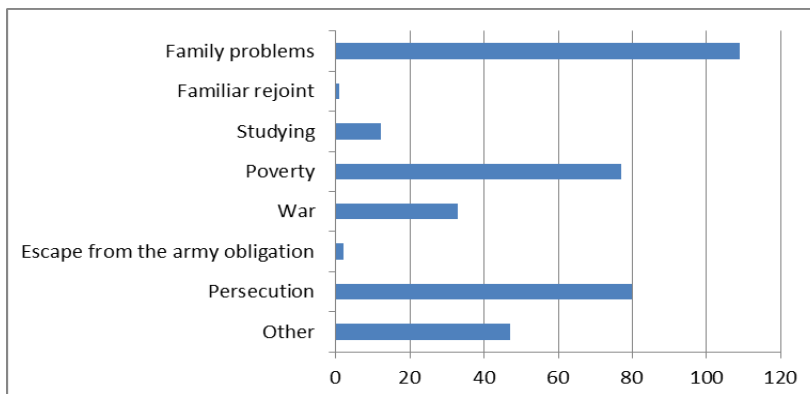
From our analysis, we would like to infer the socio-economic conditions in the country of origin of the Uams by analysing father's job.

Fig. 14. *Father's job*
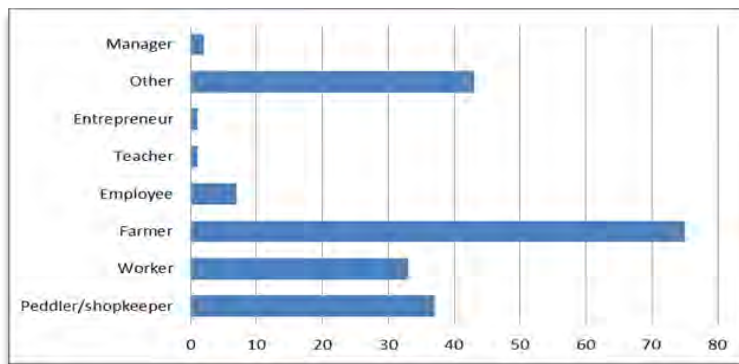
As the table above can show, the economic background is mostly based on agriculture.

About place of arrival, in Sicily, considering the sample, the highest numbers of Uams is arrived to Pozzallo Harbour where there is a hotspot, then Messina, Catania, Lampedusa, Augusta, Palermo.

The most part of the sample answers that they been in Sicily since more than 6 months (80%). We are now evaluating the system of transferring from a centre by analysing the time in Sicily and time spent in the last centre they are welcomed.

The (43%) Uams we interviewed is hosted in second level centre, so that we can observe that Uams attending CPIAs have mostly overcome the first level reception system (18% of our sample): 23% is in Sprar and only 11% is in foster care system.

The majority of Uams is documented (72%). If we analyse the kind of documents we can say that the 63% is waiting for a definitive document or permit of staying regularly in Italy: 63% has got C3 that means that they wait the Commission evaluation, 23% has got the permit for refugee or humanitarian protection, 14% has got permit for minor age.

Fig. 15. *Kind of documents held by Uams once in Sicily*
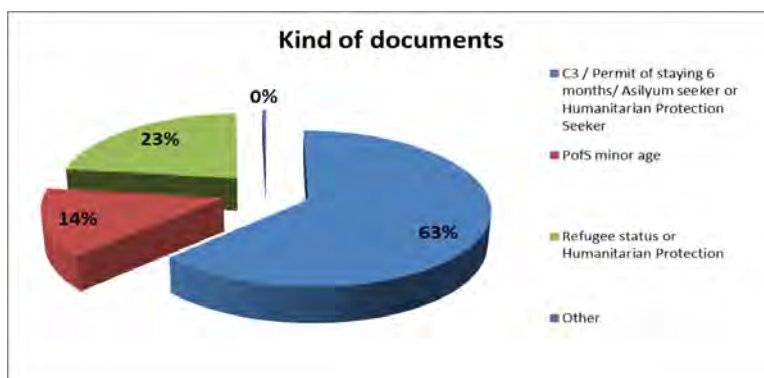
About skills, we can observe that Uams interviewed know at least two languages: mandinga is spoken from the 43%, wolof 34% and bambara 23%.

Fig. 16. *Number of spoken language by Uams*
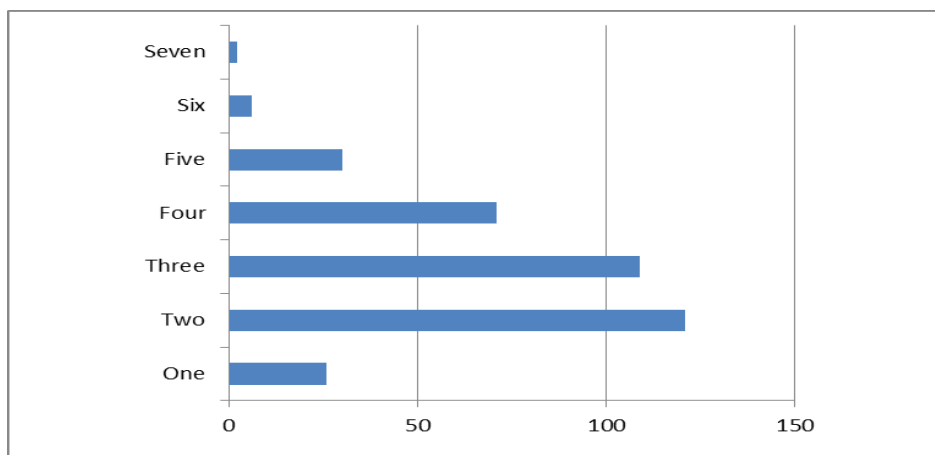
Obviously, this are just few dimensions and reflections about a wider research project. The study group is still investigating other topics through the analysis of data collected such as:

- learning contexts in Italy: from informal Italian schools to CPIAs
- Italian language certification among illiteracy, functional illiteracy vs L2 learning
- Study correlation between level of illiteracy, economic status, reasons for departure, place of birth and so on
- Integration experiences through the language literacy
- The Uam's portfolio and correlation with the learning literacy process
- Didactic Proposals from the students: difficulties and strengthens of the learning process.
- Places of learning: mass-media (tv-radio) vs social networks
- Motivation to learn the language and migration project correlation.

We remit to further publications all this topic and we conclude with the next paragraph where we state the challenges all stakeholders involved in the reception of Uams have as emergency and for the future.

4. CPIA and reception system: urgency of an educational alliance

It is noted that the presence of Uams requires to CPIAs a huge concentration of energy and resources, an outstanding effort, since the didactic pathway are strongly linked to the particular features of the Uams. Skilled subjects from a point of view, but with some difficulties connected to their conditions of unaccompanied (D'Agostino, Sorce, 2013), migrants, victims of traumas, hosted in a limited and sometimes schizophrenic reception, due to the conditions of the communities and to the complex dynamics of their location and reception within them. In fact, there are many ways in which the reception system is limited: an example is that Uamsare often relegated to communities, sometimes located in areas that are difficult to reach and have little connection with the territory.

If we consider the delivery points of the Sicilian CPIAs with the centers of the reception of Uams, there is sometimes imbalance between the points of delivery and the structures that welcome the Uams that will be better investigated later after analyzing data collected in field analysis. This may be an indicator of the fact that many Uamsare not guaranteed in their fundamental right, that is, the right to study, which is held by all foreign minors even if they do not have a residence permit[18].

In conclusion, the construction of virtuous communication ways among the subjects who are protagonists in the reception system for Uams and their inclusion process is a priority. By analyzing in order to improve dynamics between CPIAs and the reception Centers, we can therefore help to address to the same direction best practices of co-operation both in the integration of the school's educational functions by developing a didactic experiment directed specifically to unaccompanied minors. At the same time, by activating a process of qualification of the time spent by Uams in transitory centers by a common didactic and extra-didactic activities planning we can try to give meaning to the whole migratory process until an authentic inclusion project and successful process of integration.

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[18] The right-duty to education and training for foreigners minors is stated partly in the education and training laws, partly in laws regarding immigration (D.Lgs. 25 luglio 1998 n. 286 and D.P.R. 394/1999)

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Part II

A challenge of migration:
religious freedom

Uncommon Denominators? Christian-Muslim Relations and the Legacy of al-Andalus in Contemporary Spain

JESSICA R. BOLL

Introduction

A recent headline in a prominent Turkish newspaper declared that the Mediterranean is "no longer Europe's common denominator" ("Mediterranean", 2016). The article went on to argue that Islam's increased presence in Europe has created a state of turbulence, intolerance, and conflict in a region historically defined by religious and cultural pluralism. Citing attempts to burn down mosques in Sweden, political transitions in the Balkans, and the German far-right movement PEGIDA (Patriotic Europeans Against the Islamisation of the West), the author notes the growing sentiment that Muslims are the enemy of Europe. Against a backdrop of increased terrorist attacks committed by religious extremists and far-right political administrations that specifically target the Islamic community, Christian-Muslim tensions are indeed at the forefront of international conversations.

Despite its history of (supposed) *convivencia* – harmonious coexistence – Spain is not immune to these concerns. In fact, references to Spain in jihadist propaganda were at an all-time high in 2016, and the most recurrent reference was to al-Andalus – the term used to refer to medieval Muslim Spain. As a pivotal juncture for Christian Europe and the Islamic territories to the south and east, al-Andalus was a center of both confluence and conflict. The polemic anniversary each January of the Catholic reoccupation of al-Andalus – marked by a violent clash between protesters in 2016 and framed in 2017 by Popular Party leader Esperanza Aguirre's Twitter remarks that it was "A day of glory for Spaniards" because "[w]ith Islam we would not be free" – attests to the ideological divisions that continue to afflict the nation (Hedgecoe, 2017, p. 8). While the tourist industry specifically markets Spain as a foremost destination for Muslims and promotional brochures highlight Islamic contributions to Spanish culture, controversies surround the building of new mosques, worship in former mosques, the wearing of headscarves, and campaigns to identify potential terrorists.

This paper aims to examine such contemporary Christian-Muslim encounters in Spain, underscoring the extent to which medieval al-Andalus informs interreligious

relations. A pluralistic society that has historically chosen to define itself in singular terms, present-day policy and practice reveal an entwined phobia and philia that challenge the very legacy of al-Andalus. The nation's ambivalence toward Islam ultimately calls to question the extent to which Spain, too, can be considered a common denominator for Christians and Muslims in the 21st century.

1. Andalusi allure

Tourists have long flocked to Spain seeking remnants of pre-modern cultural accord, specifically in search of destination al-Andalus. Cities in the south, especially, proudly affirm the Islamic contributions on architectural display. In 2016 the southernmost region of Andalusia received 10.6 million international tourists, 28% of whom reported visiting for either the culture or the monuments (Chaplow, n.d.). Among the top sites of the region – of all of Spain, in fact – are the Alhambra Palace in Granada, visited by 2.6 million people in 2016 (Patronato, n.d.), and the Mosque-Cathedral (*Mezquita*) in Cordoba, whose official site reported nearly a million visitors in the first half of 2016 alone (Conjunto, 2017). Medieval Studies scholar D.F. Ruggles (2011, p. 34) has noted the increasing interest in Islamic Spain, and the tourist industry caters to this interest. Promotional materials highlight Islamic contributions (images of Cordoba's *Mezquita* feature the red and white arches of the original mosque, for instance – to the near exclusion of the Catholic cathedral within), as does Andalusia's official website:

Axis between Europe and Africa and meeting point of the Atlantic Ocean and the Mediterranean Sea, this region has been coveted by many different cultures throughout history and prehistory… It offers a warm welcome to visitors and, while conscious of the need to modernise and move forward with the times, it is also careful to take care of its roots and maintain its important cultural heritage and monuments, legacy of the region's ancestors. (Andalucia, 2011)

The increasingly popular heritage tourism – tourism motivated by the inherited elements of a locale – allows visitors to bridge past and present[1]. Spain's heritage is conspicuously Islamic, and visitants come in droves to see it[2].
    Various scholars have noted the commodification of Islam that such tourism engenders, as well its simulacral nature. Rogozen-Soltar (2017) refers to Granada's Albayzín neighborhood as "Muslim Disneyland", for instance, and Tremlett's (2008) employment of the term "Moorishland" in reference to the same

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[1] Yale's (1991, p. 21) oft-cited definition explains heritage tourism as "tourism centered on what we have inherited", yet Poria, Butler, and Airey (2001) argue that such tourism is instead driven by tourists' motivations and attitudes rather than inherent site attributes.
[2] The political group *Liberación Andaluza* (Andalusian Liberation) even called for Andalusian independence based on the region's Moorish heritage (Rogozen-Soltar, 2017, p. 31).

quarter likewise indicates a highly regulated, semifictive superficiality that only loosely engages with the Arab world, Islamic tenets or the migrant community. Such display presents contemporary Muslims as relics of al-Andalus, reinforces cultural stereotypes, and omits the harsh realities of both historic and actual Muslim existence in Spain. Calderwood (2014, p. 49) similarly calls the Albayzín's exhibition of Andalusi culture a "game of smoke and mirrors", and asserts that nineteenth-century Romantics in fact invented al-Andalus, both in the sense of invention as discovery and as creation (2014, p. 31). The al-Andalus of legend – and that evoked by the tourist industry – is at times autonomous from and even incompatible with the historical moment, especially in its marketing of *convivencia* (Calderwood, 2014, p. 31). Calderwood (2014, p. 28) also points to the palimpsestic temporality explicitly suggested to tourists at the Alhambra in Granada who are invited to step back into both the palace's medieval past and that of Romantic writer Washington Irving, narrator of the site's audio guide. *Hammams*, or Arabic baths, are likewise represented as chronological couriers in Andalusia, "talismans" that offer visitors the opportunity to literally plunge into the past (Calderwood, 2014, p. 31). Such attractions thus serve to both conflate al-Andalus and present-day Andalusia and reduce Muslims to a homogeneous, ahistorical, objectified body[3].

In recent years the tourist industry has further capitalized on the country's Islamic heritage by engaging with a new subset of the industry, halal tourism. Such tourism provides services and activities consonant with Islamic beliefs and practices, and companies such as Islamic Travels, HalalBooking and HalalTrip market Spain – Andalusia in particular – as a paramount destination for such travel[4]. HalalTrip ranked Andalusia the #1 Islamic Heritage Destination in 2016, in fact. While such enterprises offer itineraries worldwide, Al Andalus Experience and Al Andalus Guides are companies specifically dedicated to halal tourism in Spain. The Andalusian Public Foundation – The Legacy of al-Andalus (*Fundación Pública Andaluza – El legado andalusí*), a foundation of the Andalusian regional government established in 1993, has likewise organized cultural itineraries and travel routes that focus on the Hispano-Muslim period and readily acknowledges both the economic potential of Muslim tourists and the region's unique positioning in this niche market[5]. The organization participated in the first Seminar on Halal

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[3] This conflation is also present in the continued, undifferentiating application of the designation *moro* to refer to both historic Moors and (derogatorily) to present-day Muslim migrants (Flesler, 2008, p. 3; Rogozen-Soltar, 2017, p. 12).

[4] Many companies have even begun producing "halal jamón" in recent year to allow Muslims to partake of one of Spain's most celebrated culinary traditions, cured pork (Frayer, 2014).

[5] The Andalusian Public Foundation – The Legacy of al-Andalus is both a non-profit and public body that finances research, workshops, cultural activities and a museum exhibit on al-Andalus in Granada. Despite these ambitious endeavors, however, Calderwood (2014) contends that the foundation does not engage with Spain's migrant or convert communities and that the organization's discourse is removed from the reality of Muslims' experiences in Spain. Calderwood (2014, p. 41)

Tourism in 2013 (*KEYS to understanding Islamic Tourism: Developments and New strategies*), a meeting that was targeted toward professionals in the industry and intended to raise awareness of the meaning and key concepts of halal tourism. Spain likewise hosted the first international conference on halal tourism, held in September of 2014 in Granada, and an international congress entitled "Halal, a Global Concept" was subsequently held in Cordoba in March of 2015.

Manuel Morales, representative of Development, Housing, Tourism and Commerce of the Government of Andalusia, has noted "a quarter of the world's population is Muslim and therefore represents the main segment of the world tourism market" ("Andalusian", n.d.). Guerrero Blanco (2016), Associate Researcher at IE Business School, has predicted spending on halal tourism will reach $233 billion by 2020, while Crescent Rating (2016a), a leading authority on halal travel, reports a Global Muslim Travel Index score of 48.8 for Spain in 2017, among the highest scores in Europe. According to the Spanish Ministry of Industry, Energy and Tourism, more than 1.1 million visitors from the Muslim world traveled to Spain in 2014 (Rodríguez, 2014). Guerrero Blanco (2016) estimates that approximately 2 million of the more than 65 million tourists who visited Spain that year were Muslims – an increase of 18% compared to 2013.

2. Controversy & conflict

According to the 2016 Muslim Business Traveler Insights report (Crescent Rating, 2016b), the primary consideration of Muslim business travelers is the safety and security of the country they are planning to visit, followed by concerns of religious tolerance. While 10% of Muslim travel is for business purposes compared to 75% for leisure, it can be inferred that the same considerations are relevant for all categories of travel (Crescent Rating, 2016b). Spain's Islamic history and present-day Muslim population would seemingly create a welcoming space for Muslim travelers. Contemporary Muslim migration to peninsular Spain began in the 1970s in the wake of the Franco regime, and boomed subsequent to the nation's integration into the European Economic Community in 1986[6]. Conversion to Islam also rose dramatically in the post-Franco era, as an expression of Spaniards' newly acquired political and religious freedom (Rogozen-Soltar, 2017, p. 92)[7]. The Islamic Commission of Spain reported there to be approximately 1.9 million Muslims in the country at the end of 2015, representing 4% of the total

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also suggests that the travel routes organized by the foundation problematically promise non-Muslim visitors the ability to culturally appropriate – or "inhabit the subjectivity" – of Andalusi Muslims.

[6] As Moreras (2014, p. 319) indicates, Muslims have populated the North African Spanish cities of Ceuta and Melilla since at least the fifteenth century.

[7] Aídi (2005, p. 37) also points to the sharp increase in conversion to Islam following September 11, as a rejection of imperialism, a proclamation of tolerance and a statement of solidarity made by subordinate groups across the West.

population (Unión, 2017)[8]. The growth of the Muslim population in Spain is predicted to be faster than in the rest of Europe, projected to reach 4 million by 2050 ("Report", 2016). This represents the biggest percentage change among countries of the European Union with more than 100.000 Muslims. Rogozen-Soltar's (2017, p. 49) ethnographic research suggests that many migrants choose to live in Spain – in the Andalusian city of Granada in particular – due to the "Muslim essence" that "portend[s] inclusion". Signs of Spain's changing demographics are evident in the physical landscape, as headlines reported a "mosque-building spree" throughout the country in recent years (Kern, 2010). The biggest mosque in Spain – and one of the biggest in all of Europe – is the six-story, 12.000-square-metre Islamic Cultural Centre in Madrid, which opened in 1992.

Yet despite such development, marketing efforts and ostensible celebration of Spain's Islamic past, recent controversies in Spain nonetheless expose a contrary narrative – one that estranges the country's history and specifically targets the very culture oft celebrated. Throughout Spain both the spaces and the people of Islam are victims of overt prejudice. Although there are currently over 1.000 mosques and Islamic prayer centers in the country, in some instances mosque construction has been met with resistance and acts of violence and some notable projects have been thwarted in recent years. Calderwood (2014) details the twenty-two years of contention and concessions that preceded the 2003 opening of the Great Mosque of Granada, for instance[9]. Ironically much of the conflict centered upon concerns that the mosque would disrupt the "traditions" of the Albayzín neighborhood in which its construction was proposed – an area of the city both historically and currently defined by "Moorish" culture and architecture. More recently, in June of 2016 there was controversy regarding the opening of an Islamic center in Moralzarzal ("Polémica", 2016); in July of 2016 demonstrations were held in Corella (Navarre) to protest the building of a Salafi mosque (Moreno, 2016); in September of 2016 neighbors in Abarán (Murcia) formally petitioned against the construction of a mosque in the area ("Vecinos de Abarán", 2016); and in October of 2016 the same occurred in Cartaya (Huelva) ("Vecinos de Cartaya", 2016). The highly-publicized plan to build what the media termed a "mega-mosque" in Barcelona – with an

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[8] The Islamic Commission of Spain was established in 1992, made up of the Spanish Federation of Islamic Religious Entities (FEERI) and the Union of Islamic Communities of Spain (UCIDE). Although both constitutive entities are notably heterogeneous in terms of the national origin of their members, converts tend to join FEERI while the UCIDE has historically drawn migrant Muslims, mostly from Syria (Moreras, 2014, p. 322).

[9] Rogozen-Soltar (2017, p. 187) significantly notes that despite its (eventual) celebration as the first mosque built in Spain since the Inquisition, this notion is inaccurate. Many mosques had been previously established within existing public and private structures, such as community centers and apartments (Rogozen-Soltar, 2017, 188). Furthermore, the Great Mosque was built for and by converts rather than Muslim migrants, who generally attend less conspicuous mosques throughout the city (Rogozen-Soltar, 2017, p. 164). In spite of its contested inception, the mosque is now – ironically – included on the main tourist route of the Albayzín and is very visible as emblematic of the "Moorish" nature of the neighborhood (Rogozen-Soltar, 2017, p. 164).

explicit objective "to increase the visibility of Muslims in Spain" ("Spain's Barcelona", 2017) – was officially denied in January of 2017, as were plans submitted a decade earlier to construct a half-size replica of the *Mezquita* in Cordoba. Furthermore, mosques are under increasing scrutiny as concerns rise regarding the sources of funding, leadership and messages disseminated. A foiled attack on a Paris-bound train in 2015 drew much negative attention to a mosque in the Spanish port city of Algeciras, for instance, as authorities implicated the mosque in the radicalization of the would-be terrorist (Minder, 2015).

The Spanish government has also investigated hundreds of Muslim-owned businesses, alleging they channel money to Islamic State militants in the Middle East (Frayer, 2015). Some municipalities have proposed zoning laws – such as Tarragona's so-called "kebab law" – to limit both the number and concentration of such businesses in order to prevent the formation of what officials have referred to as immigrant "ghettos" (Frayer, 2015). Rogozen-Soltar's (2017) research exposes the general criminalization and policing of both Muslim migrants and the spaces they inhabit, specifically in the context of the Albayzín and Polígano neighborhoods in the city of Granada. Although Moorish heritage is ostensibly celebrated in the Albayzín, authorities increasingly persecute Muslims employed in this tourist zone and the superficial Islamophilia of the area ironically serves to exclude Muslims from Spanish society by denying embedded racism (Rogozen-Soltar, 2017, p. 50). The residential Polígano, on the other hand, geographically marginalizes Muslim migrants by relegating them to the disparaged outskirts of the city where they are both kept at arm's length and under constant surveillance.

Muslim worship itself has made headlines, as Cordoba's *Mezquita* has become an apt metaphor for Spain's troubled relationship with its own past. Official policy at the site forbids Muslim worship, the debate around which intensified in 2010 when Muslim visitors were arrested and charged with "crimes against religious sentiment" upon attempting to pray ("Liberados", 2010). Formal proposals had been presented in both 2004 and 2006, submitted by the National Islamic Commission of Spain and the Spanish Islamic Board respectively, requesting permission for Muslim prayer in the *Mezquita*. The latter specifically referenced Spain's Muslim past, asking that the building model religious tolerance to revive the "spirit of al-Andalus" (Fuchs, 2006, p. 21). As a World Heritage Site the monument is expressly intended for ecumenical use, yet both proposals were denied by the Catholic Church. The Church administers the site, and although the official name of the monument approved by the town council is "Mosque-Cathedral of Cordoba", the Church had previously attempted to excise the mosque from the *Mezquita* by referring to the site as the "Cordoba Cathedral" in signage and promotional literature beginning in 2010. The Church reverted to "Mosque-Cathedral" in March of 2016 after much protest by Muslims and Catholics alike. That same month a town hall report concluded that the monument does not officially "belong" to any one institution or organization, despite the Church's explicit claim of ownership. In 2006 the diocese of Cordoba had registered itself as

sole owner of the site, capitalizing on property legislation implemented in the Franco era. This, too, was met with dissent throughout – and beyond – Spain.

Ruggles (2011, p. 27) argues that resistance to Muslim worship in the *Mezquita* reflects broader anxieties regarding Spain's changing demographics and the political ramifications thereof, rather than opposition to individual religious practice per se. Muslim worship is public representation of difference, particularly salient for the unique prostration performed during Muslim prayer. A further marker of difference is the headscarf worn by Muslim women. This, too, has been problematic is Spain. While there is no federal law banning a veil in public places as there is in France, burqas have been banned in a number of cities and towns. Although Spain's Supreme Court has sought to block these measures, many municipalities still attempt to enforce the decrees. For instance, in December of 2016 a Spanish Muslim woman sued her employer for harassment, discrimination and castigation in the workplace due to her hijab (Palma, 2016). A similar situation occurred in September of 2016, when a Spanish Muslim student made news for being excluded from class in Valencia for wearing a hijab ("Muslim", 2016). Shortly thereafter a Spanish Muslim girl wasn't allowed into a high school in the Basque Country for wearing a niqab (Aguilera-Carnerero & Halik Azeez, 2017, p. 552). In June 2016 the Islamic Commission of Spain criticized overall discrimination of Muslim students in schools, due in part to a lack of Islamic education and teachers of the Islamic religion in schools throughout the country (Comisión, 2016).

Related controversy in the classroom centers around recent directives in Catalonia asking teachers to identify potential Islamic terrorists in schools (McMurty & Daventry, 2016). In 2016 educators were asked to look for and immediately report suspicious activity of Muslim students, including behavioral changes such as the adoption of religious clothing and refusal to participate in activities for religious reasons. Many argue that the protocol reinforces the climate of fear that has resulted from the recent terrorist attacks throughout Europe. Spain's terrorist alert level has been at a four out of five since a Spanish hotel was attacked in Tunisia in June of 2015; this classification of "high level" alert calls for increased vigilance, and a 2015 report by the Elcano Royal Institute indicates that Catalonia is the most active region in peninsular Spain for ISIS and al-Qaeda terrorists (Reinares & García-Calvo, 2015). This was tragically substantiated by the recent attack in Barcelona in August of 2017. Yet Mohamed Said Alilech, leader of the Association of Young Muslims in Spain, has suggested education rather than security measures to battle radicalization, and many teachers in the community are against the new policy as well (McMurty & Daventry, 2016).

This campaign – one in which the government has explicitly asked citizens to seek out and vilify difference – points to the general distrust of Muslims within Spain. A Global Attitudes Survey conducted by the Pew Research Center in the spring of 2016 indicates that 50% of Spaniards have a negative view of Muslims (Hackett, 2016). When presented with the statement "All further migration from

mainly Muslim countries should be stopped", 41% of respondents in Spain agreed (Bayrakli & Hafez, 2017, p. 6). These attitudes have led to persistent marginalization of the country's Muslim population, both in formal policy and in everyday discrimination[10]. Most Muslims in Spain are from the Maghreb (especially Morocco and Algeria) or Pakistan and face high levels of unemployment and poor living conditions. While the Spanish government doesn't specifically track unemployment according to religious affiliation, Muslim leaders say they have been disproportionately affected by the economic crisis of recent years (Frayer, 2015)[11]. Spanish authorities worry such circumstances leave Muslim immigrants vulnerable to radicalization efforts and terrorist indoctrination.

Indeed, terrorism is of increasing concern and select groups have specifically turned to Spain's cultural patrimony to lay claim to the space. References to Spain in jihadist propaganda – in the form of videos, statements, interviews and letters – were at an all-time high in 2016 (Caro, 2016). The most recurring reference was to al-Andalus, symbolically used to legitimize and incite (re-)appropriation of the peninsula. Osama bin Laden himself invoked the "tragedy of al-Andalus" in a broadcast after 9/11 (Rothstein, 2003), and in 2016 the Islamic State explicitly announced its intent to re-establish Muslim rule in Spain (Visser, 2016)[12]. In an execution video released by ISIS in early 2016 the filmed executioner proclaims: "al-Andalus belongs neither to Spain, nor to Portugal; you are the Muslim al-Andalus" ("IS", 2016). Counter-terrorism forces also report that it has become increasingly common to find ISIS videos subtitled in Spanish – a Spanish that is often so grammatically correct they fear Spanish citizens are involved (Oliphant, 2017). At the same time, documents translated into notably poor Spanish have been discovered in Spain that circulate falsehoods in order to incite action against Spaniards. Such documents report fake bombings and air strikes by the Spanish Army in various countries in the Middle East (Caro, 2016). Spain is thus implicated as a target for both terrorist recruitment and attack.

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[10] Rogozen-Soltar (2017, p. 120) employs the term "casual racism" to refer to anti-Muslim attitudes and day-to-day discriminatory encounters in public spaces. Her insightful ethnography of both migrant and convert Muslims in the Andalusian city of Granada reveals the complex, overlapping patterns and practices of inclusion and exclusion with regard to Islam that preclude neat mapping onto neighborhoods or communities. Furthermore, Rogozen-Soltar (2017) exposes an "unequal multiculturalism" among Muslims in Spain – fundamental discontinuities between and among migrants and converts – that underscore the nation's schizophrenic attitude towards Islamic cultures and followers.

[11] Article 16 of the Spanish Constitution of 1978 declares that no one in Spain can be forced to declare their ideology, religion or beliefs, and mandates the principle of *aconfesionalidad*, or non-confessionalism, which (purportedly) guarantees religious freedom and cooperation between the government and religious delegates (Moreras, 2014, p. 321). This policy makes it particularly difficult to determine the exact number of Muslims residing in Spain, along with the degree to which they are integrated into or excluded from mainstream Spanish society.

[12] Rumors even circulate within Spain that Granada was Bin Laden's favorite city in the world (Rogozen-Soltar, 2017, p. 233).

Some nonviolent groups likewise call for the revival of Andalusia's Islamic legacy and a return to the purported *convivencia* of the past, maintaining that coexistence is inevitable by virtue of the region's cultural heritage (Rogozen-Soltar, 2007, p. 876). The website of the Islamic Community of Bilbao in the Basque Country at one point proclaimed: "We were expelled [from Spain] as Moriscos in 1609… The echo of al-Andalus still resonates in all the valley of the Ebro. We are back to stay…" (Kern, 2010). A Facebook group called "Restore sanctity in al-Andalus" boasts 40,000 "likes" and is one among many that claim Muslims have a "right to return" to Spain (Hale, 2017). Another such organization is *L'Association pour la Memoire des Andalous* in Morocco, which has explicitly asked that the Spanish government offer citizenship to Muslim descendants of the expelled Moriscos (Muslims that converted to Christianity under the threat of exile in the sixteenth century) – just as the government has done for Sephardic Jews – in order to rectify a historic wrong (Kassam, 2014). Salafism, a branch of Islam that calls for the reestablishment of an Islamic empire across the Middle East, North Africa and parts of Europe in order to restore Muslim glory, likewise views Spain as a Muslim state to be reconquered for Islam (Kern, 2010). To this effect, in March of 2017 hundreds of posters were plastered in an immigrant neighborhood of Barcelona urging Muslim men to marry Spanish women in order to spread the religion, fortify the Muslim community and teach that Islam is the one true faith (Hale, 2017). Although nonviolent, such efforts complicate the issue and add to Spaniards' collective wariness of Muslims.

While the terrorist threat in Spain – and throughout Europe – is evident, the conflation of violent extremists and the general Muslim population is nearly as alarming. The number of Islamophobic attacks reported in Spain quadrupled from 2014 to 2015 (Casani, 2016, p. 471), and Elena Arigita, professor of Political Science at the University of Granada, has noted "a sharp rise in Islamophobic attitudes on social media in Spain and throughout Europe" (McMurty & Daventry, 2016). The annual *European Islamophobia Report* outlines the discriminatory policies and attitudes within Spain, citing prejudice in sectors including the work force, education, media, legislation and the justice system, and confirms that cyber hate speech and media discourse were among the top concerns in 2016 (Aguilera-Carnerero & Halik Azeez, 2017). The 2016 report analyzes the frequency and content of such Twitter feeds as *#StopIslamization*, *#StopCristianofobia* and *#stopmezquita* (*#stopmosque*), for example, and points to the refugee crisis, the rise of far-right political movements across Europe and international terrorist attacks as significant factors that have contributed to Spain's increasing distrust of Muslims[13]. The 2015 report specifically suggests that the country's Islamic past further adds to the anxiety surrounding the Muslim "other" (Casani, 2016, p. 481). The reports

[13] Rogozen-Soltar (2017, p. 56) notes the irony that European intolerance of Muslims if often (purportedly) due to the intolerance assumed of Islamic fundamentalism. Further irony is derived from European intolerance as a way to *demonstrate* tolerance and postmodern liberalism, rejecting Muslims due to presumed gender inequalities (Rogozen-Soltar, 2017, p. 190).

chronicle incidents of Islamophobia throughout the country, listing vandalism and attacks on mosques in Madrid, Barcelona, Granada, Zamora, Soria, Vitoria (Basque Country), Denia (Alicante) and Tenerías (Álava) in 2016 and violent assaults on Muslims in Madrid, Barcelona and Murcia that same year (Aguilera-Carnerero & Halik Azeez, 2017)[14].

Politically, Spain is divided when it comes to both the degree of and approaches to Islamophobia. While representatives from various political parties have publically expressed commitment to combat hate crimes against Muslims, some leading figures have contributed to the problem. The Spanish Immigration and Refugee Assistance Network accused Juan Soler, former mayor of Getafe, of hate speech and instigating confrontation between Christians and Muslims (Benítez, 2016), while Xavier García Albiol, former mayor of the city of Badalona, ran a xenophobic, anti-immigration campaign in 2015 that aimed to eliminate multiculturalism in the city (Piñol, 2015). Soler and Albiol are both members of the conservative *Partido Popular* (People's Party), the party most accused of Islamophobia in Spain although certainly not the only party with this reputation (Aguilera-Carnerero & Halik Azeez, 2017, p. 554).

Both politicians and scholars frequently regard Islam and Muslim migration in Spain as post-Franco concerns and thereby uncouple historic and contemporary matters. Yet, as detailed in the preceding pages, the nation's contentious past has undeniable implications at present. Rogozen-Soltar (2017, p. 41) is one of few scholars that rightly notes the past-present continuum, and documents the recognition of this continuum by many Andalusian inhabitants: "people in Granada overwhelmingly understand questions of migration and religious pluralism as being shaped by encounters between Spain and Morocco not since the 1970s, but since the 700s". To fully grasp – and better address – interreligious tensions in Spain, authorities and academics alike must not conceive of such tensions as postmodern but rather as reiterations of enduring anxieties inherited from medieval al-Andalus.

3. A return to al-Andalus?

Despite the varied manifestations of Islamophobia in Spain, many have recognized the acute danger inherent to such biases and have begun taking steps to address them. A municipal plan organized by Barcelona City Hall has launched a pioneering project to combat discrimination against Muslims, as 232 cases of hate crimes were reported in Barcelona Province in 2015 – an increase of 19% from 2014. At a cost of 102.000 euros, Barcelona's plan will administer 28 measures to prevent discrimination and raise awareness ("Spain's Barcelona", 2017). The

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[14] Calderwood (2014, p. 50) points to the debates regarding the term "Islamophobia" and the essentialist implication of which scholars warn; like Calderwood, I deliberately employ the term on account of its ubiquitous usage by both Muslims and non-Muslims alike.

organization "Muslims against Islamophobia" (*Musulmanes contra la Islamofobia*) is also based in Catalonia, and has worked on such measures as halal menus in schools (Aguilera-Carnerero & Halik Azeez, 2017, p. 552). In Andalusia the government initiated the "anti-gossip network" (*red anti-rumores*), a project to foster positive attitudes regarding cultural diversity ("Red", n.d.), while the political party *Compromís* made a formal proposal to the government of Valencia in August of 2016 to address hate crimes ("Compromís", 2016). Spain also participated in the organized "weekend against Islamophobia" in December of 2015 and the European Islamophobia Summit held in Sarajevo in June of 2016. A similar international conference was previously held in Cordoba in 2007, organized in part by then Minister of Foreign Affairs and chairman of the Organization for Security and Cooperation in Europe (OSCE), Miguel Angel Moratinos.

Beyond the efforts to expressly combat Islamophobia, broader policies have also been established to advocate for Islamic peoples and cultures. The Foundation for Pluralism and Coexistence, initially proposed by the Ministry of Justice and established by the Council of Ministers in 2004, continues to promote religious freedom and social integration of minority faiths, as well as provide financial assistance to minority religious communities. In recent years they have sponsored training programs specifically for Islamic religious leaders (Moreras, 2014, p. 324). Casa Árabe, a Spanish public consortium founded in 2006 and headed by the Ministry of Foreign Affairs and Cooperation, declares an objective of "building bridges, strengthening bilateral and multilateral political relations, promoting and assisting with economic, cultural and educational relations, and providing training and furthering understanding about the Arab and Muslim world" (Casa Árabe, 2014). With headquarters in both Madrid and Cordoba, the institution organizes cultural events, conferences and courses related to the Arab world, and serves as an active platform for public diplomacy. Online, Webislam (www.webislam.com) was created by one of the founders of FEERI (Junta Islámica) in 1997 and provides a digital forum to support and connect the Muslim community, as does the blog *Islam España* (www.islamhispania.blogspot.com), affiliated with UCIDE and explicit in their aim to promote *convivencia*.

Among the most recent endeavors to accommodate Islam in Spain is the plan revealed in January of 2017 to make Muslim festivals public holidays, although the proposal was met with much opposition (Perring, 2017). Along similar lines, the Ministry of Education, Culture and Sports passed a law in March of 2016 implementing the subject of Islamic religion in schools, scheduled to begin in the fall of 2017 (Aguilera-Carnerero & Halik Azeez, 2017, p. 552). In 1996 the Spanish State and the Islamic Commission of Spain had signed a similar agreement to incorporate Islamic religious education into the public school system, but the application of this policy was both significantly delayed and inconsistent across Spain. Less urgent but part of the conversation nonetheless are concerns such as insufficient numbers of Islamic cemeteries, and the lack of imams in prisons and hospitals. While these issues remain unresolved, steps have been taken to begin to

address these matters as well. For instance, the Catalan government announced in November of 2016 that a section of the public cemetery in Lleida will be dedicated to Islamic burials (ACN, 2016)[15].

Yet at the same time some Spanish work to build an inclusive society that looks to the past as a model of tolerance, the very legacy of al-Andalus is being called into question. A recent book published by Darío Fernández-Morera (2016) has challenged the notion that Muslims, Christians and Jews coexisted peacefully during the Middle Ages. In *The Myth of the Andalusian Paradise: Muslims, Christians, and Jews Under Islamic Rule in Medieval Spain*, the author refutes the believed tolerance of Muslim Spain to instead reveal a fundamentalist society of violence and persecution. Fernández-Morera is one of a handful of scholars who have begun to interrogate what journalist Edward Rothstein (2003) called the "retrospective utopianism" ascribed to al-Andalus. In a review of *The Myth of the Andalusian Paradise*, journalist Paul Monk (2016, para. 20) lauded the text's scholarly value and suggested that while "[w]e do need to find a way for those who still adhere to the old religions to live in reasonable harmony" and "[w]e should want a tolerant, cosmopolitan order", medieval Spain is not the society that we should seek to replicate. "There is no Andalusian golden age to emulate", declares Monk (2016, para. 20). Perhaps the question posed at the outset of this paper, then – whether Spain can be considered a common denominator for present-day Christians and Muslims – need be expanded to ask whether Spain has ever truly served as such. On the other hand, the term "denominator" paradoxically refers both to that which divides and that which is shared. If we understand denominator as divisor, Spain has long executed this role.

Whether despite or in accordance with its cultural legacy, it is evident that al-Andalus explicitly informs the Spain of today and that presumed historic *convivencia* does not exempt the nation from the turbulence, intolerance and conflict that have accompanied Islam's heightened presence in contemporary Europe. The country's unique and intensely polarized relationship with Islam is pronounced, as the tension between commemoration and disavowal has long plagued the peninsula. Current Christian-Muslim relations are increasingly marked by controversy and contradiction in Spain, ingrained in a historical narrative in which Spanish identity hinges on both a fundamental opposition to and an affinity for – and with – Islam. Although some work to create a more tolerant society, the nation is challenged by people and policies

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[15] In 1992 the Cooperation Agreement was signed by the Spanish State and the Islamic Commission of Spain. This agreement officially recognized Islam as a rooted religion in Spain and spelled out rights such as the right to establish Islamic places of worship, the right to make use of sites in public cemeteries, the right to pastoral care in hospitals, prisons, and the army, the right to open training colleges, and the right to take time off from work to celebrate religious festivals. As has been noted, however, much of these policies have yet to be realized. Moreras (2014, p. 321) explains this lack of implementation as fourfold: 1) internal disputes between FEERI and UCIDE; 2) the centralized organizational model of the Islamic Commission that disregards geographic distribution; 3) the lack of political will to effectuate the agreement, resulting from the general mistrust of Muslim requests; and 4) the ignorance of the Muslim community with regard to the agreement.

that continue to undermine pacific coexistence. As it did for al-Andalus, this coexistence will inevitably define Spain moving forward – a future predicated on a renounced yet very present multicultural past.

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The immigration "emergency" between the legal protection of religious freedom and the public role of religion

GIUSEPPE D'ANGELO

1. Introduction. The complexity of the immigration phenomenon and the ambiguous role of religion

No one can seriously doubt that immigration is a very complex phenomenon, since it is produced by various and multiple causes and determines various, vast and profound effects.

Religion plays a surely important, quite ambiguous, role in its dynamics.

My intervention aims to propose some fragments of this role, in its legal projection.

In this perspective, I will consider the immigration phenomenon in the light of religious freedom as a human right and, above all, I will discuss whether and to what extent religion can contribute to a satisfactory solution to immigration issues and especially to favour the social and legal integration of immigrants, trying to overcome, in the range of the possible, the today's prevalent logic of the emergency.

The basic idea is that religion is a significant factor in regulating the immigration issues, while today's multicultural and multireligious societies require a higher level in protecting religious freedom but, at the same time, a number of reasons should lead us to be very cautious in assessing this contribution.

2. The double face of religion and the Secular State

To start with, it is worth considering the complex nature of religion, i.e. its plural dimension, especially when it translates on the political and legal ground (some deeper considerations about these issues in D'Angelo, 2015, p. 1-19; D'Angelo, 2017, p. 6-22, 74-80).

First of all, religion is a matter of individual choice.

Religious faith allows a man to relate to God or to a Supreme Being, so that religion can be considered a means for personal well-being and self-realization. To

this respect, religion is considered as the subject of an individual freedom, namely, religious freedom.

But religion can be also seen as the basis for building something very similar to a political institution as well as a legal system, analogous to that of the State (Vitale, 2005, p. 2).

This being so, two consequences must be outlined.

Firstly, while religion is a question of individual freedom, it can be converted, at a same time, in a way to violate it implicitly. To this regard, it is sufficient to observe that the rules imposed by a religious group or denomination are very similar to the legal rules imposed by the State, since they intend not only to direct the relationship between the faithful and God, but also the conduct of the faithful themselves in society. In addition, some religious denomination apply harsh sanctions, in the case of violation of these rules. Although it is not decisive, it is worth noting that these sanctions can be not only of a spiritual nature.

At the same time, it is not useless to remark that religious freedom is an expression that can be referred to both individuals and groups or denominations but it is clear that is not always possible considering these two dimensions in exercising freedom (i.d. the individual one and the collective one) as concretely coinciding.

Secondly, it can not be surprising that State and religion have often been in competition.

Indeed, historically, the modern State has claimed the exclusive ownership of the political power and has consequently affirmed the autonomy of the political sphere, falling in its own sovereignty, from the religious sphere, which was quite indifferent to it. The ideal assumption is that while the order of the sacred cannot represent the interests of the whole society, the duty of the State is exactly the pursuit of a common interest – which is precisely named "public" (but, naturally, this is only something quite similar, not the same that the interest of the whole society) – as well as the protection of the rights of the individuals and the safeguard of the legal principle of equality.

In this sense, we can define the modern State as a Secular State, although the "quantity" of secularization may naturally vary from one State to another[1].

To these regard, it is important to point out that since the State represents itself as a Constitutional State (in which politics is limited by the Constitution, the Constitution itself is the insuperable barrier in protecting fundamental rights and liberties. Finally the State has to promote concretely these rights and liberties) the delimitation of the secular sphere and the sacred sphere cannot be complete and lasting.

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[1] In fact, "Every state adopts some posture toward the religion life existing among its citizens. Among secular states, there are a range of possible positions with respect to secularity, ranging from regimes with a very high commitment to secolarism to more accomodationist regimes to regimes that remain committed to neutralità of the state but allow high levels of cooperation with religions": Martínez-Torrón & Cole Duhram Jr., 2015, p. 1.

Anyway, for a while, the qualification of the State as secular – and in some cases (USA, France) the principle of separation between State and Church – has maintained some validity, even theoretically. Generically, the italian principle of "laity" (laicità) [2] can be considered as a significant example, even if much discussed, of the attempt to strike a balance between the affirmation of sovereignty of the State against religious powers and the fulfillment of the State duty to promote religious freedom with concrete actions.

Indeed, as Italian Constitutional Court said, the supreme principle of laicità does not involve indifference to religion. Otherwise, it imposes the safeguard of religious freedom under a condition of religious and cultural pluralism (Folliero, 2007).

3. The inspiring principles and the traditional patterns of the Western relationships between law and religion and the immigration flows. Continuity and fracture.

The traditional setting of the relationships between the State and the religion that we have briefly seen above has its natural location in the West and in particular in Europe. Indeed, its (partial) success depends on certain conditions, occuring here.

But, in today's social context, these conditions have been greatly changed. To this respect, we could even consider that these changes have started reducing the distance between the two sides of the Mediterranean sea (Ferrari, 2014).

Many of these changes seem to be, directly or indirectly, connected to immigration[3].

Look at the first.

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[2] It is worth considering that the attribution of "laico" (and the correspondent substantive of "laicità"), used by the Italian doctrine as well as Italian Courts and Tribunals is not simple to translate in others legal cultures. Normally, we can recourse to the attribution of secular (and the correspondent substantive of secularism) but some attention is needed. It is not easy to establish if the expression secularism and "laicità" can be really considered perfectly equivalent but we would probably muddle things up if we acted differently. However, it is worth pointing out that, according to its origin and to its literal meaning, the term "laity" seems to be more usefully used as a way to distinguish, in the ecclesiastical perspective, what is not directly regarding clerical life.

[3] As pointed out in Folliero, 2016, p. 187-188: "Migrazioni e migranti costituiscono i fatti con la F maiuscola verificatisi nel 2015 con cui il Diritto Pubblico nazionale ed europeo stanno facendo i conti. (…) ritornando ai famosi fatti, migranti e migrazioni, tanto questi ultimi quanto il cortocircuito prodottosi tra di loro e il cambiamento impresso alla storia dell'Unione vanno spiegati. La/le spiegazioni vanno desunte dalla osservazione del diritto utile che ne è nato. Il network di regole condivise messe a punto va studiato a dovere da chi lo fa per professione nel circuito di produzione del diritto. Gli studiosi per primi. Ciò – beninteso – se si vuole individuare il valore giuridicamente performante della grande mutazione antropologica, fattuale e concettuale prodottasi nel contesto indicato. Scegliendo, viceversa, di restare – come dire? – legati a sistemi valoriali e categorie interpretative in auge prima del FATTO, si testimonia la fedeltà a un'idea, ma si contribuisce molto poco, nel circuito di formazione del diritto, alla formulazione di risposte strutturali per un fenomeno che – ognun vede – mostra di essere tutto fuorché effimero e contingente".

Here, we have to consider that immigration tends to make today's societies increasingly multireligious and multicultural[4], new religions appear in the social scene (Pace, 2013) so that identifying a territory by reference to a specific religion is not so easy as it could appear in the past (Cimbalo, 2010).

Correspondingly, the State – i.e. legislators as well as governors and judges – has increasing difficulties in understanding and satisfying the needs of those living on its territory. Indeed, the traditional perception of what constitutes an accepted expression of religious faith is no longer adequate, since this perception has to be linked to the pattern of a religion (in Italy, the Catholic one) which has become not so prevalent, now (Vitale, 2005, p. 2).

In sum, the needs of religiosity are more various and complex than in the past, so that the State does not satisfy them adequately through the traditional tool of the equality under the law. Indeed, satisfying these needs requires the foreseeing of specific exceptions to the statements of the law (e.g. in consent somebody to wear some kind of religious attire which is normally forbidden by the law, due to public security) and, since these needs are exponentially multipling, the State clearly risk to failure the goal of the maintenance of the social order. We all known that this is a very important issue at the moment, due to the increasing religious fanatism and the terroristic danger as well as the correspondent social needs for security.

But another new trend in today's relationships between the State and the religion must be outlined.

As many scholars involved in the study of these relationships point out, "Recent years have seen religion assume an increasingly visible place in public life" (Berger, 1999; Casanova, 1994, Martínez-Torrón & Cole Duhram Jr., 2015, p. 1)[5], that's to say that religion steadily intervenes in politics, economics as well as in social and cultural life.

So, we can say that, at a first level, this visible place is connected to today's process of "desecularization of society", in which religion is not only a question of individual consciousness and religious experiences are fully legitimated to be publically manifested.

But in a deeper sense, this visible place can be seen as a basis for (or, if you prefer, a sympthom of) the "public role" of religion[6].

This essentially means, on the one hand, that religions tend increasingly to consider that the level of the relationship between God (that's to say the Supreme Being) and the believers is not the only one which falls within their own competence and, on the other, that they consider themselves fully legitimated to

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[4] As a consequence, the issues involved by the relationships between law and religion, are increasingly important: see, in the context of the Italian doctrine, Fuccillo, 2017, p. 1-21; Consorti, 2013; Ricca, 2013).

[5] The mixed results which are connected to this public role have been patly described in terms of the "ambivalence of the sacred": P.L Berger, 1999.

[6] "Attualmente conta pochi sparuti oppositori l'idea che alla religione deve essere riconosciuto un ruolo pubblico, nel senso che deve poter incidere sui processi decisionali che tradizionalmente spettano al potere politico" (Folliero & Vitale, 2013)

claim more space for their political attitude (interact with the polical power and to influence its decisions in the attemps to solve several social issues and emergencies) in accordance with their beliefs.

As a consequence, religions reinforce their traditional perception as a legal system, while they can successfully claim, for their rules, a specific legal value, even in the State's legal system. By this way, the religious rules are legitimated to direct the conduct of the individuals (not only in their relationship with the Divine but) also in their relationships with society and public institutions. In other words, religious values and principles are significant rules for people in their social behaviour, not only as faithfuls but even as citizens. Correspondingly, we could say that the most popular religions are influencing public law and therefore laws do not account for all beliefs, only the religions with most voters.

In addition, new forms of cooperation and collaboration between the State and religious institutions are developing, in the pursuit of those goals that they consider to be very important and common.

This being so, it is clear that religions behave as real politic agencies (or, as somebody prefer to say, as lobbyists).

Correspondingly, while the traditional principles of the autonomy of the State from religion and of autonomy of religion from the State (i.e. of the Secular State, in a strict sense) are still claimed to be fundamental, they really risk to be superseded in the reality. So, the public role of religion – in this deeper sense – and the traditional pattern of the relationships between the State and religion seem to be not compatible at all.

Even the rise of this public role of religion takes some causes in immigration (Ferrari, 2008, 9 e ss.). Indeed – like traditions, languages, history, culture – religion is an important part of the identity of individuals as well as of a people, while, at the same time, it is a powerful factor of social cohesion.

So, when on a foreign territory, migrants can find in religion a tool that allows them to feel safer and give them a sense of community.

This is one of the reasons why, religions can surely play an important role in solving some issues related to the emergency of immigration as well as of the social integration of the migrants.

We will confirm this impression, from a different point of view, later.

At the time, we have to take account all the above mentioned considerations (religious freedom/public role) to underline that, at last, immigration places the State (as well as International and supranational institutions) ahead of a very difficult challenge.

Indeed, the Secular State is still suspended between two poles.

On the one hand, there is the duty to safeguard the continuity in protecting the religious freedom and in claiming the autonomy of the State itself from religion; on the other hand, there is the fracture of the needs of a multicultural and a multireligious society which make those concepts and rules really difficult to respect, in their traditional and more strict sense.

In fact, the fundamental question for the State is to find the right balance between these needs and the intangibility of its fundamental principles but, probably, something new in the approach to these principles and rules is needed.

Some examples can help us to understand as the game goes, right now.

Three issues will be briefly addressed:

a) Religious persecutions and the right to asylum
b) Religious freedom and social behavior
c) The role of religion in governing the immigration emergency and the rights of individuals

4. The uncertain answers of (European institutions as well as) the State: a) the safeguard of religious freedom. a1) The case of religious persecutions and the right to ask for asylum

Europe's difficulties in a coherent pursuing of a quite equal, certain and well-defined, standards in the safeguard of religious freedom are quite well known. Although Europe seems to converge to the goal of a global protection of religious freedom, the concretization of this will seems to be, in the reality, very problematic (Amirante & Pascali, 2015).

These difficulties are clearly shown by a brief overview of the decisions of the European Court of Justice.

Look particularly at the issue of the fighting against religious persecutions and of the right to asylum which is connected to this. In fact, there is an important relationship between immigration and religious persecution, because the rise of some forms of political and religious fundamentalism in many countries of the world – as Africa and Middle-East – imposes on those who live here and do not recognize themselves in these forms, to leave these countries and to settle in a place where their religious faith is fully respected. Indeed, many restrictions of the religious freedom as well as of the human rights of cultural, ethnical and religious minorities are implemented here, so that immigration constitutes a way for them to safeguard their own rights and liberties. When we speak about a right of asylum we want just to indicate the right of a person which is persecuted by their own country to be protected by another country (or, generally, by another sovereign authority).

So, in the case, settling in a new country (i. e. asking for asylum) needs to demonstrate the existence of a condition of religious persecution. It is not so easy as it might seem to be.

For example, one can ask whether a man/woman who is asking for asylum has to demonstrate the concrete existence of a persecution to his/her condition or whether it is sufficient to know that the country where he/she lives generally raises persecutory behaviors.

But above all, when can we say that a religious persecution is occurring? Is it sufficient for the applicant to remember that the country where he lives generally

impede some kind of actions in exercising the right to practice worship or is it necessary to demonstrate that it obstructs the essential aspects of that right?

Regarding this, in a recent decision (Y. e Z. v. Germany, CGUE, (C-71/11), (C-99/11), appl. 5 September 2012, decided 2017), the European Court of Justice has statued that the distinction between acts which are essential in assessing the core of religious freedom and acts which are not essential to it cannot be considered a valid paramether in defining the right of asylum due to religious persecution (Salem & Fiorita, 2016; Annichino, 2014).

This is a very important decision, since it is quite divergent from the traditional, more restrictive, approach of the European Court of Human Rights (ECHU) but, at the moment, we cannot predict if it will be a prevalent and consolidated position for European institutions as well as European countries, so that it will be surely followed in the future.

At the same time, it is worth noting that, commendably, Italian judges have often adopted a broad criterion in assessing the existence of the asylum law (Salem & Fiorita, 2016, p. 7-14).

5. Religious, religious-cultural rules and social behaviors of new citizens

As we have mentioned above, immigration makes our society being more multicultural than in the past.

New social needs and behaviors claim to be safeguarded but legislators, governors, judges and even scholars have not little difficulties in considering them.

Indeed many of these requests seem to be in contrast with our traditional approach in balancing between liberties and duties as well as in reaffirming the rule of law, while their deeper sense is not always simple to be deciphered. Our need for public security – due to the fear of the terrible terrostic attacks which have recently occurred – certainly does not make things easier (Dal Canto, Consorti & Panizza, 2016).

The case of the islamic veil as well as, generally, of the wearing of religious symbols is very esemplificative (Ferrari & Pastorelli, 2013).

The theoretical framing of this issue is not as simple as it might seem at first glance.

Indeed, it could be considered as a case of placing of religious symbols in the public sphere.

To this point of view, wearing of attire having a religious significance could be considered as incoherent with the secularity of the State, especially if the call to secularity has been interpreted in a strict sense. Similarly, some difficulties in recognizing the possibility of wearing the veil in public can occur if some general needs of the State related to secularity (e.g., neutrality of the public sphere as a condition of the socialisation which makes living together easier: see *Strasbourg*

Court, S.A.S. v. France, July, 1st 2014 (Licastro, 2014, "a") and *Belcacemi et Oussar c. Belgique*, July, 11th 2017 (Casuscelli, 2017)) are emphasized.

Naturally, every State is guided by its conception of secularity as well as of its sovereignty, so that significant differences in the States' approaches – and especially of European countries – to this iusse can be outlined.

These situation is reflected on the supranational level.

Generally, European Courts (i.e. ECHR and UE's Court of Justice) have some kind of respect for the different state approaches and solutions regarding the wearing of Islamic headcraft. That is so, in particular, for the ECHR, while the situation is quite different in the case of the UE's Court of Justice, which has recently statued that, in some specific cases, the employer can not prevent their employee to wear the Islamic headcraft.

So, we can remember, the ECHR's decisions in Turkish cases and in French cases. Here, the Court's judgments have statued that these states had not exceeded their margin of appreciation, substantially due the importance of secularism in their legal system (but it is quite note that while Turkey has changed its approach, the French Law no. 2010-1192 of 11 October 2010, still provides the ban on wearing clothing designed to conceal one's face in public places, so that Muslim women do not have the possibility of wearing the full-face veil (*burqa / niqab*) in public. Indeed, *laicité* seems to be a very fundamental and decisive value in French law system).

In a similar perspective, the European Court has more recently statued that article 653 bis of the Belgian criminal law, introduced by law on 1st June 2011 - by punishing how many "sauf dispositions légales contraires, if the présentent dans les lieux accessibles au public la visage masqué ou dissimulé en tout ou en partie, de manière telle qu'ils ne soient pas identifiables" with the punishment "of one million euros in euros (€ 120 to € 200) and of an emprisonnement of a one-day sept jours or of one of the peers seulement"- does not violates articles 8, 9 and 14 of the Convention (see: Belcacemi et Oussar v. Belgique).

Naturally, it is not easy to determine how much the above mentioned need for public security interpheres in these evalutions but, it can be also outlined that wearing of attire having a religious significance cannot be only considered in the light of the needs of secularity as well as of public security, especially whe these needs are interpreted in a too general ed abstract sense.

Indeed, wearing of religious attire is clearly a question of an individual choice, just to say of individual freedom. More precisely, by wearing a religious attired a person expresses his belonging to a religion, so that it can constitute a way to exercise his religious freedom. Indeed, when art. 9 of Human Rights Europen Convention talks about the right to express own religion faith, it can be interpreted as protecting the individual right to wear religious attire. This being so, the legitimacy of religious attire is conditioned by the fact that it does not violate human dignity as well as that it really is, in fact, the fruit of a free choice.

To this respect, we have to remember that, even if Secular, the constitutional State necessarily provides for protection of religion, so that some balancing

between secularisation and religious freedom is needed (and the above mentioned art. 9 of Human Rights Convention clearly confirms this notation[7]). At the same time, many of state constitutions as well as international and supranational documents and conventions outlines the importance of the legal prohibition of discriminations due to religious conditions.

Clearly, both the safeguard of religious freedom and the prohibition of discrimination can lead to a significant accomodation in interpreting some legal prohibitions and converge to consent the expression of religious freedom in wearing religious attire.

Naturally, even if, protecting religious freedom, Secular State has to allow wearing of religious symbols, some significant limits to this right can be outlined. This limits are often to be connected with public safety but, unlike the prevísious cases, the reference to public security could seem to be apparently less generic, here. Neverthless, even in this case, the situation has become much more complicated than in the past.

This is just the case of the italian approach.

Very briefly, Italian legal system generally recognizes the right to wear religious symbol but imposes some limits, substantially due to the need to consent the person's recognition. More specifically, Italian law prohibits wearing masks in public unless there is a justified reason and generally judges consider that wearing Islamic hearscraves constitutes a justified reason since it is expressive of individual religious freedom (indeed, article 19 of Italian Constitutions).

Nevertheless, this general attitude seems to be progressively questioned, due to the increasing immigration and the new fears for Islamic fundamentalism and terrorist attacks it has caused in some part of society. So, while some mayors in North-Eastern Italy have interpreted the above mentioned state law in the sense of an absolute prohibition of wearing the Islamic veil (but their attempt has been stopped by State authorities), some draft laws have propose a ban against burqa, trying to prohibit it in every public spaces (D'Angelo, 2008, "a", D'Angelo, 2008, "b").

At the same time, recent cases show that even in judges' decisions the limits of law have began to be interpreted in a progressively more stringent and restrictive sense.

Particularly, in decision n. 24084 of 2017, Italian Cassation Court has ruled that wearing religious symbol as the *Kirpan* cannot be considered as a "justified reason", which excludes the punished provided by the law for carrying weapons or objects suitable to offend, that is to say that wearing the *Kirpan* cannot be

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[7] In fact, according to art. 9 of the Convention, "1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others".

considered as an expression of religious freedom prevailing on the needs of public security as well as of the public order.

Probably, at a first sight, this decision could seem fully correct, quite automatic.

Indeed, *Kirpan* is a dagger, with a curved blade, so it can surely constitute an object suitable to offend.

But, in preventing people from carrying weapons or objects suitable to offend, the law provides an exception if carrying these objects has a "justified reason" and the *Kirpan* is worn by the Sick, due to religious reasons, just to say as a sign of their religion.

This being so, law seems to request some accomodation in the assessment of the needs of public safety which could consent the simultaneous excercise of individual freedom and rights and religious freedom is surely one of them.

This basically means that wrongfullness in wearing the *Kirpan* should be proved from time to time, by a pragmatic approach which considers the particular circumstances of wearing, so that prohibition in the case could only be reaffirmed if there are real problems, i.e. a real attitude for a dangerous use of the dagger. Indeed, by this way, judges' decisions have often demonstrated some tolerance toward *kirpan*. In particular, in order to exclude the punishment, judges have been requiring that when found in possession of the *Kirpan*, the Sick should immediately declare that he has been wearing it due to religious reasons (Licastro, 2014, "b").

From this point of view, the above mentioned decision of the Cassation Court seems to be much more regressive than in the past. To this aim, the peculiar considerations used by the Court in supporting its decision are to be outlined, here.

The Court moves from the premise that religious freedom, guaranteed by art. 19 of the Constitution, "meets limits set by legislation to protect other needs, including those of peaceful coexistence and security, which are included in the "public order"" formula. This notation is quite correct, since considering that the "public order" formula is probably use in a precise sense as a synonimous of public security, that is to say of legal provisions in matter of public security. In this perspective, the Court correctly says that no unjustified violations of criminal laws could be legitimated in the name of religious freedom.

But there is something else.

In the Court's opinion, there is "an obligation for the immigrant to conform his values to those of the Western world, in which he freely chose to enter".

This recall of the alleged "values of the Western world" as a paramether which absolutely excludes the legitimacy of possession of *Kirpan* seems to be very useless and misleading.

Indeed, firstly, as we have mentioned above, in order to exclude the legitimacy of the possession of *Kirpan*, it is sufficient to verify that it constitutes a danger to public safety. In the case, the legitimacy of the *Kirpan* could have been excluded even by an evaluation of the relationships between the religious reasons of the *Kirpan* and its potential damage.

Secondly, introducing the issue of the compatibility between the values of the Sick religion and those of the Western world, judges appear to introduce ethical assessments which are not required by the Western rule of law. It constitutes a clear paradox, too.

From this point of view, the decision of the Court could be considered as a worrying sign in the sense of the emerging construction of a wall of separation between our society and the immigrants – that is to say people we cannot stop to consider as alien – and therefore of getting up a serious obstacle to legislative and social policies in order to a peaceful coexistence between different cultures and religions.

6. The uncertain answers of (European institutions as well as) the State: b) the public role of religions in governing the immigration emergency and the rights of individuals

Religious attire constitutes a very interesting issue in assessing the relationships between religions and the immigration emergency, and especially in considering the legal *status* of immigrant when he finally starts living in our country.

Indeed it is generally recognized that religious faith can contribute to make the presence of the immigrant easier in the new social and cultural context. Let's consider that, on the one hand, the wearing of a religious attire can be seen as a religious or a cultural-religious duty and, on the other, that fulfilling the duties of his religious faiths, the migrant can also demonstrate he is a member of a community and, finally, he can feel he is not alone.

As many scholars involved in the study of immigration phenomenon point out, "affiliations and religious experiences are very important to many migrants", because they can find in religious experiences spiritual and material support, but also reasons to strengthen and maintain their identity (Ambrosini & Garau, 2006, p. 261 s.).

So religious groups and denomination can surely play a significative role in achieving basic social integration of migrants as well the conditions for a peaceful convivence.

But this role is even wider.

The resistance of many European countries to a policy of welcoming migrants is well known, while the European Union is still not very credible when it comes confronting itself with values and legal principles that are higher than those of the economy and the free market. More generally, public institutions fail to reconcile the fears of society with the need for help requests coming from the migrants.

In this context, religions are the only institutions strongly claiming a public commitment to a truly humanitarian management of the immigration phenomenon. It was Pope Francis who has explicitly stigmatized the egoistic attitude of many

states as well as supranational institutions, by noting that in Europe the power of money prevails over the dignity of man (Folliero, 2016).

Such a stance is very important. It confirms, from a particular point of view, the above mentioned importance of religion – especially in its collective and institutional dimension – for a better management of immigration emergency.

In sum, religions can play a double role in this field. On the one hand, they can favour a better integration of the migrant in the context of the society he has finally reached, while, on the other hand, religions can claim the public institutions to their duties in protecting human rights and person's dignity of all man and woman, even if they are not citizens.

Neverthless, we have to be particularly cautious in assessing the role of religious groups and denominations in regulating the immigration emergency.

In fact, even in regulating immigration issues, religion manifests its potential ambiguity. It is so especially when we consider things in a medium to long term perspective.

Remember briefly what we have mentioned above about the real direction in which religious affiliation can act, too.

In particular, first. we have to point out that the claim of religious faith can always be converted in a mean to violate the freedom of individuals.

Being more clear, look again to religious attire.

We have already considered that wearing religious symbols can surely be seen as expressive of an individual right. Nevertheless, we have now to consider that it could even been not so. In fact, particularly in order to the legitimacy of the wearing of islamic headscreave, it is commonly required that wearing religious symbol should be effective voluntary and respective of human dignity, so that it should never be as a fruit of a coercion by a religious community.

Stricly connected to this, some other notation can be done, outlining the social and legislative trends which consider some immigration issues in the light of a generic and generalistic view of the migrants. More precisely, much of the needs the migrants express are often considered trough the spectrum of community not, as instead it could be, as a reflection of an human right.

Clearly, this is an uncorrect, even misleading, approach.

Once again, it is the interest of the group in mantaining its values and rules to come on the public outlook. It is not so for the right and the liberty of every single man and woman.

Second, the really important contribution of religion cannot lead us to forget that the main responsibility in regulating the immigration emergency lies always on the public institutions. It must be so because public institutions still constitute the better mean in affirming the rights and the liberties of individuals, in the light of equality and non-discrimination principles.

To this regard it should be not forgotten that religion is an important means in orienting people's behaviour, so that we cannot exclude at all that religious values and principles are claimed insincerely. Indeed, a risk for an instrumental use of

religion – just to say of an authoritative use of religion, even with respect to the faithfuls – is always to be considered. Consequently, this should be a significative point for public and secular institutions too.

In this perspective, it is necessary to be careful in excluding that the recognition of the role of religion in general being able to favour the prevalence of some religions - the more traditional ones - on the others.

Brief conclusions

Regulating the immigration emergency, as well as satisfying the need of the multicultural and multireligious society deriving from it, (even) through religion is quite problematic.

Indeed, religion is an important factor to be considered in pursuing both of these aims.

On the one hand, the widespread and more pluralistic presence of religion within the social context, its importance for the achievement and the maintenance of political integration and legitimization and the recent transition from religious freedom to cultural freedom make the political and legal approach to religious questions decisive for the better satisfaction of the needs of the multicultural and multireligious society. At the same time, the acknowledgment of the social relevance of religious interests as well as the need for a promotional protection of religious freedom, are confirmed as a duty for the Constitutional State. Naturally, the acknowledgment of the social relevance of religious interests as well as the need for a promotional protection of religious freedom meets with new dimension of state sovereignty. These phoenomena and the aims which are related to them transcend the traditional (i.d., National or, in a wider sense, regional) borders and consequently aspire to be asserted on a global level. Especially, they seem to reduce some differences between Europe and extra-european countries.

So, while national and supranational regulation of immigration emergency should be coherent and stricly consequent to these complex needs, it could be also said that this situation as well as the new approach to religion deriving from it constitute a potential bridge between the two sides of the Mediterranean sea.

But, on the other hand, the acceptance (and even the promotion) of the projection of religion on the common ground of politics and of law cannot be total and unconditional.

Indeed, as we have seen above, religious freedom is to be considered, firstly, a matter of individual choice and the Secular State has to confirm itself as the fundamental safeguard for it. This duty coherently requests the State as well as the public institutions to put due limits to the public role of religion and to define their exact collocation in the "public arena". These limits must be respectful of democratic pluralism but, at the same time, they must ensure that binding public decisions are always taken autonomously by public institutions. Correspondingly,

public institutions have always to prevent religions becoming a means to violate individual rights and human dignity.

This being so, the immigration emergency shown us that a new balancing between the (apparently oppose) poles of the Secular State and of the public role of religion is to be pursued. Our society and our law system cannot escape to this challenge.

Clearly, it is not an easy enterprise.

Road to be run – step by step – is long and very rough.

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Migrations, Migrants and the Contemporary Issues of Religious Freedom: The Right to the Availability of Worship Places and Buildings

CARMELA ELEFANTE

1. Immigration and the needs of religious freedom in the multicultural and multirelgious society

It is commonly recognized that immigration phoenomena have very important effects on our society and, consequently, on our legal system. Particularly, they introduce new cultures and religions and involve many problems related to the emerging needs of cults and religious practices as well as religious and religious-cultural identity of individuals and communities.

So, we can surely speak about multicultural and multireligious society, now[1].

But, it has not always been so.

Notoriously, until today, Italian society has been substantially characterized by a situation of religious and confessional monolithism. Legal and political system has behaved accordingly.

Consequently, while Italian institutions have recognized a special position to the Catholic Church and have coherently mainteined very strict relationships with it, Italian governors as well as italian legislators and judges have been guided by a well-defined conception of religion and, especially, by a consequent idea of what religious freedom means and what it requests to be correctly satisfied (Vitale, 2005, p. 2).

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[1] In this context the analysis of the relationships between law and religion assumes an increasing importance. As Prof. Fuccillo points out "La religione in generale e la religiosità degli individui in particolare (…) non costituiscono soltanto un aspetto della vita privata di ciascuno, ma intervengono anche nella vita di relazione, in modo, peraltro, sempre più incisivo e di qui inevitabilmente irrompono nel mondo del diritto" (Fuccillo, 2017, "a", p. 9). In fact, "Religion is embodied in every modern legal system, including those who have tried to exclude it from their rules (…) So, despite the assumption of secularism of the public sphere, the relationship between religion and law is still present in the daily practice of interpreters of civil law systems. Religious rules apply sometimes directly through the activity of religious courts, sometimes indirectly through a religiously oriented application of civil legal rules." (Fuccillo, Sorvillo, Decimo, 2017, 1-2). By this way, religion and religious freedom are fundamental elements for the better solution of the questions connected to the contemporary society.

This was the status of the art when the Republican Constitution (1948) came into force, even if the Constitution itself esplicitally guarantees religious freedom to everybody even if not citizen[2], states the equal freedom of all religious denominations, and protects all kinds of religious associations from discriminatory interventions motivated by their religious character[3].

For a certain time, this contrast has remained quite low even if in the recent years it has become increasingly clear. Indeed, multiculturality and multireligiosity have made this contrast more evident and less justifiable (Fuccillo, 2017, "a"; D'Arienzo, 2015; Consorti, 2013; Ricca, 2012).

The case of the places and buildings of worship confirms these difficulties (for an overall view, even regarding the evolution of the matter, view, see Casuscelli, 1979; Tozzi 1990; Zannotti, 1990; Minelli (ed.), 1995; Zanchini, 1996; Tozzi, 2006, 2010; Persano (ed), 2008; D'Angelo, 2008, "a"; Bettetini, 2010; Marano, 2010; Zannotti, 2010, Cavana, 2010, Marchei, 2010, 2015; Bolgiani, 2013, Berlingò, 2015, Fuccillo, 2017, "b").

My contribution aims to highlight some ambiguities and critical aspects of the contemporary approach to the above mentioned issues. In this perspective, I will briefly discuss the following points:
- The complexity of the legal approach to worship places and buildings
- Worship places and buildings and religious freedom. The Constitutionalcontext
- The importance of the relationships between the State and the religious denominations in the light of the principle of bilaterality
- The legal status of worship places and buildings
- New needs for worship places and buildings
- The case of the so-called "anti-mosques laws"

2. The right to availability of worship places and buildings

This is a very complex issue because it involves several legal aspects.

It surely requires to update the legal rules governing this field as well as the right it involves.

With respect to this, we have to consider that worship places and buildings come into attention for the legal system in two different – but correlative – perspectives. Indeed, while they are subject to a special legislative protection from interferences which could prevent their free use, the legal system has to provide a positive intervention for the construction of new buildings or, at least, permit it.

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[2] Art. 19 of Italian Constitution: «Tutti hanno diritto di professare liberamente la propria fede religiosa in qualsiasi forma, individuale o associata, di farne propaganda e di esercitarne in privato o in pubblico il culto, purché non si tratti di riti contrari al buon costume».

[3] Art. 20 of Italian Costitution: «Il carattere ecclesiastico e il fine di religione o di culto d'una associazione od istituzione non possono essere causa di speciali limitazioni legislative, né di speciali gravami fiscali per la sua costituzione, capacità giuridica e ogni forma di attività».

So, a first set of issues involves the meaning of the phrase "place of worship" as a subject of a legal guarantee (Bettetini, 2010).

Indeed, the availability of such a place or building is a tool for the exercise of religious freedom so that it can be considered as a constitutional right (Cavana, 2010, Pignatelli, 2016). But, in the multireligious and multicultural context, these places take an additional, and broader, function, because they constitute an important cultural and religious aggregation pole. By this way, the places of worship can assume a specific role in reinforcing the cultural and religious identity of the migrants as well as the new citizens (Fuccillo, 2017, p. 82).

This additional function is not completely new and, above all, it can be considered as a way to favour the social integration of the migrants or, more correctely,to reach a condition of fully peaceful convivence (Cimbalo, 2010).

So, the legal system has to envolve considering the importance of this role, that is to say to introduce new guarantees, to verify the consistency of the existing laws and to interpret them in coherence with the needs of multireligious and multicultural society. Indeed, this is not a simple enterprise, because of the traditional approach in considering the needs of religious freedom and the limits we have mentioned above.

But, at the same time, another set of issues can be outlined.

Indeed, the legal enhancement of this function appears quite problematic, because, it has to face with the latest crisis investing the Western societies, more precisely the economic and the security crisis. These crisis seem to be often at the root of the negative attitude showed towards the migrants by the local populations, which sometimes affects the policies of local authorities (Abbondante e Prisco, 2009[4]).

This being so, the commitment of public institutions to favor, even with public funds (Folliero, 2013, 247)[5], the construction of worship buildings can not be unlimited (Botti, 2014).

This consideration is certainly correct. However, it should be considered that it seems to be especially evoked when some kind of worship places are coming to the attention of politics. The reference to the case of the Mosques – and to the fears for danger to public security that their construction involves in some parts of the public opinion – is quite authomatic (Consorti, 2015, p. 149).

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[4] So, as the Authors point out, a particular attention in evaluating these phoenomena is needed: "si deve dunque porre attenzione, onde evitare che misure in ipotesi introdotte per favorire un recupero della vivibilità cittadina anche attraverso il coinvolgimento della collettività insediata sul territorio (secondo le esperienze di altri Paesi democratici oggi molto diffuse) finiscano per deragliare in direzione di derive politiche autoritarie, lesive dei diritti fondamentali".

[5] The area of the legal and economic favored regime for worship buildings and places is significantly expanding: See, Fuccillo, 2017, "b", 94.

3. The Constitutional context. The importance of the relationships between the State and the religious denominations in the light of the principle of bilaterality

As we have mentioned above, the availability of worship places and buildings can be surely connected to religious freedom. Precisely, it constitutes one of its clearest and most important projection.

So, protecting religious freedom, art. 19 of Italian Constitution provides the basis for the legal protection of this right not only for citizens but for everybody, not excluding migrants. Indeed, as art. 19 says "Anyone is entitled to freely profess his religious belief in any form, individually or with others, and to promote it and celebrate rites in public or private, provided they are not offensive to public morality" and clearly this kind of places and buildingsare tools in exercising the activities contempledby this article (e.g., they favour the celebration of religious rites).

Furthermore, art. 3, comma 2, of Italian Constitution states that the Italian Republic has to remove the obstacles hindering the effective exercise of constitutional freedoms and rights.

Naturally, the availability of worship places and buildings is not only a matter of individual right. Otherwise, they are considered as places through which religious groups and communities are organized, so that this availability is often considered as a question of a collective right or, more precisely, of institutional freedom.

This is a very important point, because it is on the root of some difficult and critical issues in regulating this field (Ricca, 2012, 456). In fact, the actual recognition of the right to the availability of placesand buildings for worship is often conditioned by the greater or lesser importance of a certain religious group than the other.

Consequently, discriminations against religious minorities, in contrast with the costitutional duty to the equal protection of religious faiths, can be highlighted.

For a deeper understanding of this trend (that is to say of its legal roots) some further notations about the constitutional approach to religion are needed (for a useful overview, see, A. Ferrari – S- Ferrari, 2015, 445-455).

Particularly, it is worth remembering that Italian Constitution is characterized by a very favorable approach toward the institutional dimension of religion, which has a very significant influence on the general attitude of the Italian Republic towards the relationships between law and religion.

Indeed, Constitutional "fundamental principles" include a special attention for religious denominations, they are named "confessionireligiose". In this context, the Catholic Church is considered "the paradigm of religious denomination" (A.

Ferrari – S. Ferrari, 2015, 451) and it is consequently in a very special legal condition[6].

So, article 7[7], par. 2, expressely names the Lateran Treaties, which were signed in 1929 (!) by Italy and the Holy See, and specifically provides, indirectly, a particular regime in their constitutional value as well as, more directly, in the procedure by which they could have been modifyied. More precisely, the State and the Catholic Church are considered independent and sovereign, each within its owen sphere. Their relationships are regulated by the Lateran pacts and amendaments to such Pacts which are accepted by both parties shall not require the procedure od constitutional amendments.

At the same time, article 8, par. 1 and 2, statues that all religious denominations are equally free before the law and denominations other than Catholicism have the right to self-organization according to their own statutes (with the only limit of their non-contrast with "l'ordinamento giuridico italiano")[8]. The following par. 3, of the article 8, statutes that Italian Republic and religious denominations can regulate their relationships through laws which have been approved by Italian Parliament on the basis of a special agreement between the Italian Republican and the religious denomination themselves[9].

These rules are commonly considered as expressing a broader principle of "bilaterality"[10].

That is to say that the State cannot regulate unilaterally the questions related with the autonomy or the specific needs of a religious denomination and a fortiori with the Catholic Church. It must necessarily provide through the Concordat (for the Catholic Church) or the special kind of agreements named Intese (for other religious denominations).

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[6] "The special relevance accorded in the institutional context is explained by the historical bonds between the Italian State and the Catholic Churh and has a significant influence on the Italian system of religious freedom": A. Ferrari – S. Ferrari, 2015, 449-450.

[7] Art. 7: "Lo Stato e la Chiesa cattolica sono, ciascuno nel proprio ordine, indipendenti e sovrani. I loro rapport sono regolati dai Patti Lateranensi. Le modificazioni dei Patti, accettate dale due parti, non richiedono procedimento di revisione costituzionale".

[8] Considering that the First section of Article Seven and the second section of Article Eight guarantee, respectively, the mutual indipendence and sovereignty of both the State and Catholic Church (each within its own sphere) and the right of non-Catholic denominations to free organization, we can outline the existence, in the Repubblican Constitution, of a general principle of the autonomy of the State from the Church as well as of the Church from the State.

[9] Art. 8: "Tutte le confessioni religiose sono egualmente libere davanti alla legge. Le confessioni religiose diverse dalla cattolica hanno diritto di organizzarsi secondo i propri statute, in quanto non contrastino con l'ordinamento giuridico italiano. I loro rapporti con lo Stato sono regolati per legge sulla base di intese con le relative rappresentanze".

[10] A strict application of the bilaterality involves two main problems: "First, the need for representative institutions of religious denominations at the national level, is a requirement that proved to be problematic for some religions, such as Islam, for example. Second is the excessive amount of discretion which the public power possess in deciding whether to accept or reject the proposal of a denomination to enter into negotiations for an agreement" (A. Ferrari – S. Ferrari, 2015, p. 453).

This being so, the legal status of both Catholic Church and religious denominations whose relationships are regulated through these agreements are protected from every unilateral modification. Indeed, once approved, laws concerning the Concordat or the Intesa cannot be amended unilaterally by the State. They can be amended only through a new Concordat or Intesa.

Being applied, the principle of bilaterality has showned some critical issues.

It is not possible to have an in-dept analysis about them here.

To our aims, it is worth pointing out that the effective application of this principle have productedsignificative differences in the legal status of the various denominations acting in the social scenario. Many of these differences appear to be incoherent with the Constitutional context in which bilateraty has necessarily to be inserted, that is to say, especially, in the light of the equality of individuals despite their religion and the principle of "equal freedom" of alla religious denominations (see article 8, par. 1).

As many scholars engaged in the study of the "Italian ecclesiastical law" outline (Folliero, 153), bilaterality leads religious denominations and groups to be inserted into a multi level status system, that to say a pyramid system.

The highest level of this system – the summit of the pyramid – is occupied by the Catholic Church, which therefore enjoys a privileged status.

At a second level, we can find those denominations which have come to an Intesa with the State. So,their status is quite similar to the Catholic Church's ones even if not equal.

In a lower tier, there are some religious denominations which have obtained the legal personality according to the Law nr. 1159 of 1929 (!). Clearly this law cannot be perfectly coherent with the Repubblican Constitution, even if, on the one hand, judicial interpretation has lead to a significant reduction in its most anti-democratic aspects and, on the other, the acknoledgement of legal capacity according to Law nr. 1150 of 1929 has great significance. It forms "the basic precondition (in fact, if not in law) for an application for an agreement with the Italian State" (A. Ferrari, S. Ferrari, 2015).

At the basis of the pyramid – the lowest tier – there are all religious denominations and groups which are also excluded from the application of the Law nr. 1159 of 1929, so that they fall within the general laws on associations, and "can simply enjoy the benefits guaranteed by the general law to all private groups. Consequently, they do not enjoy the benefits specifically laid down for religious groups althoug they should have the right, for example, to receive public money for buliding places of worship and to enjoy the tax reduction for their specific religious activities" (A. Ferrari S. Ferrari, 2015).

But as we will see later, this is a quite theoretical possibility.

Immediately, it is interesting to remember what Professor Maria Cristina Folliero outlined about the impact of immigration on this system. Due to the recent

immigration wawes – she substantially noted – the basis of the pyramid has been made wider, more heterogeneous and crowded than in the past[11].

So, the the discriminatory attitude of this pyramid has become more clear and less tolerable. Its ambiguities and critical points reflects, from a specific point of view, of the broader and problematic trends in regulating the immigration phoenomena.

4. The legal status of worship places and buildings

Naturally, the field of places and buildings of worship is influenced by the above mentioned trends. Even in this case, discriminations against religious minorities, in contrast with costitutional duty to the equal protection of religious faiths, can be highlighted.

Some examples can contribute to make this notation more clear.

Look at the field of legal guarantee of destination to public worship and of legal protection of buildings of worship places from intrusions put in place by both private and public subjects.

With respect to the first aspect, we have to consider what article 831 of civil code statues for buildings for Catholic worship, which "even if in private property, cannot be subjugated to their destination even for the purpose of alienation, until the destination has ceased in accordance with the laws that apply to them". So, as others, these buildings can be alienated, seized or detained, but in any case the bond which relates them to the public worship remains untouched.

This provision is important because it confirms the constitutional value of religious freedom, which in the case prevails over the needs of private property. Nevertheless, it is worth considering that the guarantee of article 831 is explicitly foreseen only for the exercise of Catholic worship.

Indeed, while art. 15 of the Law Nr. 101 of 1989 provides an analogous guarantee for Jewish worship, no esplicit provision for other religious groups and denominations can be found (Fuccillo, 2017, "b", 99).

So, it is hard to say that, in the case, article 19 of Constitution (as well as art. 8, par. 1) is fully respected.

Not exactly the same can be said about the legal protection of places and buildings of worship from intrusions put in place by both private and public subjects. Indeed, tha area of religious groups and denominations protected by law is wider, here.

Particularly, the Concordat with the Catholic Church, provides that buildings which are open for worship "cannot berequisited, occupied, expropriated or

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[11] Here we can find the religions that define so themselves without the knowledge of the state and therefore must move with the circumspection but at the same time with the freedom of non-recognized associations of public law.

demolished except for serious reasons and in agreement with the competent ecclesiastical authority". Furthermore, "except in cases of urgent necessity, public power can not enter, for the exercise of its functions, in buildings open to worship, without having given it to the ecclesiastical authority".

Something similar is provided by much of the agreements which are entered with other religious denominations (few existing exceptions are clearly to be linked to the will of the single religious denomination).

In this context, it is worth considering article 4.4, lett. g), of the Legislative Decree n. 325 of 2001 (in the version derived from the Legislative Decree n. 302 of 2002): "Buildings open to worship can be expropriated for serious reasons by agreement:…. g) with the representative of any other religious denomination, in the cases provided for by law".

Despite the formula "in the cases provided for by law", could be interpreted as referring to future agreements only, some Authors point out that it should extend its guarantee to all religious denominations even if they have not entered into an agreement yet, so that it could be considered as an application of article 8, par. 1, of Costitution (Marchei, 2015).

5. The legal status of worship places and buildings: the case of islam

Uncertainties and ambiguities in interpretation of both the constitutional principles of religious freedom and equal freedom of all religious denominations, are particularly clear when we consider the new needs for worhisp places and building, that is to say the issue of construction (and maintenance) of buildings of worship.

First of all, it should be remembered that urban laws favour and promote the construction of worship buildings. Especially, regional legislation has an important, more concretely, role in defining these opportunities and identifying the religious groups and denominationswhichare legitimated to get them (about regional competencies on the religious matters see D'Angelo, 2012).

This has led to controversial consequences, due to the generation of some very important differentiations in the national territory and especially to clear violation of the principle of equal freedom provided by article 8, ar. 1, of Constitution.

Indeed, sometimes regional laws has limited the chance to build worship buildings and enjoy public funding provided to this purpose only to the religious denominations which had entered into an agreement with the State.

Correctly, since 1993 the Constitutional Court has intervened and sanctioned the constitutional illegitimacy of these laws because they were held to be contrary to the principle of religious freedom and of equal freedom of all religious denominations.

For a long time, these decisions have been interpreted as a fixed point for regional legislators in adopting such laws. But, in recent years, something seems to be changed.

In this perspective, it is worth to consider that the fear due to immigration and religious fundamentalism has made the need for security quite prevalent on religious freedom. At the same time, the economic crisis has made the access to the public funds for the needs of religious freedom more difficult than in the past. So, these fears and emergencies have contributed to today's reprocessing of the balancing we have mentioned above (from different points of views, see the articles in Dal Canto, Consorti, Panizza, 2016; Consorti, Dal Canto, Panizza, 2016). Particularly, they have reinforced a more selective approach in granting a satisfaction for the needs of religious freedom, so that every possibility is now reserved to the most traditional religious groups and denominations because they are considered more reliable and less dangerous for society.

The case of Islam is precisely in this trend (for a general view about the legal status of Islam in Italy, see Cardia, Dalla Torre 2015).

Because of Islam is not entered into an agreement with the State and it is not regulated by the Law nr. 1159 of 1929, its legal status is determined by the general law on associations so that, it is substantially excluded from some important privileges which are generally provided for religious groups.

This is so with regard to the benefits in the field of worship places and buildings.

It is well-known that for Moslems the availability of a mosque is very significative. The mosque is certainly considered a worship building and a tool for the exercise of the religious freedom.

But, at the moment,we have to outlight that concretely the availability of a mosque it is not considered as a subject of a constitutional right.

Indeed, the construction of a mosque is concretely very difficult and Islamic groups are forced to go along alternative, but not sure, routes. Particularly, they are forced to dress up the legal aspects of an association, so that they can try to use as a place of worship buildings which are instead destined to the headquarters of the association. But, in concrete, this road is not always successful.

Probably, at the root of these difficulties, there is the consideration (rather superficial) according to which Islam and, specifically, Islamic worship buildings could be dangerous for public order. In the same perspective, it is pointed out that the financing of these places of worship is too obscure.

To this regard, it is worth pointing out that some Islamic communities have signed some guidelines in regulating their worship places. Particularly, according to these guidelines, transparency of the management of funds for the construction of mosques is required (Fuccillo, 2017, p. 85).

At the same time, the Commitee for Italian Islam has issued a legal opinion on Islamic worship places. It is worth considering that, according to this opinion,

some auspices are formulated and some requirements are needed to be satisfied (Fuccillo, 2017, p. 85). So:

a) it is hoped that places of worship will be open to anyone, even if not Islamic, who wants to enjoy them peacefully or enter them respectfully and without disturbing;

b) it is hoped that the practice of Islamic worship is permissible for all, both men and women, without distinction between the various legal schools nor nationality;

c) it is recommended that sermons within the place of worship are in Italian. At the same time, the Qur'anic recitation of prayer must be in Arabic;

d) full respect for the all laws on building and urban planning is required[12].

6. The case of the so-called "anti-mosques laws"

As we have mentioned above, Italian regional bodies (Regions), have anexplicitcompetence in the field of the "government of the territory". Clearly, this competence is significant for places and buildings of worships (Floris, 2010).

It is at this level, that the above mentioned difficulties regarding the construction of Islamic buildings for worship have been emerged in a particular noticeable form.

Indeed, the case of the so-called "anti-mosques laws" is very significant.

In 2015, the Regional Law of Lombardiahas introduced some changes to the part of the general regional law on urban planning and construction dealing with religious buildings and facilities for religious services.

According to these changes, the construction of buildings for worship is promoted, both for Catholic Church and other religious groups and denominations. This law refers both to religious denominations which have signed an agreement with the State and religious denominations which have not signed such agreements.

At a first sight, this could seem to be in perfect armony with the above mentioned conclusions of the Constitutional Court.

But, at a deeper analysis, that is not exactly so.

Indeed, municipalities which are concretely competent in assessing the religious groups requests for construction of the building for worship are normally not obliged to accept the request.

But, in the case, their evaluation powers are very wide.

In particular, the municipality is required to determine whether the applicant has a widespread, organized and consistent presence in the territory and whether its statutes express the religious character of its purposes in accordance with the Constitution.

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[12] Some importantpoints are consideredalsoin the "Patto nazionale per un Islam italiano" (Fuccillo, 2017, 84).

But, above all, the subscription of a legal agreement ("convenzione") with the municipality is also required.It is not sure that this subcription constitutes a pre-requisite for the authorization, because it is probably more correct to consider that it more simply constitutes a condition for enjoying public funds to build the building.

In any case, the margin of discretion recognized by the municipality is particularly wide, as the law does not indicate transparent and controllable parameters.

Finally, the law states that the municipality can request the opinion of "civic organizations and commitees, representatives of the police forces… " etc.., particularly in the perspective of the public safe and the respect of the public order. For the same purposes, the municipality could even launch a referendum.

This being so, the right (of religious minorities) to the avalilability of worship places and buildings is conditioned to the opinion of the majority of the electoral body, while religious denominations which have not signed an agreement with the State are in more difficulties than the others when asking for this authorization.

Consequently, this law has been discussed both at a politic andaccademic level (Casuscelli, 2015[13]).

Finally, the Constitutional Court has intervened to state that the Law of Lombardia is unconstitutional (Constitutional Court, n. 63 of 2916; Parisi, 2016).

In Constitutional Court's opinion, the Italian constitutional principle of secularism (lacità), is not connoted by an indifference to religious experience. It implies a commitment to safeguard the freedom of religion in the context of religious and cultural pluralism, including the task of guaranteeing its concrete exercise. From these basis and considering that "free exercise of worship is an essential aspect of freedom of religion (Article 19) and is therefore equally acknowledged to all and to all religious denominations (Article 8, first and second paragraph), irrespective of the conclusion of an agreement with the State", the right to the avalilability of buildings and places of worship cannot be conditioned – as in theLaw of Lombardia – to the signing of such an agreement.

Constitutional Court has defined the limits to the competence of Regions in this field, too.

So, Constitutional judges have confirmed what it has been said in 1993, that is to say that the regional legislative competence in the field of urban planning "finds its reason and justification in the need to ensure a balanced and harmonious

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[13]The initiative of the Italiangovernmentthatchallenged the constitutionallegitimacy of the law of Lombardia wasevaluatedverypositively by the italiandoctrine: "L'invio alla Corte costituzionale era atteso e doveroso: chiunque abbia a cuore le sorti della democrazia repubblicana, quale che ne sia l'orientamento politico, non può che rallegrarsi di questa decisione del Governo espressiva di un indirizzo politico attento alla legalità costituzionale. È cambiato il vento, finalmente: la novella del legislatore regionale, infatti, è volta ad apportare modifiche alla legge regionale n. 12 del 2005 che presentava anch'essa numerosi e manifesti profili di illegittimità costituzionale, ma il governo del tempo non ne aveva deliberato l'impugnativa" (Casuscelli, 2015, 2).

development of housing centers and the realization of services of public interest in their broadest sense, which therefore includes religious services".

Regional powers in regulating buildings of worship are to be conceivedwithin the general aims of regional competences in the field of government of territory. So, "It is notpermissible for the regional legislature, within a law on territorial government, to introduce provisions which hinder or compromise freedom of religion, for example by providing differentiated conditions for access to allocation of places of worship". Since the availability of dedicated places is a prerequisite for the actual exercise of the freedom of worship, such a normative action would surely go beyond regional competences because it would end up interfering with the implementation of the freedom of religion guaranteed by art. 8, first paragraph, and 19 of the Constitution, conditioning their actual exercise. The same can be said about the acquisition of opinions by law enforcement officials, provincial police and prefecture offices, or the creation of capillary video surveillance systems linked with law enforcement. Such actions, pursuing obvious public policy and security, fall within the exclusive competence of the State".

Brief conclusion

As we have pointed out, the availability of buildings and places of worship surely constitutes an effective condition for a really-guaranteed exercise of religious freedom.

It is also worth to remember that religious freedom is constitutionally affirmed as a right for all, irrespective for citizens. As a consequence, it should be excluded that significant differences in the way to interpret the contents of this right could exist among the various part of National territory, that is to say between one region and the other (D'Angelo, 2008, "b", p. 353, "c", p. 711).

This is particularly significative in today's situation, because of the well-known concerns regarding public security and social order.

Indeed, in this context, while new religious needs are increasingly emerging, politics as well as the law system seem to tend to the preservation of the status quo, that is to say to consider and promote the need of traditional religions only.

Clearly, this trend is not completely correct, because it is not respectful both of the constitutional principles of religious freedom of individuals and of equal freedom of religious denominations. So, a more satisfactory balance between the needs of religious freedom and the needs of security must be found. At the same time, it is worth pointing out that a less penalizing approach to religious needs of new faiths and religious groups – many of them directly connected to immigration – can favour their coherent and peaceful inclusion in the host society (Fuccillo, 2017, p. 82).

Despite the significance of these issues, due to the inactivity of the National Legislator and the incorrect interpretations of the regional legislator,at the moment

it is the Constitutional Court that is compelled to play a substitute role in searching this balance (Marchei, 2017, 4)[14].

But even if fundamental, the renew role of the Constitutional Court (Licastro, 2016) cannot probably lead to definitive and safe results. As more recent cases still demonstrates[15], more consistent and productive action by National governors and legislators is needed[16].

Obviously, the question is still open.

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[14]As the Author points out, the Constitutional Court has a decisive importance, on the one hand, in statuing that the "intesa" cannot be considered as a way to achieve the right to worship buildings and, on the other, to consider that religious freedom cannot be considered assuredly subordinated to security and public order: "I principi fissati dalla Corte costituzionale, dunque, fungono da cornice e limite per il legislatore regionale che dovrebbe essere ormai ben consapevole del fatto di stare disciplinando una materia che ha un diretto impatto con il diritto di libertà religiosa e, conseguentemente, di non potere:a) discriminare tra confessione religiosa e confessione religiosa in base al parametro dell'intesa, e b) prevedere discipline restrittive della libertà religiosa a ragione di una preventiva e aprioristica tutela di beni quali l'ordine pubblico e la sicurezza".

[15]We can remember the case of the similar law of Regione Veneto, so that, as Anello,G.*, The Holy Word does not come strictly in Italian – Another Islamophobic Law stopped in Northern Italy*, in Verfassungsblog on Matters Constitutional, from http://verfassungsblog.de/, 10 aprile 2017 says, "The saga continues". Precisely, in this case "Veneto came up with something new: they made it mandatory to speak only Italian in religious buildings" but the Constitutional Court has considered this provision unconstitutional (see, also, Brunetti, 2017; Caterina, 2017 and Oliosi, 2017, also remembering the case of the urbanistic law of Regione Liguria).

[16] This is so not only in the matter of the availability of worship buildings and places but even referring to all legal projection of italian "laicità" (Domianello, 2011).

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Part III

Representations of migrations

Mediated Suffering of the Refugees (undocumented travellers) on the Mediterranean: Representation of Refugee Crisis in the Turkish News Media

HANIFE ALIEFENDIOĞLU

Introduction

The departure and arrival of millions of refugees have been described as a crisis by politicians, the media, and policymakers in Turkey, Europe, and the international community. Responses to the crisis have been largely shaped by the discourse of fear of security, national identity and ethnic purity.

Representation of this humanitarian issue in the news media circulates prejudices, discrimination even hate speech by reducing the migrant to illegalized and precarious subjects. What politicians and policymakers say about the refugee crisis is the most definitive factor in the production and reproduction of otherization in public opinion.

The aim of the paper is to compare the coverage of the mainstream (Sözcü newspaper) and alternative-new media (bianet.org) in representing Syrian refugees in Turkey. I will examine Turkish news media content to exemplify myths and facts, and hate speech towards Syrian refugees. I will try to show why they need a different media coverage and more humanitarian political international response. In my conclusion, I will suggest human rights oriented peace journalism to cover the issue with a constructive frame and realistic approach.

Syrian refugees began entering the Turkish border in April 2011, where the Turkish government granted them a special protected status. After border crossing by ISIS some border gates were closed (Kanat Üstün 2015: 12). Starting from 2012 they came firstly to Hatay, Kilis and G. Antep[1]. By the end of 2012, the number of refugees reached to 170.000. Starting from 2014 almost half of the refugees left the camps and moved to the urban areas. Syrian refugees consist of two groups which are camp based and urban refugees. More than 1 million refugees live in urban areas today. More than one-third are not registered. Currently, Turkey hosts around 3

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[1] 500.00 people entered to Turkey in the mid-1990s former Soviet citizens to work, Turkish people in Bulgaria, 500.00 Kurds from Iraq in 1991 (İçduygu).

million Syrian refugees, more than other countries, however, most of them have no access to education and employment. In 2015 the cost of camps was 5 billion USD.

In January 2017 Turkey offered permanent working status to 14.000 Syrian refugees.

According to İçduygu (2017), management of the refugee crisis was left largely in the hands of national organizations working on the ground, in camps, without larger policy guidance. Meanwhile, formal immigration channels, including recognition of refugee status, remain restricted to Europeans, while non-Europeans receive temporary protection status and are expected at some point to resettle in a third country.

A general look at Turkish mainstream media shows that there are no informative and analytical efforts. For example, Turkey's international responsibility of accepting refugees according to the Convention of 1951[2], the principle of nonrefulmant, information about the term 'refugee', 'migrant', 'asylum seeker'.

At the point reached Turkey, Foreign and International Protection Act, Article 91.The Temporary Protection Regulation on "temporary protection" shall be issued by the Council of Ministers on 13 October 2014 2014/6883 with the decision numbered. (Ataman, 2014: 68). According to the 2017 Global Humanitarian Aid Report, Turkey is the second largest contributor to humanitarian relief and "the most generous country" in the world. (AFAD).

1. Literature Review

There are several researches that study the biased, prejudiced, misleading reporting of refugee crisis in and by most Turkish media outlets.

The research conducted by Erdoğan, Çetinkaya, and Kavukçuer states that the situation for refugees is rather ignored by the Turkish media if compared with the coverage in Europe (2017: 1). The report concludes that the news media should give Syrians voice since they are systematically underrepresented. Erdoğan et al. also note that either they stay silenced rather than appearing in the criminal and negative news.

Bianet media monitoring report states that the news media ignores humanitarian aspects the Syrian refugee crisis. This is less important than Esat regime and its future, the language is emotional, the issue in both pro and anti-government media is mainly Turkish foreign policy regarding Syria, not refugees. For pro-government media, it is sacrificing and generosity while from the opposition it is failure and misprediction. The news appeared as factual news, not analytical ones. Pro-government media shows the very good conditions of the camps, their flee finds larger space in the news media. Some concentration points in the news media

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[2] See the Convention and Protocol relating to the status of refugees
http://www.unhcr.org/3b66c2aa10.pdf

are identified as 'in 2011-2012 humanitarian drama-time for support'; 'in 2013-2014 the future of Esat regime'; 'in 2015: Baby Aylan[3] and negotiation between Turkey and EU'; 'in 2016: citizenship[4]

Hate speech and media monitoring on particular issues become a new area to guide politicians and activists[5] MEDIZ (2008) is a women's groups which monitor the media for sexist language and discourse. Recently LGBTI and queer activists are conducting media monitoring to show the heteronormative discourse and content of media.

Hrant Dink Foundation conducts regular media monitoring of hate speech towards minorities in Turkey. "Say Stop to Racism and Nationalism" platform media monitoring report and video includes the themes below regarding the representation of Syrian refugees[6]: a) Syrians have been associated with security issues and terror crimes; b)They are blamed to be ungrateful; c)They have seen as the cause of economic problems; d)They are being otherized by 'us vs them' frame; e)They are seen as the source of health problems, f)Women are doubly victimised. (Medyada-Nefret-Soylemi-Eylul-Aralik-2014). Hrant Dink Foundation observes a linear increase in hate speech between from 141 news articles to 313 news articles. (2014: 8) According to 2017 report, Syrians are the second group targeted by the hate speech in the news media (Medyada Nefret Söylemi Ocak-Nisan 2017: 6).

Sözcü was established in 2007. In its web, it is stated that Sözcü is Kemalist, Nationalist and secular[7]. Its slogan is "If Sözcü stops Turkey stops". The owner is Burak Akbay and editor is Metin Sarıkınacı. In 2017 Sözcü became one of the top four daily newspapers in Turkey. In September 2017 Sözcü is the fourth in the list of most circulated newspapers. Sözcü is an anti-government, secular and nationalist newspaper that shows a fanatical loyalty to the nation. As my analysis displays, Sözcü agrees on AKP government's pro-nationalist ideas and propaganda. Sözcü articulates its nationalist discourse with the existing AKP discourse while claiming what it has been voice of the oppositional.

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[3] A boat that trafficking refugees sank off the Bodrum shore and three-year-old boy Aylan Kurdi lost his life on September 2, 2015.The attention of the media was immediately placed on the tragedy (Erdoğan et. al 2017: 11)

[4] On July 2, 2016, President Erdogan made a statement about "citizenship" for Syrian refugees in a refugee camp.

[5] Hrant Dink Foundation established in 2007 after the assassination of an Anatolian Armenian journalist, Hrant Dink.

[6] In the media monitoring project, HDF uses four indicators to analyse hate speech: (1) Exaggeration / Loading / Distortion, (2) Swearing / Insulting / Humiliation, (3) Hostility/Conflict discourse, (4) Use / symbolize the natural identity as a hatred element. Against Jews, Christians, Armenians, Kurdish, Greek people.

[7] In the third week of September Sözcü circulation was 281.051 and the previous week it was 286.520. according to BPA monitoring the first six months average of Sözcü circulation is 297000. (Sözcü. January 19 Ocak 2016).

2. News media environment in Turkey

According to Freedom House in 2008 Turkey was categorized as 'partly free' country. Erdoğan calls to protest Doğan group, a largely liberal media corporation. In 2011 firing has began. In 2012 Turkey became the world largest journalist jailing country. In 2013, journalists were harassed and fired because of Gezi Park Resistance. Since 2013, Turkey is "nonfree country" in the Freedom house list[8]. Since mid-July 2016 there is a state of emergency in the country as result of the coup on July 15th, 2016.

News helps to reestablish societal reality. News media has overall control of the public space in Turkey. As critical media and journalism studies claim, news tries to convince the oppressed on behalf of the oppressors (İnceoğlu and Savaş, 2012). When looking at the online news environment[9] we have enough evidence showing that things will never be the same. Online news has potential to be responded by the audiences.

On July 15, 2016, there was a coup attempt against AKP government. The government said the "parallel structure" of the religious movement led by Fethullah Gülen carried out the coup. On the 16th of April 2017, a nationwide constitutional referendum was held for the amendments to 72 articles of the constitution to transform the parliamentary system into a fully presidential system. "Yes," vote had won by 51.4 percent to 48.6 percent[10]. Racism, government interference (even interference of Erdoğan), self-censorship has become a normality in the day-to-day environment so the news media. In a way currently, all regulations and codes are subjected to being violated in the country.

Turkishness as a founder of Turkish nationality otherises and discriminates all ethnic and religious minorities (İnceoğlu and Çoban 2014: 53). All Anatolian ethnic and religious minorities such as Greeks, Armenians, Gypsies, Jews and Alevites are subjected to ideological and discursive violence in the Turkish media. Discriminatory discourse in the news media is responsible for the hate speech and crimes towards Syrian refugees. Rising nationalism and intolerance to difference triggered the hate speeches increased the negative coverage of Syrians.

Because of many different reasons, the intolerance towards the "other" becomes increasingly widespread. Long-standing conflicts in the South East and the forces of these conflicts resulted sudden demographic change; inter-community, economic, social and cultural conflicts, causing the tension to increase. On the other hand, democratic rights such as minority rights and inter-religious dialogue, the debates about the Cyprus issue have been framed as "foreign-oriented games"

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[8] For Freedom House the decline resembles the situation in Venezuela and Hungary.

[9] Ekşi Sözlük (Sour Dictionary) is one of the most common checked "oppositional" social media regarding any social issue. It is full of hate speech:'They are the burden'.'They are dirty'. 'They are troublemakers'.'What else will we give to them?'.

[10] Referendum provided a perfect example of why it is important to control which results are published first. https://freedomhouse.org/blog/turkey-wake-referendum-crisis-deepens.

also are increasing the hostility. Discussions around developments in the Middle East, the Kurdish and Armenian question and the peace process have been on the agenda target some people and institutions and demonise certain ethnic identities. This discourse, produced by some publications that become the basis for the conflict environment. Finally, the way in which the Taksim Gezi Park protests were handled by various media it is of great importance that it shows how it reinforces polarization in society (Hrant Dink Vakfı 2014: 1).

The news is a story that makes sense. A news article should make sense in terms of its lead, approach, collecting technique or target group. Although we have known for a long time that a list of facts does not make a story; how to make meaning with facts has changed from traditional to new, mainstream to alternative media. Regarding refugee issue that has been on the world agenda more than six year cannot be reduced to facts, figures or wishfull thinking.

I have reached 202 news articles in Sözcü Newspaper between August 2013 to August 2017. All the news collected from a link[11] that brought news articles on syrian refugees. I categories the news stories as hard news(120); international news (17), soft news (52) columns (12).

Hard news category basically consists of factual news from elite official sources; International news is either news from outside news agencies or international gatherings in Turkey; I limited my study with news stories.

3. Textual analysis

The media monoculture dealing with official voice and hard news. In this study, hard news are defined as factual news sourced by authorities and official actors, interviews, press releases, speeches, statements of top executives Erdoğan, A. Davutoğlu, N. Kurtulmuş, ministers, other high-ranking authorities. 58% of news that has been analyzed among 202 news articles are hard news that include mostly facts, figures, and numbers.

Among international news, Sözcü include top leaders in international summits, negotiations between Turkish authorities, other countries and the international organizations such as UNHCR, EU, UN. International news category also includes news stories collected from other countries regarding refugee issue such as Macedonia, Germany, Bahrein, Saudi Arabia.

"How many refugees are there in Turkey?: Minister Soylu explains" the caption reads:

Interior Minister Süleyman Soylu said that the number of immigrants and refugees in Turkey is 3, 551.078 at the meeting of the Immigration Board. Soylu states that: "Turkey did not return masses to the bombs and bullets. Turkey's total expenditure for refugees in the Syrian crisis is 25 billion dollars." (Türkiye'de kaç

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[11] http://www.sozcu.com.tr/haberleri/suriyeli-multeciler/

milyon mülteci var?). According to AFAD Turkey's humanitarian assistance reached $6 billion (AFAD).

The title "A fortune for Syrian refugees." Explains the Ministry of finance states that 400 million TL was spent for Syrian refugees (Suriyeliler için kaç para harcandı?). The report shows the international humanitarian assistance in total reached $27.3 billion last year from $25.7 billion in 2015. Turkey's humanitarian assistance makes up 22%t of the total aid. (AFAD).

The President Recep Tayyip Erdoğan, many times address the West. Erdoğan has sharpened his language regarding refugee issue. In the news entitled "Erdoğan: There is a huge budget we have difficulty to meet about refugees". Erdoğan gives this message in different forms: 'Turkey opened the door to them but the West left us alone.' He gave a speech at International Peace Institute in Bahrein. The quote reads: (Erdoğan Bahreyn'de). At present Turkey, of course, we have difficulty in meeting such a huge budget. But we will not stop, we will not be able to close our doors to the refugees like the West did." Erdoğan addresses to the EU 'by borrowing the football language:"They're (The West) still pitching in midfield. Give it if you are going to give. Do not give us addresses saying that "this money will go and wander around here." This extremely generalising discourse that homogenise all the West and all the EU so that the frame is set Turkey vs the West or Turkey vs EU.

Cabinet members follow Erdoğan one by one in prioritizing some issues and presenting it as a life lesson to the rest of the world, particularly to the West. Sözcü by covering it, shares this national pride. Minister of Education Avcı: "World should be sensitive like us"[12]. Minister Avcı urged all states to take initiative and be more sensitive about humanitarian assistance for asylum seekers. In the country in which many people stigmatized (lawyers, journalists, academics and educational staff) a humanitarian discourse do not look genuine.

Erdoğan's discourse pushes the border of Islamic jihad discourse. "We should come together as Islamic countries" Erdoğan says in the panel of the organization of Islamic Cooperation "God tests us with this before the Palestinian problem is over" (Sözcü, November 2, 2016). Within this frame, Erdoğan adds Islamic countries to the side of Turkey by underlining Muslim common ground globally.

Since April 2016 Sözcü closely followed the case of citizenship for Syrian refugees. This was a myth that kept the media busy including Sözcü. "Will Syrian refugees vote? Deputy prime minister answers"(Suriyeli mülteciler oy kullanacak mı?). He did not say no the answer was tricky: "10-20 thousand voters cannot change the results of the referendum 10-20 thousand voters cannot change the results of the referendum." Kaynak, "In a country with 50 million voters, thinking of changing the result of the referendum with 10-20 thousand voters would be very naive. "Have you ever seen refugees living under bridges?" this is a quote from

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[12] http://www.sozcu.com.tr/2016/egitim/bakan-avci-dunya-da-bizim-gibi-duyarli-olsun-1243454/

deputy minister V. Kaynak at National Assembly in December 2016. Kaynak also gave the exact number of refugees: 2 million 753 000. (Hiç Köprü altında yatan çöplerde ekmek arayan...)

As many other news media analysis state that refugees are potential criminals or troublemakers.

Refugees also became a topic of debate between the ruling party and opposition parties in the Parliament. As Erdoğan et al. noted "They became a tool for politicians in reaching their political aspirations in which the topic was shaped according to the opinion of the electors" (2017:13). The main opposition party, Republican Populist Party (RPP) and its representatives brought some parliamentary questions to the National Assembly Opposition talk: İlhan Cihaner asks "Where were the Syrian refugees taken before the World Humanitarian Summit?" Cihaner asked about the claims that refugee children were taken to other places in Istanbul before the summit, which was organised for refugees. Cihaner also asked their number and records where they have been taken (Zirve öncesinde Suriyeli Mülteciler). Sözcü covers the remarks RPP, opposition party members. "Our Mehmet[13] is being martyred in El Bab Syrians are dating Turkish girls" says RPP foreign policy representative Öztürk Yılmaz. Obviously he has nationalist and militarist motivation. Mustafa Balbay, another RPP MP proposed Refugee Milk Programme for Syrian refugee kids in Turkey.(Mustafa Balbay'dan süt önerisi).

Foreign minister Çavuşoğlu congratulates UN general secretary Guterres after his appointment. Guterres, in his response, thanks to Turkey for the contribution regarding the refugee issue when he was in UNHCR.This is a factual news notes that Turkey already contributed a lot in resolving the refuee issue.Turkey hosted UN Humanitarian Summit for the first time ever between 23-34 May 2017. 55 heads of states or government were in Istanbul. Forced displacement and empowering women and girls were main issues held in the summit. Presidential spokesperson "Turkey expect more contribution from the international organisations" titled news' caption reads: İbrahim Kalın, gave a speech before the World humanitarian Summit with the WHS spokepersonVerhoosel (İbrahim Kalın Dünya İnsani Zirve DİZ sözcüsü).

In April 2017, Sözcü represents the issue of refugees coming from Greek island to Turkish shores as a response visa-free entry to Turkish citizens to the EU. As Erdoğan et. al (2017) states that 2017 is a cornerstone of refugee coverage of the news media.

April 2016 was the time for preparing Egean shores to refugees and placing them in the camps. "Turkey's trial by fire about refugees![14]" and "Refugees are expected in Dikili and Çeşme[15]" "Bargaining over refugees: the money offered to Turkey will

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[13] Our Mehmet is symbolicly used to refer Turkish soldier in the army.

[14] http://www.sozcu.com.tr/2016/egitim/turkiyenin-zorlu-multeci-sinavi-1166985/

[15] http://www.sozcu.com.tr/2016/gundem/ilk-grup-iade-multeciler-yarin-dikili-ve-ve-cesmeye-geliyor-1166258/

be doubled.[16]" These news titles are example strengthening 'the success story' form nationalist discourse. Another case polarising the EU and Turkey was returning refugees from Greece to Turkey. This was a big news in Sözcü. Actually, from nationalist perspective, this is a success story. Beginning of April 2016 was the time for preparing Egean shores to refugees and placing them in the camps (Türkiye'nin zorlu mülteci sınavı). The news articles published with dramatic and informative titles "Turkey's trial by fire about refugees!" and "Refugees are expected in Dikili and Çeşme". According to the news, the first group of refugees from Turkey to the Greek islands will be brought to Dikili from Midilli Island tomorrow and Çeşme from Chios Island tomorrow.(İlk grup iade multeciler). According to the agreement between Turkey and the EU for the settlement of the immigrant crisis, Greece has begun the return of the second immigrant group to Turkey (Yunanistan'dan Türkiye'ye göçmen iadeleri yeniden başladı)

Giddens (2009) refers to resource allocation as a mechanism of sharing social and material resources between social groups (s. 642) that creates prejudice and discrimination. Syrians are blamed directly or indirectly taking the access of Turkish people to certain services. For example, one news title read "the sports hall was allocated for refugees and amateur sports people have to exercise on the beach"."Syrian are renting shops in Osmanbey" This news story states that Syrian refugees were renting shops in the most expensive textile market street in Istanbul, But local shop owners say their way of doing business doesn't match with Turkish one since Syrians employ unregistered labor.

A news on a conference[17] held by International jurists Union in Kayseri, one of the pro-government city. In the conference AKP representative and former minister Taner Yıldız makes an unusual comparison with other global issues: the people were killed in Syria, Palestine, Myanmar and Somali do not take enough attention as whales take in Alaska" then goes on saying how many clinic services provided (23 million) to refugees and how many operations (800 000) were realised, and the number of school children (510 000).

In the news, "the ombudsman Malkoç came together with newspapers and TV editors in chief"[18] Ombudsman Malkoç while briefing about their visits to refugee camps states that actually, Turkey did good works on migration and refugees. Turkey protects human dignity by providing open door policy to refugees.

Syrian refugees are subjects of crime news. Scapegoating the other is in charge directly or indirectly:

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[16]http://www.sozcu.com.tr/2016/dunya/multeci-pazarliginda-abden-turkiyeye-onerilen-para-miktari-ikiye-katlaniyor-1125929/7 Mart 2016.

[17] The conference title is States and International Organisation Responsibilities in helping refugees: The situation in Islamic world".

[18]http://www.sozcu.com.tr/2017/gundem/son-dakika-haberi/kamu-basdenetcisi-malkoc-gazete-ve-televizyonlarin-genel-yayin-yonetmenleri-ile-bir-araya-geldi-1682611/

"Fraud in the square on the pretext of help" title notes that some Syrian refugees are collecting money on the pretext of clothing aid for refugees. (Yardım bahanesiyle Suriyeliyi dolandırıyor)

"For Refugees 'free' satellite communication" (Sözcü 6 January 2016)

"Syrians refugees asked for suncream and sunglasses" (Sözcü 2012).

As above titles indicate refugees are represented as demanding (although the only way to contact with their family member they need wifi); spoiled although it was not proved that anyone asked suncream and sunglasses in the camp.

03 May 2016 dated Sözcü news entitled "They will teach skills to Syrian with the budget that was not given to the unemployed (İşsize vermedikleri). The text reads "They will provide unemployment funds to foreigners to get vocational training." "The last injustice of AKP government: 400 thousand teacher candidates are waiting to be appointed but positions are provided to Syrians ." These news articles show the concern that some resources from Turkish people are taken away.

"First lady Emine Erdoğan:[19] 'please allow me to be proud of my country." The first lady gave a speech on Turkish representative, even in Washington DC organized by Political, Economic and Social Research. The panel opened with Malcolm X's daughter I. Shabazz.

Subsections' titles read "A lesson for EU and the world; Those who drown in the Mediterranean Sea did not take any attention since they are Syrians". Official voices underlining that not Turkey is hospitable but other countries are worse than Turkey in this matter.

One attitude is giving bad treatment examples from other countries: So Turkey is not alone?" Tear gas to refugees from Macedonian police"; "AfD leader Frauke Petry, says "Police should refugees when necessary"[20]; Embarrassing offer from Denmark: Turkey can take Syrian refugees from us" (23 Eylül 2014); "Cavit Sıddıki: Refugee issue might Pakistanise Turkey"[21] according to a news story, Sıddıki warns Turkey about the ethnic integration: a choice between ethnic integration and terrorism". The selection of Sözcü from international news points out refugees making it to EU countries have been subjected to similar nationalist, rightwing prejudice with accompanying media bias.

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[19] "In five years, nearly half a million innocent deaths, more than 6.5 million people were displaced, and 13.5 million people were affected by civil war. But the actors of the international community set all their politics on closing the doors to the refugees. For those who died on the Mediterranean coasts, unfortunately, Syrians, the modern world, human and women's rights organizations did not pay any attention. In such an environment, please allow me to be proud of my country that is opening doors to 3 million immigrants without hesitation. At the moment, almost half of the people who fled civil war in Syria are being hosted in my country".

http://www.sozcu.com.tr/2016/dunya/emine-erdogan-suriyeli-multeciler-krizi-paneline-katildi-1160922/

[20] http://www.sozcu.com.tr/2016/dunya/polis-gerektiginde-siginmacilari-vurmali-1068203/30 Ocak 2016

[21] http://www.sozcu.com.tr/2016/dunya/multeci-sorunu-turkiyeyi-de-pakistanlastirabilir-1040754/

Turkey's score on the economic growth rate was revised from 3.5 to + 5 in 2015. Analysts claim that refugees are effective in growth. However, the title reads "Every ten Syrians leave 6 locals unemployed" indirectly refers that Syrian refugees who are taking job opportunities.However, we cannot see any news on working conditions, low payments, exploitation of refugees. Recent years Syrians, including children, are working in many low-paid dirty jobs. including children. (Her 10 Suriyeli 6 Türk Vatandaşını işsiz bırakıyor).

One issue that raised a moral panic is placement of university exams. Turkish young students are obliged to take a very competitive central exam for universities and they have a long and expensive preparation process. A rumor caused a chaos claiming that Syrian students will enter the universities without any exam. Even the opposition party member in National Assembly criticised the decision. In February 23rd, 2016 a news caption read Free university opportunities in Syrians! The University of the People, world's first online university, will accept 500 Syrian refugees from Turkey with free tuition (Suriyelilere ücretsiz üniversite imkanı).

Employment, accommodation, pocket money, education like infrastructural benefits are perpetually represented with a negative tone in the news. When it comes to collecting and distributing items like clothing, food, toys, blankets etc. we see 'Turkish generosity' again.

"Turkish Red Crescent distributes aid kits[22]."; "Syrian qued up in front of the ŞanlıUrfa Migration Office[23]"; "Aid for 1000 Syrian family in G. Antep[24]" ;"Turkish pitta bread are on call for the poor[25]";"Syrian queued up for food aid[26]";"Aid to Syrian refugees in Manisa[27]"

On the other hand, sensationalism does work: "Heart bleeding bread and butter of the refugees: Garbages[28]".

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[22]   http://www.sozcu.com.tr/2017/gundem/son-dakika-haberi/manisada-suriyeli-multecilere-yardim-1653275/

[23]http://www.sozcu.com.tr/2016/gundem/son-dakika-haberi/sanliurfa-goc-idaresinde-suriyeli-kuyrugu-1542912/

[24]http://www.sozcu.com.tr/2016/gundem/gaziantepte-1000-suriyeli-aileye-yardim-1280531/

[25]http://www.sozcu.com.tr/2016/gundem/yoksula-askida-pide-kampanyasi-1266219/

[26]http://www.sozcu.com.tr/2016/gundem/suriyeliler-gida-yardimi-icin-uzun-kuyruk-olusturdu-1249064/

[27]   http://www.sozcu.com.tr/2017/gundem/son-dakika-haberi/manisada-suriyeli-multecilere-yardim-1653275/

[28]   http://www.sozcu.com.tr/2016/gunun-icinden/multecilerin-yurek-burkan-ekmek-kapisi-coplukler-1226508/ Some other news in this category is "A monument for Syrian refugees"

http://www.sozcu.com.tr/2016/gundem/abdde-afada-suriyeli-siginmacilar-icin-odul-1164378/

link??; "ABD'de AFAD'a Suriyeli sığınmacılar için ödül" Sözcü 1 Nisan 2016 http://www.sozcu.com.tr/2016/gundem/abdde-afada-suriyeli-siginmacilar-icin-odul-1164378/

4. Criminalising the Refugees[29]

Criminalising process works in three ways: a) being caught although they are not committing any crime. b) causing a problem especially a tension between local and refugees

c) attacking the security forces.

"25 refugees were captured in Çeşme[30]"

"41 Syrians were caught in Ayvacık [31]"

 "They were caught at Bus Station where they came for the journey to hope[32]"

"Syrian refugees who want to get to Cyprus via Mersin were caught "[33]"

"Syrian refugees stoned Turkish police.[34]. "

"Syrian refugees fired at Turkish soldiers[35]"

"A tension caused by Syrians in Sivas[36]"

"Flight ticket trick of Syrians[37]"

The news media's perpetually misinforming based on myths rather than facts. This attitude is not limited to news but columnists, anchorwomen, and men refer to myths as facts irresponsibly without checking their truth. Seda Akgül is an anchorwoman on the Star TV. In her TV programme a statement made by a Syrian refugee about the cost of Syrian refugees to Turkey makes Akgül furious. She said that 'you are being taken care with my tax, how dare!"As the news article entitled éUnthankful refugee made TV presenter angry". (Nankör mülteci spikeri sinilendirdi).

Before moving on to alternative coverage by bianet.org it should be noted that among 202 news article two are different. According to the news by Yıldırım (2016) in İzmir, a groups of four gave a petition to the International court of Justice, Lahey. The petition complains about 193 UN member countries as responsible state parties for the Syrian refugee crisis. The same group wrote a letter to Hollande, Merkel and Chipras to stop refugee causalities. This time they applied to EU Justice Court. (Holland, Merkel ve Çipras'a mülteci mektubu).

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[29] According to Police record crime cases increased from 839 in 2009 to 3847 in 2017. In 2013 the percentage of crimes committed by foreigners % 0.43. The number of foreign prisoners increased 150 times between 2009-2017. (Türkiye Suç Cenneti oldu).

[30]Çeşmeaçıklarında Suriyeli 25 mülteci yakalandı 31 Mart 2016 link?

[31] http://www.sozcu.com.tr/2016/gundem/ayvacikta-41-suriyeli-yakalandi-1145166/

[32] http://www.sozcu.com.tr/2016/gundem/umuda-yolculuk-icin-geldikleri-otogarda-yakalandilar-1129282/

[33]http://www.sozcu.com.tr/2016/gundem/mersinden-kibrisa-gitmek-isteyen-suriyeli-siginmaci-yakalandi-1440016/

[34]http://www.sozcu.com.tr/2012/gundem/suriyeli-multeciler-polisi-tasladi-95238/

[35]http://www.sozcu.com.tr/2013/gundem/suriyeliler-turk-askerine-ates-acti-281801/

[36]http://www.sozcu.com.tr/2017/gundem/sivasta-suriyeli-gerginligi-1986723/

[37]http://www.sozcu.com.tr/2016/gundem/havalimaninda-suriyelilerin-bilet-oyunu-1136345/

5. Positive Narratives in Alternative Media: bianet

A local online news platform Akçakoca news makes an info news: "Turkish Statistical Institute (TUIK) reports we had 6495 sister in laws and 377 brothers from Syria in law in 2016 ". The title is referring to marriages between Turkish and Syrians. It is significant to note that unwanted refugees become kin through marriages.

Mainstream news reporting and journalism lead a growing gap between citizens, media, and politics in terms of "voice". Alternative media newsmaking is against traditional objectivity, neutrality, impartiality, and balance. Especially global issues such as Syrian refugee crisis brought a discussion on the news media coverage. In this regard, alternative media aims social change for the common good and social justice for all by relying on people's stories. For example, ethnographic journalism is more time consuming since they rarely rely on single interviews with the interviewee. It contributes social integration; representation of the other's voice, recognition, understanding, and sense of belonging. Many journalistic and socio- ethnographic studies show that exposing people to images and representation of ethnic, cultural or national "other" can already be enough to bring about a positive change in attitude.

6. Independent Communication Network (bianet.org)

Independent Communication Network (bianet.org) is a news portal established in Istanbul in 1997, adopting human rights journalism, citizen journalism and free reporting principles in Turkey. bianet.org) gives a picture of refugees from peace journalism and humanitarian perspective. There is no background of daily lives of refugees and the problems they face in Turkey. While the hate speech against acceptance of Syrians to Turkish citizenship going on in the mainstream, the news in bianet reports that Syrians want residence and work permit, not citizenship.

Bianet pages introduce many human rights organizations and their activities either established specifically for refugee issue or any other human rights area. In Sözcü coverage, there is no one single human rights organisation referring the refugee issue form human right perspectives.

Binaet covers international organizations (AI UN, Journalist without borders, doctors without border, Human rights Watch..) report and warnings remarks so that this is a solitude issue that Turkey alone with. For example, bianet gives a large space to Amnesty International report and the news (and the news) indirectly notes that Turkey does not work cooperatively enough (Suriyeli mülteciler için uluslararası işbirliği gerekli).

In the news entitled "Lost generation warning from HRW." Human rights Watch released a report on Syrian refugees and their burning issues. The report warns Turkish authorities and international organizations that Syrian children will

be a lost generation unless they will not be provided with education in their mother language.

Bianet's journalistic attitude gives issue an international and humanitarian scope. For example, the news "I want to touch the sky" reports about a digital documentary project of Bilgi University Communication students on with Syrian children. The title is quoted from a child's interview. Bianet Kids section sends to two children living in Tarlabaşı İstanbul to interview with refugee children. (Tarlabaşının çocukları). Bianet does not use the statements like that: Syrian children cannot go to school. Instead, it addresses education as a fundamental human right by saying "Suggestion for Syrian children's right to education".

Bianet sends journalists to fieldwork (Çiçek Tahaoğlu) for a long time stay in refugee camps. It makes news on the field in G. Antep. Ayça Söylemez is the editor of human rights section bianet. Bianet shows an example of slow journalism with in-depth reporting which is needed for a constructive representation of many global issues like refugee issue.

"Time to listen" is the title of the news about a conference held at Bilgi University where Syrians talked. Giving voice to voiceless people is a very crucial issue but it is limited to alternative news media and its followers.

Bianet human rights editor Ayça Söylemez's news entitled "Human rights agenda": Not illegal migrants but refugees" explores the conference and all the panel. In the news, one speaker says the first words Syrian children learned in the camps was 'çabuk-çabuk' aiming to run away from security. The news story touches upon language issue in newsmaking.

Bianet makes news about all positive step for the betterment of refugees living conditions. (İnsan Hakları Gündemi konferansı). Fourteen NGOs come together to make a common call for a new legislation in Turkey regarding camps, a collaboration between government and other actors and hate[38].

Bianet sees the issue from an international humanitarian perspective rather than a subject of national pride. They refer to the principle of non-refoulement and the 1951 United Nations Convention relating to the Status of refugees. Turkey is a signatory state (Note on Non-Refoulement). Bianet publishes all media monitoring researches news either letting the author/organisation a page/ column or by interviewing with them[39].

Conclusion

As far as the human rights issue is concerned we need slow journalism more human stories and more background stories. It is important that some sensitive

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[38] Bianet covers it with the title of "Legislation needed for Syrian human rights" as a detailed news article.

[39] Please see http://bianet.org/bianet/siyaset/185331-gazete-sayfalarinda-suriyeli-multeci-kadinlar 11 April 2017.

humanitarian issues need an alternative outlet. Alternative media coverage is not enough to create a change. However, it is also important representation in the mainstream media. Because even the most marginal social movements and protests look at their coverage in the mainstream. Misrepresentation of refugees keep them unknown by the Turkish public opinion.

Analysing the language and framing towards refugees in the media can be an important way of developing a co-existence culture that is peaceful and respectful (Erdoğan et. al 2017: 11). Turkish readers need a critical media literacy to raise a counter hate speech by questioning, naming and shaming.

Wasserman states that human dignity should be translated in media representation (2010: 75). My suggestion is a little bit effort and care the representation can change completely towards social integration; representation of the other's/otherised voice, recognition, understanding and sense of belonging.

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The Representations of Migrants in the European Newspapers: A Comparison of Words and Media frames

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1. Media frames and moral panics: the role of mass media

Our attitudes towards other people depend to a large extent on the ideas that we have constructed about them, on our interpretations of their past and present actions, and on our predictions of what they will do in the future (Berger & Luckmann, 1966). Our attitudes (positive or negative orientation) towards something or someone are guided by the perception we have of them (Mangone & Marsico, 2011); social reality, therefore, derives not only from the social meaning but also from the products of the subjective world of individuals. It often happens that an individual or group places the responsibility for their critical condition on another individual or group, creating improper culpability for one or more subjects considered an *enemy* (Girard, 1982).

In this sense, the role played by mass media in communicating information and images to public opinion becomes paramount, as media represent events on which basis people may rearrange their interactions and social actions. An example of this mechanism is explained by the discourse on *media frames*, or those interpretative frameworks that, according to some definitions, such as Tuchman's (1978), represent *windows on the world* through which people have the opportunity to learn about themselves and others, the lifestyles of other nations and societies. From a more general perspective, *frames* are social environments within which occur not only the communicative act, but also the interpretation of what is transmitted together with the pertaining construction of meaning (Goffman, 1987). If we apply this concept to the process of news construction, mass media not only provide a framework within which a given event is "framed", but they can also offer a *specific definition* of that event by suggesting how the public should perceive the information contained in the message (and thus in the news) and, at the same time, make the news more interesting (Etman, 1993). Media can help in bringing together and/or pushing apart different cultural universes. Therefore, if it is true that the perception of the *Other* may seem distant, and, similarly, that the news can shorten this distance, it is also true that *frames*, by delimiting a specific image of reality, can impose a careful organization of the concepts and issues in it. The

latter, in turn, from a macro perspective, define the *worldviews* in which the narratives are set. Consequently, the issue is related to the idea of culture and hence of potentially pre-existing cultural frames being stimulated and activated (Bruno, 2008). The *framing* process thus consists in the surfacing of these sets of meanings, through references and cultural *resonances* (Gamson, 1992). Based on the above, the cultural dimension is a paramount element in the process of production of meanings. The *frame* is thus a multidimensional concept that can be described as the set of verbal, visual, and symbolic contents that are reorganized within a text and constitute a significant moment in the construction of meanings (Reese, 2003).

As part of the wider discourse on news stories concerning immigrants, some episodes may become a kind of sounding board for general issues, which inevitably become social problems. The discourse on the creation of *social problems* refers to a series of studies among which are those, such as Griswold's (1994), on the creation of *cultural objects*. However, as claimed for example by Hilgartner and Bosk (1988), civil society appears to be a true arena hosting a competition between situations that can be termed "*social problems*". When some of these situations are selected as *social problems*, they may acquire specific features: they can *be dramatized*, they can *deal with topics rooted in a culture*, or they are *linked to powerful and influential interest groups*. The shift from social problem to what Cohen (2002) calls "*moral panics*" (*generalized alarm*) can be associated with the presence and role of mass media. Given their marked ability to carry images and information, the media can help in magnifying some issues that may, in turn, widen or reduce socio-cultural distances between groups, reproducing or strengthening positive/negative attitudes towards specific groups of people.

Thus, mass media have a dual function: on the one hand, they have the ability to "shorten" distances between members of different cultural groups because, as Meyrowitz (1995) stated, they change the "map" of spatial relations; on the other hand, they may overexpose certain facts (or social phenomena) compared to their actual magnitude, thus promoting a distorted representation of reality (Gerbner, Gross, Morgan, Signorielli, 2002). The relationship between the representations of the Other and the role of the mass media depends, therefore, both on the perception of the reality of everyday life and on how the mass media "frame" specific slices of life of which people have no direct knowledge (McCombs & Show, 1972). In this sense, our attitudes towards the *others* are related to our perception of them within a given relationship. In cases where this relationship is felt as conflicting, it is possible to perceive the *Other* as a threat to our security and our cultural reference system. The *realistic and symbolic threats* (Stephan & Stephan, 1996) are related to the perception of a danger to security and to the cultural system caused by groups of people who are carriers of different interests and lifestyles in the economic, political, and material spheres. Moreover, mass media may, in some cases, contribute to the formation of typified images of a *cultural other* through their informational role, such as when, for example, they disseminate news

concerning other countries, or facts involving a foreign citizen residing in a given reality (Gili, 2009).

The shift to *moral panic* can occur when events and/or people are perceived by the public as a threat to their own security or to the values of a society (Maneri, 2001) The media representation of the Immigrant is an example of how the process of personification carried out by the media oscillates between two opposing poles (Ieracitano, 2015). In addition, some real problems (e.g. integration and social cohesion, landings and illegal immigration) can be perceived as *social problems* that can generate conflicting feelings in public opinion.

The different lenses through which people "look at" the immigrant can be influenced by how the news is presented, that is, by the kind of language (textual, iconographic, etc.) that the media choose for the construction and representation of an event, but also by the reading keys (and, hence, the *frames*) able to reproduce stereotyped images of otherness, or to provide extreme generalizations. The immigrant is now the author of criminal acts, now protagonist of events with dramatic implications; this interpretative dichotomy can be associated with the various media "stances" in the discussion and presentation of a story to their target public.

2. *The images of the immigrant[s]: a comparison between news cases*

On the basis of the above, we will present a comparison between three news cases: Aylan Kurdi, the Syrian child found dead in Turkey (September 2015); what we have defined as the "march of immigrants" in Belgrade in January 2017; and, finally, the violent events on New Year's Eve 2016 against some women in Cologne, Germany.

The corpus consists of newspapers from several European countries, in particular: *la Repubblica* and *Il Corriere della Sera* (Italy), *El Pais* and *El Mundo* (Spain), *Le Monde* and *Le Figaro* (France) and *The Guardian*, *The Independent* and *The Times* (United Kingdom). The items were selected by searching through the historical archive databases of each newspaper's official websites (online) and on websites devoted to press reviews of their printed versions[1]. We chose not to include German newspapers to avoid possible distortions, as one of the episodes happened in Germany. For both cases, we selected the pages related to the day when the news was published by the press.

The analysis considers some of the elements that fall within the definition of *media frame*, in particular: 1) The place given to the story (centre, side, bottom) and presence (or not) of further details or in-depth information boxes; 2) Presence of photographs; 3) Textual aspects related to the construction of headlines.

The Aylan case arouse public attention on September 3, 2015, when more than forty European and international newspapers devoted ample space to the story on

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[1] See http://www.internationalwebpost.org and googlenews.

their first pages. The publication of the picture showing the toddler's lifeless body washed on the shore has undoubtedly aroused strong interest from the media and has emotionally shaken the public opinion in general. Comparing the first pages of the newspapers, we see clearly that Aylan's story is mainly told by the picture that can "be news" by itself (Papuzzi, 2010) and is only accompanied by short captions stripped down to the essential information.

The picture has a clear dramatic charge; however, it was possible to identify three ways in which each newspaper represented this event, depending on the specific picture published on its front page, thus building three different kinds of *frame*. On this basis, the newspapers were therefore divided into three groups[2].

In the first group we find the *Human Frame* since the photo explicitly and starkly tells what happened to young Aylan. At the same time, however, the human dimension becomes a source of reflection on topics and issues of general interest. The picture used by the two newspapers in this group shows a policeman holding Aylan, partially hiding the child's body (Fig.1 – *Il Corriere della Sera* and *El Pais*). The choice can perhaps be ascribed to a sort of "decency" towards the death of a child in such a dramatic way. The story that has unquestionably shaken public opinion seems to fall into the background in the newspaper *Il Corriere della Sera*, that titled its piece: "Alleanza per l'asilo europeo" (Alliance for European Asylum) and shifted the attention to a *social problem* (the reception policies in European countries). In the newspaper *El Pais*, instead, the title strengthens the dramatic aspect of the story: "Una imagen que estremece la consciencia de Europa" (an image that shakes the conscience of Europe).

Fig. 1. *Il Corriere della Sera* and *El Pais*

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[2] Actually, in Italy, the newspaper *la Repubblica* chose not to publish any photos of the story on the front page; the news is reported in the Foreign section of the newspaper with a picture of the toddler in the arms of the policeman

(see http://ricerca.repubblica.it/ricerca/repubblica?query=Aylan+Kurdi&fromdate=2015-09-01&todate=2015-09-03&sortby=adate&author=&mode=any. Consulted on August 18, 2017)

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In the second group, that of the *Dramatic Human Frame*, we find only the newspaper *The Independent* (Fig. 2) that has dedicated the entire front page to the picture of the discovery of Aylan's body, fully charged with the "task" of encapsulating and communicating the meaning of the story, thus emphasizing the drama of Aylan's death. The dramatic aspect is further enhanced by the fact that this picture shows the toddler's whole body and his profile. Here, the name "Aylan" has a face, which is seen almost in its entirety. The emotional component appears here stronger than in the previously considered pictures, as this image takes the meaning of a *pause* and is accompanied only by a brief caption containing the essential information. As before, on this occasion the newspaper seems to aim at directing public opinion not so much towards what the photo *shows*, but rather towards what it *represents*: the image becomes the emblem of a bigger, real-like problem, such as, for example, the management of migration flows, which requires action by a common front (that is, Europe). The short section, at the bottom of the picture, urges the public's attention to the responsibilities that EU countries have regarding landing emergencies and immigration policies. The question closing the short paragraph commenting the event is particularly strong and impactful: "Do we really believe that this is not our problem?".

Fig. 2. *The Independent*

In the last group, that of the *Social Issue Frame*, we find the newspapers *The Times*, *The Guardian*, *El Pais*, and *Le Monde* (Fig. 3) who chose to publish the picture of the policeman holding Aylan and, only in *Le Monde*'s case, the discovery of the body. The dramatic component of the story is highlighted by the *The Guardian*'s and *Le Monde*'s titles, that speak of "shock" / "choc", and yet it leaves ample room for an issue of *social order* that reveals a *disorganization* in

managing an emergency – or, as *The Guardian* calls it, as crisis ("Europe's refugee crisis"), over which Europe is divided; a position explicitly expressed by the opening title of The Times: "Europe divided".

Fig. 3. *The Times, The Guardian* and *Le Monde*

Aylan's story is the expression of a *cruel reality* (in *The Guardian*'s own words) which, besides emotionally shaking public opinion, acts as an emblem of social issues and problems (such as asylum applications, reception policies, arrivals management, etc.).

The reading keys and the *media frames* that have emerged pose a dual representation of the *Other*: on the one hand, the *personalisation* of the story, for which Aylan is not [merely / simply] "a child who died while crossing the sea", but it is *the* child that subsumes all the dramatic life (and, above all, death) stories of immigrants and focuses the attention on them. The distance between "us" and "them" seems to shrink, promoting in public opinion a common feeling that brings the *Other* closer to "Us". At the same time, however, Aylan is the symbol of a (more or less explicit) "condemnation" of a European socio-political system unable to communicate and address a common emergency.

The second case we are going to analyse concerns the "march of immigrants" that took place in January 2017. For this event, we selected the articles of the online editions of the newspapers, highlighting the ways in which the story and their *frames* are presented to the public. As in the previous case, great space has been given to the evocative power of the pictures also in this occasion, that had the essential task of recounting the news. The various shots published by the newspapers witnessed the living conditions of migrants in those days, made worse by the scarcity of food and the freezing temperatures.

Again, we opted for a subdivision of articles based on the photos published, correlating the relative *media frames*. In the first group we find what we have

called the *Reality Frame*, that is, when images act as a "window on the world" and try to give some objectivity to the news, photographing a slice of reality that tells the story – in our case, the "march" of the migrants – with as "neutral" a meaning as possible. (Fig. 4. *la Repubblica*, *El Pais* and *Le Monde*).

Fig.4 – *la Repubblica, El Pais* and *Le Monde*

We called the second group *Social Issue Frame* and it consists of those images that, despite their strong emotional charge, seem to go beyond a "neutral" meaning to encompass other aspects and point out social problems. The iconographic component is enriched with some textual elements focusing on a number of issues, particularly: States' borders (*problem is borders*), people's lives (*we are human*) and the cry for help (*we need help*) (Fig. 5. *El Pais* and *la Repubblica*);

Fig. 5. *El Pais* and *la Repubblica*

We defined the third group *Every Day Life Frame*, consisting of images that refer to moments of daily life, such as eating, cleaning, and playing. In this case, the emotional dimension and, therefore, the readers' empathy, seems to be aroused by a sort of common feeling with their own daily life. In other words, scenes of everyday life represent the "bridge" connecting "us" to the "Others", under which anyone can recognize themselves in common gestures and moments (Fig. 6. *El Pais* and *la Repubblica*).

Fig. 6. *El Pais, la Repubblica*

Finally, in the last group, we have particularly striking shots referring to the *Human Frame*, such as the one proposed by *El Mundo* and *The Independent* (Fig. 7), where the presence of a child highlights the dramatic force of the issue, focusing the attention to the problem of immigrant minors.

Fig. 7. *El Mundo, The Independent*

The textual component strongly insists on the emergency and on the inadequate management of migration flows, such as: "Refugees freezing to death across Europe after 'continued failure' on crisis leaves thousands at risk" (*The*

Independent), "Así sufren los refugiados la ola de frío polar" (Thus refugees suffer the polar wave, *El Pais*); "Acnur pide más ayuda para proteger del frío a los refugiados" (Acnur asks for more help to protect refugees from the cold, *El Mundo*); "Belgrado, migranti in fila per il cibo sotto la neve" (Belgrade, migrants queuing for food under the snow, *la Repubblica*).

A comparison of the two stories shows that news events featuring a strong human component, typical of the *Human Frame*, seem to shorten distances separating the reader from the *Other*, promoting positive attitudes and suggesting images of inclusion and social cohesion. It is equally true, however, as we have seen, that the human implications of these events become tools by which public attention is directed to critical social issues. What has emerged is an *internal non-communication*, that is, a lack of communication between the countries of the European Union (and others) that, although they have in common the problem of migratory flows, appear disorganized and lacking a proper dialogue between the various political agendas and, therefore, a coordination of the actions and responses to be adopted.

If in the cases above the human component could stimulate positive feelings and open attitudes towards the Other, in the last example we are going to propose the human dimension sees seem to generate the opposite mindset. The case concerns the aggression against women by non-European immigrants on New Year's Eve 2016 in Cologne (Germany). Our analysis now moves from a purely iconographic plan to a textual one for two orders of reason: first of all, the newspapers analysed did not include particularly significant pictures from the point of view of the emotional charge (the photos used merely showed the building where the event occurred); secondly, we chose to analyse the words (and hence the categories) used by the newspapers to tell the story in order to identify, under a linguistic perspective, which *frames* were proposed and suggested to the public. We selected the online editions of each newspaper, analysing the articles published on the day the news was divulged. One element on which the construction of the *media frame* was focused concerned, therefore, their *content*, i.e. the representation of issues and protagonists directly (or indirectly) involved in the story on which the press focused the public attention. What seems to have influenced the media resonance of the event is also the presumed (or actual) responsibility of public institutions (e.g., the local police), as well as the presence of "big names" (such as Merkel) that conferred the news importance and widespread dissemination among the various European media.

The Cologne story is developed in two directions: on the one hand, the assault by a group of foreigners, that inevitably focus the attention on the issues of freedom and security (in our case, especially women's) and that contribute in fostering a diffused fearful mood and in perceiving the *Other* as a threat; on the other hand, the lack of clarity on what happened, as well as the difficulty in identifying those responsible for the aggression, contributes to engender a sense of generalized alert (*moral panic*) that gives rise to the fear of new aggressions and

which seems to take on a more global meaning overcoming spatial boundaries and including more European territorial realities: for example, "[…] la ola de agresiones coordinadas a mujeres en Europa" (the wave of coordinated aggressions against women in Europe, *El Mundo,* January 8); "varias decenas de mujeres sufrieron agresiones sexuales, robos e intimidaciones por parte de una multitud de hombres apostados en los alrededores de la estación central de Colonia" (several dozen women were sexually assaulted, robbed and intimidated by a crowd of men stationed around the central station in Colonia, *El Pais,* January 6); "la ola de agresiones a mujeres en Nochevieja" (the wave of aggressions against women on New Year's Eve, *El Pais,* January 6); "La recién elegida alcaldesa de la ciudad convocó una reunión de crisis para analizar lo sucedido" (The newly elected mayor of the city called an emergency meeting to analyse what happened, *El Pais,* January 6) and "Colonia, più di 500 denunce. Molestie di massa in Germania, nuovo caso in una discoteca della Westfalia" (Cologne, more than 500 complaints. Mass sexual assault in Germany, new cases in a club in Westphalia, *Il Corriere della Sera*, January 11). More in detail, the *media frames* we have identified are:

1. Conflict Frame. The event is reported through words and expressions suggesting a conflict and pertaining to the semantic sphere of war (e.g., use of words such as assault, attack, etc.): "agressions de masse" (mass assaults, *Le Figaro*); "mass sexual assaults" (*The Guardian*); "massive sexual assaults" (*The Guardian*); "attacks" (*The Guardian*); "les attaques du 31 décembre" (the assaults on December 31, *Le Monde*); "caccia alle donne" (hunting for women, *Il Corriere della Sera*); "attacchi di carattere sessuale" (sexual assaults, *la Repubblica*); "Gruppi di uomini ubriachi sono andati a caccia di donne" (groups of drunken men went hunting for women, *la Repubblica*).

2. Moral Panic Frame. We have identified a specific frame that characterizes the story with alarming and dangerous terms. The activation of *moral panic* appears to be twofold, and therefore according to two distinct types of frames: on the one hand we have the *Emergency Frame* expressing the alarm in numerical terms, such as the number of victims, aggressors and aggressions. "ce sont près de 1200 femmes qui ont été agressées, dont environ 650 à Cologne et 400 à Hambourg, par plus de 2000 hommes"(Around 1,200 women were attacked, including about 650 in Cologne and 400 in Hamburg, by more than 2,000 men, *Le Figaro*); "561 plaintes avaient été déposées par des femmes victimes de violences voire de viols" (561 complaints were lodged by women victims of violence or even rapes, *Le Monde*); "Les agressions commises par des étrangers contre plus de 560 femmes la nuit de la Saint-Sylvestre à Cologne ont provoqué une véritable panique au sein du gouvernement allemand" (Attacks by foreigners against more than 560 women on the New Year's Eve in Cologne caused panic in the German government, *Le Monde*); "100 complaints have been made to police, two-thirds of which are linked to sexual assault, including two rapes" (*The Guardian*); "the males, between 15 and 35 years old, tightly surrounded women in groups of 30 or 40, before groping them

and mugging them and their partners." (*The Guardian*); "Police in Hamburg, Stuttgart, Frankfurt and Düsseldorf have also reported similar incidents but on a smaller scale than Cologne, where between 500 and 1,000 men may have been involved in the attacks" (*The Guardian*); "un migliaio di uomini aggredisce decine di donne" (A thousand men attacked dozens of women, *Il Corriere della Sera*); "60 denunce" (60 charges pressed, *Il Corriere della Sera*); "abusi su 80 donne da 1000 immigrati" (harassment of 80 women by 1000 immigrants, *Il Corriere della Sera*); «Ero disperata e penso di essere stata palpeggiata circa cento volte in duecento metri» (I was desperate, and I think I've been groped a hundred times in two hundred metres, *Il Corriere della Sera*); "La massa di un migliaio di uomini si è poi frantumata in gruppi più piccoli, di 50 persone circa ciascuno» (The mass of a thousand men was then split up into smaller groups, about 50 people each, *Il Corriere della Sera*); "decine di donne aggredite" (Dozens of women assaulted, *la Repubblica*); "Le aggressioni di Capodanno a Colonia a circa 90 donne da parte di un migliaio di uomini ubriachi scuotono la Germania" (The New Year's assaults in Cologne on about 90 women by a thousand drunken men shake Germany, *la Repubblica*); "Una delle vittime […] ha raccontato di essere stata bloccata e toccata almeno cento volte in un percorso di 200 metri" (One of the victims [...] said he was stopped and groped at least a hundred times in a 200-meter-long walk, *la Repubblica*).

On the other hand, we find the *frame of the Other as a threat*, so the sense of fear and insecurity is given both through the use of words like "crisis", "alarm", and so forth: "This is an alarm signal" (*The Guardian*); "La recién elegida alcaldesa de la ciudad convocó una reunión de crisis para analizar lo sucedido" (The recently elected city mayor called an emergency meeting to analyse what happened, *El Pais*); "Il sindaco della città tedesca, Henriette Reker […] ha riunito un'unità di crisi che dovrà studiare le misure da prendere per evitare che fatti simili si ripetano" (The mayor of the German city, Henriette Reker […] has assembled a crisis unit that will study the steps to be taken to prevent similar events from happening again, *Il Corriere della Sera*); and by the fact that foreigners represent a real *threat* to personal security and to society, beyond what happened in Cologne. To cite some examples: "varias decenas de mujeres sufrieron agresiones sexuales, robos e intimidaciones por parte de una multitud de hombres apostados en los alrededores de la estación central de Colonia" (several dozen women suffered sexual assault, robbery and intimidation by a crowd of men around Cologne's central station, *El Pais*); "Las autoridades habían detectado en los últimos meses jóvenes norteafricanos que cometían pequeños robos o asaltos en la estación de Colonia o alrededores" (The authorities had detected in recent months young North Africans who committed small robberies or assaults in the station of Colonia or surroundings, *El Pais*); "Henriette Reker, la bourgmestre de Cologne, conseillait, quelques jours après le drame, aux jeunes filles de se tenir dorénavant à «une certaine distance, plus longue que le bras» des «jeunes inconnus»" (Henriette Reker, the mayor of Cologne, advised, a few days after the tragedy, the girls to

now stand at 'more than arm's length' from 'young strangers', *Le Figaro*); "L'émotion post-Cologne a conduit à renforcer la législation sur le viol, considérée comme trop laxiste."(The post-Cologne emotion has led to reinforce the legislation on rape, considered too lax, *Le Figaro*).

In addition to this climate of insecurity, there seems to be a general sense of mistrust towards public institutions and political authorities who, for a variety of reasons, are considered responsible for the inadequate protection of the community. The events in Cologne have thus become a tool for *discrediting* the institutions, as, for example, we find in some of reports: "A Colonia arresti e dimissioni" (Arrests and resignations in Cologne, *Il Corriere della Sera*), "Migrants: les agressions de Cologne fragilisent Merkel" (Migrants: the assaults in Cologne weaken Merkel, *Le Monde*) and "La police mise en cause après les agressions de Cologne" (Police questioned after the assaults in Cologne, *Le Figaro*).

In response to the questioning of the role played by the local authorities, the political world, through its highest exponent (Chancellor Angela Merkel) displays a strict line of action aimed at "punishing the perpetrators" (Pece & Mangone, 2017). The newspapers thus act as soundboards for the statements made by German politicians, aimed at reaffirming Germany's image as the leading country in the European political arena: "Donne molestate, un caso europeo. Merkel: espulsioni" (Harassed women, a European case. Merkel: deportations, *Il Corriere della Sera*), "Estupor por la ola de agresiones coordinadas a mujeres en Europa. Merkel promete mano dura y la policia investiga la posible implicaciòn de solicitantes de asilo" (Astonishment at the wave of coordinated assaults towards women in Europe. Merkel promises a hand of steel and the police investigates the possible involvement of asylum seekers, *El Mundo,*), "Angela Merkel veut inlféchir sa politique migratorie" (Angela Merkel wants to change direction to her migration policy, *Le Monde*), "Alemania agiliza la expulsìon de refugiados tras los caos de ataque sexuales" (Germany speeds up the deportation of refugees among the chaos of sexual assaults, *El Pais*) and "L'Europa e i migrati. L'offensiva di Berlino. Ipotesi di chiusura delle frontiere. Schengen rischia" (Europe and migrants. Berlin offensive. Closed borders hypothesis. Schengen at risk, *Il Corriere della Sera*).

Open conclusions

Aylan's case, the "march of immigrants" and the sexual assaults in Cologne are just a few examples of *media frames* that propose a media representation of the immigrant which includes two both a positive and a negative perspective. On the one hand, an approach based on the concept of inclusion, reception, and integration of the *Other*; on the other, conversely, one that consolidates stereotyped and negative images, based on the "immigrant-criminal" dyad, towards which public

opinion turns hostile and on which it projects feelings of "closure", as "closing" feelings due to *moral panics*.

The case study reveals homogeneous information coverage (especially for the "march of immigrants" and Aylan's case) and an alignment of the *frames* proposed to describe the Cologne events. The way in which these episodes have been dealt with by the media confirms once again that there is still no single communication linking Europe to the Mediterranean but rather a communication differing on the basis of territorial realities – first of all for the issue of migrants – which not only determines the political agendas of the various countries – thus creating disparities based on their proximity to the problem - but it can often, in public opinion, promote stereotypes that lead to value orientations that may give rise to negative actions towards the other (Pece & Mangone, 2017).

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Mediterranean, Knowledge, Culture and Heritage 5

Giovanna TRUDA - Jan SPURK
Editors

A new idea of space goes beyond State borders, allowing the ob-
servation in all directions. It seems natural to think that, when one
can look around, the observation always tends towards wealthier
and richer societies, and this can explain the increase in mobility
of a multitude of people who move from poor countries, where
economic resources are scarcer, to the high-growth ones.
This book is an attempt to reflect – through the analysis of several
aspects related to migration flows – on the current idea of Europe
and the Mediterranean, and on the way to live it. Reflecting on
what happens in the Mediterranean can therefore constitute the
driving force to overcome the impasse of the migrant emergency
that Europe cannot solve. Thus, while some chapters strive to
formulate more general categories, others specifically deal with
concrete realities.