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BORDERS, MIGRATION AND GLOBALIZATION

AN INTERDISCIPLINARY PERSPECTIVE

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Introduction

Drawing, crossing, deleting the borders ¹

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Nowadays the reality of migrations defines the policies both of host and origin countries, invades the everyday life of all of us, dominates the public language, builds new borders, and destroys others.

In 1909 Georg Simmel stressed how space in itself does not have any concreteness and is only a frame, a border that conforms to its content without creating it:

*a great empire is not built by a geographical context of a certain number of square miles, but by the psychological forces that keep politically together the inhabitants of these areas from a dominating central point.*²

¹In 2015 the issue of migration became one of the five strategic themes of the University of Pavia, and the following program of research, teaching and third mission. It involved 11 departments, and a significant number of professors, researchers and post-docs were persuaded that such complex phenomena as the ones determined by the current migrations need an interdisciplinary perspective to be fully understood and governed. The disciplinary sectors are three: Biomedical Sciences, for a personalised treatment of patients aiming at inclusion; Social Sciences, to project adequate inclusion policies; and Liberal Arts, because culture and memory are a common patrimony. This book is one of the results of this 3-year collective work: we chose a common word – Borders – suggestive and appealing enough in the multiplicity of its possible meanings, to try to describe it by using languages and skills typical of each of us, without worrying too much about defining from the start a logical thread able to link consistently and conclusively the different interventions. On the contrary, we did the opposite: everyone suggested a proposal according their own scientific interest, driven by the urgency to answer some of the questions, and left to the editor of the volume the burden and the honor to try to link the various pieces in a common narration.

The result of such an unusual procedure is this book (for whose editing and the work of coordination and communication between the several authors, I thank Dr Angelo Scotti). Obviously, there are many issues that we have overlooked, and as many are the ones that we could and should have analysed, but I believe that it should be appreciated that we have not been intimidated by the objective impossibility of providing an exhaustive overview of all the important questions related to the current reality of geopolitical and symbolic borders, and to immigration in general, in the first place. Secondly, there is an attempt to mix the cards among the various disciplines a little and offer the reader many questions, rather than some answers. This is quite an original purpose at a time when there is demand for quick answers, miraculous recipes, easy solutions, simplistic interpretations for issues that are not simple at all.

We dedicate this volume to Marina China and M. Antonietta (Ettina) Confalonieri, two colleagues and travel companions who made a fundamental contribution to the Strategic Theme with their studies, their reflections, and their enthusiasm. We miss them so much.

²Simmel, G. (1989) *Sociology: inquiries into the construction of social forms*, Italian edition, Milan: Edizioni di Comunità, 524.

This is why borders are a multifaceted concept that adapts to different disciplinary languages, that includes and covers unlike realities... and for this reason represents a useful gimmick to deal with a theme, migrations, that in turn needs numerous perspectives of analysis to be adequately faced.

Borders can have the concreteness of geographical, political and bureaucratic barriers, or they may be metaphorical barriers: identity, prejudices, culture. Through territories and consciences, they mark a space that includes and excludes at the same time. They may be made of words and stones.

They can be drawn, crossed, and deleted.

1. *Drawing the borders*

This Part welcomes nine contributions that illustrate from different theoretical and disciplinary perspectives the borders that, currently, drawn and drawn again, mark separations and barriers.

The issue is introduced by Maria Antonietta Confalonieri's chapter, *The borders of Schengen and their functions*, that aims to reconstruct the process of border definition in the European Union, starting from the 1990s, resulting from global pressures and internal political dynamics, on the basis of a dialectic of Europeanisation on the one hand and defence of sovereignty on the other. The observed borders are internal (between member states) and external, with reference both to spatial borders as delimitations of the territory institutionally controlled through security apparatus, and to citizenship borders, mainly concerning social citizenship. The refugee crisis and the growing politicisation of migrations, the contrast between humanitarian and securitarian borders, clearly disclose the contradiction that crosses the entire history of the European Union, marked by centripetal and centrifugal pushes – a contradiction that is now seriously undermining the stability of the EU precisely on the refugee issue.

With Antonio M. Morone's *Containment policies, human mobility and phantom borders*. The case of Libya, we move to Libya, a strategically relevant country as far as migration trajectories and European policies are concerned. The chapter aims to discuss the concept of phantom borders – borders that emerge and vanish over time – in relation to the building of social and institutional space in Libya. The current fragility of the Libyan state can be explained and analysed in terms of a difficult settlement between different social and regional contexts, in a cyclical succession of imperial, regional, colonial, national and international borders. In the specific case of migration flows from and to Libya, the author highlights how they have been influenced by the relationships with Europe, particularly with Italy, and shows the link between the increase and exacerbation of the measures to control the borders implemented in Libya after Ghaddafi and the increase of illegal migration towards Europe. Finally, it is stressed that the policies for containing the flows implemented by Europe, and mainly

by Italy, raise questions on these measures' legitimacy, both substantial and procedural.

Emanuela Dal Zotto addresses sea and land borders in *Defining migrants, defining borders*. Arrivals in Italy by sea in 2011 between illegality and right to protection, and explains how the changes in the Italian system of reception of asylum seekers from 2011 to the present have been affected by two factors: the ever-changing conceptualisation of the borders that define and grant the right of asylum, and the Italian policies for managing territorial borders. The humanitarian and securitarian dimensions characterise the narration of these events: an ambivalent narration insofar as these dimensions, even if contradictory, appear to be inextricably related. There would be nothing bad if this were not related to the social construction of an emergency frame that distorts the context in which reception and rejection policies are implemented by speciously using this double need (this is what is happening today when the NGO ships are rejected as a measure to contrast migrant trafficking).

With stones and words the walls marking the borders are built.

In the chapter *Irrational walls. Lessons from the US–Mexico border*, Fiammetta Corradi analyses how not only did the progressive militarisation process of the border between the two countries not increase its effectiveness, but it also produced a series of unexpected and undesired effects, such as an exponential increase in costs, death tolls, and violence. In this sense, the speech Donald Trump made on August 31, 2016, during his presidential campaign, to present his political manifesto aiming at dealing with irregular migration from Mexico, was significant: a wall 'impenetrable, physical, tall, powerful, beautiful'. He ends his speech with the promise of a test to select the 'right people': the ones who deserve to enter. A speech that, in Corradi's analysis, shows all the weakness and fallacy of the pro-wall propaganda.

Another way to draw borders that mark insiders and outsiders is provided by demographic data on migration. However, as shown by Valentina Fusari in *Mobility and data. Dataset or data nightmare?*, the interaction between national and international policies often generates classifications that are likely to make the analysis of the composition of migrant populations slippery. In addition, there is a strong imbalance in data collections. In host countries, even due to the proliferation of international agencies carrying out population estimates and making their databases available online, we are witnessing a kind of data hypertrophy which is unknown in origin countries, where national statistics offices are not able to provide reliable and up-to-date population data (not to mention the migrants' invisibility in transit countries). Thus, there is the risk of generating misleading and decontextualised interpretations, mainly when words and numbers to describe immigration are often intentionally misleading and untied from reality.

Beside the borders which delimit and define territorial units, there are internal borders within the units themselves: this may occur when the territorial distribution of the groups constituting the population is determined by their socio-economic and cultural differences. A consequence of these internal borders is the ghettoisation of migrant communities, both in the cities and in rural areas where the praxis of the illicit

mediation to agricultural work (*caporalato*) is widespread. In his contribution, *Migrants and internal borders*. Rural ghettoisation in Southern Italy, Angelo Scotto, taking the province of Foggia as an example, discusses how ghettoisation is not, or not only, a spontaneous phenomenon, but the effect of social and economic policies of local administrations reluctant to fight *caporalato* in order not to hinder local economic interests, and how the borders of the ghettos mark a physical and moral space where exploitation is the rule, and *caporals* are the rulers.

Federica Di Pietro also discusses ghettos and exploitation, in *Migrant workers and the sponsorship system*, where she deals particularly with the exploitation of migrant workers in the states of the Persian Gulf, where foreigners number 13 million of an overall population of 35 million. Migrants, coming mainly from African and Asian countries, are forced to work as ‘slaves’, except that they cannot be defined as such because of their willingness to do the requested work. The phenomenon involves millions of migrants – many of whom are women employed in domestic work – who leave their countries hoping to find better economic conditions in receiving states. On the contrary they lose all their rights, and sometimes their documents as well, and are forced to work in demeaning conditions without the possibility of leaving and going back home because of the debts incurred in paying for their journey to the recruitment agencies that control the market.

And furthermore, the borders of prisons. In *The centers for identification and expulsion (CIE) and immigration management*. Criticalities and possible improvements, Salvatore Tuccari discusses the migrants’ living conditions in the CIEs, with a main focus on the preliminary procedure before their restraint in these spaces that are real detention centres. In this way, it is possible to reflect upon the constitutional legitimacy of these regulations with regard to several constitutionally granted rights – focusing mainly on features concerning personal freedom. The Centres for Identification and Expulsion – recently renamed Centres of Permanence for Repatriation – were born with the aim of favoring regular immigration and discouraging irregular migration, but over time they have actually contributed to making it so that immigration is managed by administrations and perceived by the public opinion mainly in its securitarian dimension. So the positive and essential contribution of migration in economic and demographic terms has been gradually overshadowed, and the policies for protecting the migrants’ rights weakened. Moreover, the CIEs failed to accomplish their mission to repatriate migrants who receive an expulsion decree and, in spite of the most recent legislative interventions inspired to a new model of reception, the so-called refugee crisis intensified these contradictions.

Therefore, legal borders are as exclusionary and unavoidable as political and physical ones. In this regard, in *Criminalization of irregular immigration*. Between the domestic courts and the Court of Justice of the European Union, Zuzanna Brocka shows how the legal interventions redefine the boundaries between legality and illegality depending on political contingencies. Her contribution intends to investigate the evanescent borderline between regular and irregular migration delineated by the case law of

the European Union Court of Justice concerning the so-called Return Directive (2008/115/EC). Irregular migrants are often recipients of restrictive measures, including the one that most limits personal freedoms: detention. The criminalisation of irregular immigration divides Europeans from non-Europeans; the latter being confined in detention centres. The protection of human rights and the respect for the rule of public order are still the main essence of the current debate on immigration, even in spite of the objective impossibility of keeping any promise of immediate repatriation for irregular migrants.

Finally, the cultural borders, drawn by tradition, ethnocentrism, and reciprocal prejudice. In this regard, the first part of the volume is concluded by Vanna Berlincioni, Cristina Catania, Francesca Acerbi, Arsenio Spinillo, Alessia Arossa, Nehir Edibe Kurtas, Edoardo Errichiello, and Orsetta Zuffardi, who examine immigrant couples who, due to consanguinity, have an increased risk of recessive genetic diseases in their offspring, in *Boundaries and precision medicine in consanguineous migrant couples. Genetic counseling after the identification of fetal pathologies*. In order to provide these couples with adequate counselling, it is essential to remove the double obstacle represented by the reciprocal cultural conditioning: on the one hand these young couples are frequently tightly bound to their cultural traditions, while, on the other hand, the people in a position of power, in the specific case the clinician, may find it difficult to find the right way to act in such delicate and personal situations. In many cases, foetal abnormalities, possibly serious, may already be indentified in the prenatal phase: genetic counselling for these couples is particularly complex because of reduced communication capacity and differing cultural approaches that can place the woman in a condition of limited decision-making autonomy. The grief caused by an objectively traumatic condition is exacerbated by separation from the family of origin and being in a new environment. It is therefore necessary to develop effective intervention protocols for counselling and prevention, taking into consideration every possible cultural, individual and relationship issue influencing their experiences by means of ethno-psychological interviews.

2. Crossing the borders

Borders may therefore be geographical, political, or cultural... But how is it possible to cross the borders, and what does this experience cause at the subjective level? Who crosses them? What happens when crossing or trying to cross a border? And after crossing the border, what if you want to go back?

The second Part, composed of nine contributions, tries to answer these questions.

It is known that, in Europe, the closure of regular migration channels (in spite of the need for migration for the labour market and to increase birthrates) has exponentially fostered human trafficking by criminal organisations. This blurs the difference

between economic and forced migrants, since both end up using the same routes to cross borders. Luisa Frigeni, in *The offense of facilitating illegal immigration*. Current questions about the constraints of the Italian jurisdiction, analyses the Italian law on the measures against the aiding and abetting of illegal immigration and the working, economic and sexual exploitation of migrants when illegal entries and trafficking are often in a means-end relationship. The author deals, from the point of view of immigration criminal law, with one of the most debated issues in the jurisprudence. This issue is very relevant to public opinion because it is linked to stories at the center of recent news and debate, also because of the stances taken by Home Secretary Matteo Salvini: the entry into Italy of irregular migrants after being rescued in international waters by NGOs or Italian police agents. Leaving the migrants at sea on improvised ships is a precise strategy by those commanding the boats so they do not risk being caught. The migrants who paid the journey know this and have been assured that the rescue would be called before they are abandoned. In these conditions, the rescue (mandatory by international conventions) could prefigure the felony of aiding and abetting for the rescuers. Some extend this reasoning to a paradoxical conclusion by claiming that without the rescues there would be no trafficking.

Migrants usually travel through illegal and dangerous routes through sea and land, via which an increasing number of unaccompanied minors cross the borders into Europe. They are, or declare themselves to be, alone for several reasons: family reunification would be difficult to obtain without the presence of an unaccompanied minor; the families themselves sent them away because they know that minors, once they have arrived, may benefit from a better protection system than in their own country; in the worst case, minors lose their families during their journey. European instruments for dealing with this issue have proven to be inconsistent and often inadequate. Minors who have often been victims of abuse and sexual exploitation during their journeys have been put in detention centers together with adults. The EU's juridical framework formerly had so many gaps that, in 2016, a change of direction was implemented in an attempt to grant better protection to such particularly vulnerable individuals. Katarzyna Gromek-Broc's contribution, *Unaccompanied children in the EU. Towards a higher standard of protection and support for "Children on the Move" – unaccompanied minors-immigrants in the EU*, seeks to evaluate the new legislative actions and other efforts made at the communitarian and national level to increase the degree of protection for unaccompanied immigrant minors. Specifically: the new juridical tools to improve the evaluation process of minors in transit zones, the measures to reduce delays in appointing tutors, and the reception network that takes charge of the minors. In order to be effective, this system takes into consideration greater coordination among member states.

But removing the obstacles to the actual inclusion of those who choose to live in another country requires that they are granted free access to justice. Besides, this right, granted to every individual without exception, is one of the main pillars of the rule of

law; a bastion for democracy and civilisation. It acquires primary relevance when considering – as Silvia Favalli does in *The right to free legal aid for migrants*. For effective access to justice – that crossing the border of a state with a legal system that differs greatly from their state of origin leaves migrants in a vulnerable condition, insofar as the host country's legal system – if not known or correctly respected – risks creating a barrier not only to integration but, even before that, to entry and permanence. From this perspective, access to free legal aid in the host state becomes fundamentally relevant, so much so that the General Assembly of the United Nations includes this right among the eight objectives it indicated to ease human mobility in the next 15 years. Also the bloc of reforms of the Common European Asylum System (CEAS) – which aims to reduce the member states' current discretion in the management of the asylum procedures – would extend legal assistance and representation to all the phases of the procedure for granting protection. In light of these considerations, the author examines the current situation of discipline and application praxis on the subject of the effective access to justice in the European area, with specific reference to migrants and their right to fair trial in the civil, criminal and administrative fields.

The adventure that is migration calls for the crossing of other borders as well, such as those related to identity. In *Boundaries of identity and belonging in migration*, Maria Assunta Zanetti and Gianluca Gualdi place the issue of borders at the core of the identity-building process for every individual, since it involves the necessity to take into account several registers, in the planning of the Self: family history, cultural traditions, social belongings, past experiences, future projects... This situation, marked by precarious equilibriums, is amplified by the migrants' conditions, mainly due to their traumatic experiences related to the feeling of being uprooted and to the loss of their own social and cultural roles, together with the fear of not being able to integrate and face the changes that are to be confronted and will necessarily modify their way of life. The topic of border/s in the migrant's process of identity construction, and particularly for refugees, manoeuvres on the complex dynamics between integration and disintegration of parts of the Self. In the examined case – migrant teenagers – the process is even more delicate and risky because they have to face two delicate transitions: as teenagers, the transition between childhood and adulthood, as migrants the one between the original cultural code and the host society's one. This makes them particularly exposed to stiffening, conflicts, uncertainty and disorientation when the borders may become barriers to a balanced development of their identity.

The borders of identity are not easily crossed, since our identity, the way we imagine ourselves and how we introduce ourselves to others, can be a suit of armour we wear in defence against the outside world. This happens even more frequently when we feel fragile and menaced. However, we forget that identity is vitally nurtured by meeting people, being contaminated, and by crossbreeding. Thus, both in the present and in the past, the experience of migration has always produced identity as well as material loss and gain, also for individuals whose choices are only apparently determined by external actors. In this analytical perspective, Arianna Arisi Rota intervenes

with Gaining and losing. Space crossing, identity perception and reinvention in 19th-Century Mediterranean exile. She outlines, in the current mainstream international scholarly debate on these issues, the experiences of material loss linked to the sconfinamento and actual exile from the Italian peninsula and in the Mediterranean during the Risorgimento. A reading that highlights how, during the time, it is always the dynamics of identity destruction and reconstruction that characterise the existential condition of the political refugee. The interpretation of refugee testimonies from the Risorgimento given by the author stresses how the experience of fleeing, being exiled, losing family, social status and every certainty, hence the experience of an immeasurable loss, is compensated, for everyone, by an equally immeasurable gain: hope. So it happens that crossing the Alps or the Mediterranean Sea, borders are themselves care, in a dangerous journey where life is at risk, becomes for some an epic adventure towards freedom, for others a chance of hope and solace. An experience that bonds the present refugees and the past ones, as if the meaning of that journey, that geographic and existential border, stays the same in time and space, like the nostalgia and the hope, the regret and the estrangement, the will to start again and the awareness of being saved... all these feelings accompany their experience.

That is what has been told by boys who have fled from various parts of the world and who have arrived at the University of Pavia, whose testimonies appear in Anna Rita Calabrò's chapter, *Time boundaries of identity*. Because, while identity is a continuous process of definition, redefinition, identification and differentiation in a story of ourselves that keeps on changing according to circumstances and experiences, it is also true that, due to the same reasons, identity may be defined as the ability to acknowledge your own entirety and continuity in time. This means emphasising the ways with which the individual 'crosses' time (that is, it relates and represents in itself your own history and everyday and your future project) and the strategies to use in order to give meaning and consistency to this path, be it continuous or discontinuous. Of course, individuals, when defining their own biographies, articulated by everyday rhythms, must both refer to and take into account time frames that are not only subjective, but also social and collective. They must therefore adapt their own time frames to those of the other individuals with whom they interact, and to those of the social institutions with which they have dealings. The author shows how, for asylum seekers and refugees, this relationship seems problematic and fragmentary: because they come from cultural and social contexts where the social organisation of time does not necessarily coincide with that of advanced industrialised societies; because their forced migration 'forcibly' disrupted their everyday life and plans; because, lastly, the Italian reception system collocated them for a significant length of time in a sort of limbo where the time frame and modalities of release were not at all clear, and it is difficult to reconnect the threads that make the present the place where the past experience becomes a future project. For the interviewed boys, the journey, 'that journey', becomes the shadowy line they need to cross to become adults.

Before them, many youngsters of the same age crossed borders to reach European

universities, on a journey too similar to an escape: they came from colonial empires, fled from restrictions, prohibitions, actual persecutions. The forgotten history of those who arrived in Italy from 1900 to 1940 is told by Elisa Signori in *Intellectual migrations and elites' formation beyond the boundaries*. Foreign students, Jews and non-Jews, and Italian universities (1900–1940). This time arc can be divided into roughly two phases. The protagonists of the former are students attracted by the artistic and cultural tradition of Italy and the children of the Italian migration diaspora. But it is in the latter, between the two world wars, when the number of foreign students triples compared to the previous phase; many come from Eastern Europe because of political uncertainty and economic instability. The authoritarian drift, caused by the geopolitical rearrangement decided in Versailles, eliminated the old borders and drew new ones, thus favoring nationalist extremism and the radicalisation of preexisting praxes of intolerance, mainly against the Jewish part of the population. So mainly Jewish students found haven in the Italian universities that did not ask for the religious affiliation at the moment of enrollment. But for them the doors began to quickly close on September 13, 1938, when the legislation 'for the defense of the race' came into force.

But how to 'narrate' in literary terms your own migration story? How to narrate your own identity and experience? In the language of your land, your roots, your memory, your most intimate feelings, or the 'other', the one projected to the future, the most suited to go beyond the borders and spread the story? Barbara Berri's contribution, *Narrating migrations*, is about a little-investigated issue, that is the latent conditioning of the paradigms and the cultural reference categories that influence, by different degrees of awareness, choices of communication and expression. The field of literature proposes several perspectives in precarious equilibrium: on the one hand multilingualism, multiculturalism and different kinds of linguistic contaminations take hold in globalised contemporary society, on the other hand the defense of differences, localness, minorities (cultural and linguistic as well) and linguistic purism responds to needs that are partially complementary and partially opposed. In this context it is useful to stress the complexity of the communication process, which involves many verbal and non-verbal languages, each with its own statute, and each irretrievably affected by the cultural context of 'formation', whatever the subsequent path of linguistic and cultural contamination might be. While building awareness of this condition seems to be essential, it is also essential to acknowledge the need to understand how and to what extent these categories can change or 'adapt', over the years, in the meetings/clashes of different cultures that constitute the experience of the individual and of the group. The analysis of the so-called 'migrant literature', which crosses physical and symbolic borders, and narrates migrations and contamination, is now present in many national literary corpora, representing an extraordinary observatory to understand the present.

As far as identity and borders are concerned, there is an additional consequence related to the crossing of borders as a result of the migration of populations coming from their original country and permanently settling in a new one, and having

children, over time, with partners from the local population. We are talking about genetic identity, which Cesare Danesino and Carla Oliveri address in their chapter, *Crossing borders: genetic mutations*. To the end of preventing and curing diseases, genetic analyses tell us the history of mutations following migrations either within the same country or, for instance, between neighbouring geographical regions, such as the mutations found in the border populations of Italy and France as an effect of migration from the former to the latter. In other cases, finding identical mutations in individuals from different countries is related to a definite biological significance. There are regions and countries where the prevalence of a particular disease is higher than in the general population: these differences 'migrate' with this population. But when a rare disease is diagnosed in a migrant patient coming from a country where clinical and molecular diagnoses would have not been possible, there could be a (positive) 'return migration' of the curing and diagnosing ability.

Finally, the stories of returns, of borders crossed and then crossed again, of journeys towards promised lands that often prove they are not, lands where it is not possible to arrive or from where people, once arrived, move again, as 'losers' or 'winners' depending on the situation. In the chapter *Borders of identity*. Return migration and failure in West Africa, Giulia Casentini reflects starting from the life stories of migrants returning to Ghana. Stories that tell the crossing of many geographic and symbolic borders. For those who made it, for those who 'got rich', the return means admiration, more status, and social prestige, both in the formal and informal reference contexts. For those who come back as poor as before, it means failure, to let down those who saw them leave. The return is often forced upon them: because there is no guarantee of safety, especially for migrants crossing Libya; because they do not have the economic means to continue with their journey and reach their resolved destination; because they have been victims of traumatic experiences during the journey. The price is the loss of self-esteem and, sometimes, self-isolation. These stories provide the opportunity to discuss critically the categories of transit, waiting spaces, and migrant identity, and to look upon borders not just as physical limits to cross, but as thresholds that determine a change of social status, of perception of self and of the world.

3. Deleting the borders?

So the world, now as then, is characterised by clear political borders, often marked by natural elements like rivers or mountains, or artificial fortifications, like the Great Wall of China or, more recently, the infamous wall between the United States and Mexico. Although these borders are always clearly indicated on physical and political maps, they revealed themselves to be actually drawn by the winners and endured by the losers, and therefore ephemeral; or removed by the need for unity and then, as it is currently happening in Europe, evoked again. The symbolic borders are even more aleatory:

language, culture, law, identity and, as we have already seen, genetics of people and populations. Thus, borders change, are drawn, are crossed, are deleted.

Genetic identities beyond conventional boundaries, by Alessandro Achilli and Ugo Perego, explains how intertemporal gene flows deriving from multiple demographic events (migrations, conquests and wars, trading routes, slavery, explorations, etc.) have led to genetic mixing in every region of the planet and, in fact, cloud single vestigial genetic identities. This is why it is nearly impossible to ascribe any individual to a single ancestral group, although geneticists have identified vestigial informative markers that are peculiar to specific ethnic or population groups: our genetic makeup derives from migrations and expansions that occurred all over the world, over thousands of years. We all are, to use an expression, neither elegant nor scientific, and yet eloquent, 'bastard siblings'.

The lack of precise genetic borders among individuals and the awareness that everyone's genetic identity is nothing if not the result of ancestral medleys and migrations introduces Part III. Its eight chapters focus on deleting borders, in the sense of going beyond them, from the ethical, juridical, humanitarian or merely economic points of view. Here they call for calling borders into question: borders of identity, cultural and political. The circumstances when this necessity materialises in specific actions are examined.

But which are the juridical prerequisites for actions going in this direction? First of all, there is a higher order reason that deletes, in a manner of speaking, the borders: the humanitarian one. In recent decades there have been circumstances in which the international community believed it was necessary to intervene and militarily cross the borders of a state when reasons like a threat to security or the clear violation of human rights were recognisable. Nowadays, as argued by Ernesto Bettinelli in *Migrat.In.G. "Migrations: towards an interdisciplinary governance model"*. Some considerations on the contribution of legal scholars to the Strategic Project of the University of Pavia, the phenomenon of 'forced' migrations is so great as to induce us to reconsider the formal and traditional concept the sovereign state as an entity constituted by a territory, a population and a government authority, whatever its legitimation or self-legitimation. For a traditional conception of international relations it is enough to verify the ability of a government to manage the borders within which it claims to exercise its sovereignty in order to acknowledge the existence of a state. If we were to leave the cage of realist (and conservative) doctrines, it would be possible to question the legitimacy of the (self-)attribution of the definition of state in those situations in which a government authority cannot guarantee minimal living conditions to its inhabitants in territorial contexts that have already been originally acknowledged at the international level as constituents of a given state. Therefore, in such cases, the state institution should (could) be called into question, even for international law, by substituting this category with the more befitting one of geographically connoted 'factual power'. Removing the causes of unliveableness in the places where exoduses begin is universally and abstractly recognised as the most effective and structural solution, and it is

commonly admitted that this should be the true and proper mission of the international community. But there are divergent stances concerning which subjects are authorised to act, consequently, often by force of arms, against territorial powers defined as 'terrorist' or 'criminal'. The most useful concept in dealing with this question is perhaps that of 'humanitarian interference', which is not fulfilled only with the use of force against territorial powers, but also in other forms: that of rescue operations (episodic by nature) and of international cooperation (whose features are more enduring and structural).

But who are those that cross the borders? Or rather, how are the ones who Bettinelli calls 'migrants', that is the ones that leave their origin country for a non-predetermined period, classified. Words, it is known, can be prisons, can bond people the instant they are uttered in one way rather than in another to a fate different to what would otherwise have been. Norms change; destiny changes. Moreover, words delete individuality, the tags delete stories and feelings, people become numbers, categories. What value should law then concede to distinctions marked by words; what is the difference, in terms of rights, between an expatriate and a forced migrant when the differentiating element concerns two kinds of will: that which is free and that which is forced. And on the basis of this distinction, it is decided, in a completely arbitrary way, that the former have more rights than the latter. Does not the expulsion of those considered irregular entail, under the juridical profile, also the formal negation of their identity as a recognizable person? But to which point may supranational, international, European and national regulations that frame the migrant's status (regardless of their reasons and aims) legitimise discriminatory policies? If the point of view that freedom of movement (and settlement) is a universal, unconditional right, is accepted, juridical research must point out all the normative sources, at different levels, that allow such a conclusion to be positively affirmed. The ambitious aim is the definition of a *corpus juris humanitatis*, that is, of the higher order of the human person as such, to whom the universal status of 'itinerant citizen', even in the case of statelessness, can be conferred in the face of the passiveness of individual states. And as a consequence, the deletion of borders.

In any case, a cultural change is necessary in an intercultural and interethnic reality born from migrations that are neither temporary nor caused by emergencies. As Carolina Simoncini argues in *Freedom of movement and new immigration rights*, the study of international conventions on migrants' rights shows that the most important asset that migrants seek is to belong to a community and enjoy relative social rights. Thus, it will be necessary to acknowledge that integration is a necessary precondition for a cosmopolitan law focused on migrants' needs. This implies an inversion of the 'cause-effect' connection between freedom of movement and freedom of residence in general international conventions. For migrants, in fact, residence is not only a simple consequence of movement, but the specific goal that justifies the choice of leaving their home country and enduring the consequent uprooting. Hence, movement and the crossing of borders become necessary means to a final end. For this reason, some jurists appeal for the recognition of a new right to hospitality, that is, to quote Fauss, the right

of every person coming from abroad, with their culture, language and way of living, to be accepted and respected. This seems coherent with the process of ‘humanisation of international law’ that is leading to a reinterpretation of the idea of sovereignty as a ‘protection responsibility’ toward migrants rather than as a ‘competence’. This responsibility may be considered the right to movement in order to achieve free residence.

After all, the most recent juridical leanings on the different systems of protection of the migrants’ human rights made at the universal level (in the 1966 Pacts and the 1951 Convention of Geneva Relating to the Status of Refugees) and regional level (ECHR and the Charter of Fundamental Rights) highlight the irrelevance of states’ geographical borders, the duty to extend the international standards of protection being addressed to all the organs of the State that have a jurisdiction (that is a ‘direct and effective power’) on migrants even outside their territory and before the border is crossed.

In this regard Cristina Campiglio and Carola Ricci, in *International law as limit to States’ discretion on migration and the urge for alternative legal pathways*. Humanitarian corridors opened by private sponsors in Italy, deal, from a juridical point of view, with the issue of the conflicts that arise when the norms regulating behaviours contradict each other insofar as they refer to different cultural and ethical orientations. From this perspective, the authors argue that it is possible to reassert some internal values considered unfringeable, and therefore attributed to the ‘margin of appreciation’ (reserved and questionable) of every sovereign state, next and parallel to the promotion of a minimum core of fundamental rights to be uniformly granted to each migrant, regardless of his or her citizenship, ethnic or religious origin, political opinions and social extraction. These values are also explicitly defended by recent ECHR findings. An example is the decision on January 10, 2017 in the *Osmanoğlu and Kocabaş v. Switzerland* case, where the European Court for Human Rights rejected the appeal filed by two Muslim parents, fined for impeding their daughters from attending the mandatory swimming classes of their primary school, because these classes were opposed to their religious beliefs. In this way, the ‘right [for Switzerland] to put school rules and full integration first has been affirmed’ for both male and female students even if in contrast with Islamic precepts that do not admit the simultaneous presence of both sexes in the swimming pool (it has to be noted that female students were given consent to wear the ‘burkini’).

Continuing on the topic of rights, Giovanni Cordini and Andrea Iurato, in *Emigrations and immigrations in South America*. Legal aspects, review the different juridical profiles of migration flows concerning Latin America, both in the current situation of tendential balance between arrivals and departures and increasing development of common migration policies at the regional level and in the decades around the turn of the 20th century, when the region was one of the main destinations for European emigration. Now as then, Latin America is a lively juridical laboratory, where migrations show a strong influence on the evolution of existing principles, institutions and juridical concepts, and on the emergence of new ones. In this region

there are the first (and, so far, the only) judicial systems that theorise the 'right to migrate' (recognised in the Ecuadorean Constitution itself) and implement, like in Argentina, innovative norms for the access to civil, social and naturalisation rights. In this sense, Latin American sets of rules represent an interesting observatory for redefining the juridical concepts of border, citizenship, and foreigner, and for going beyond the gap of protection between refugees and economic migrants.

If inclusion is the only weapon to tear borders down, what is better than music? In Experiencing and crossing borders through music, Fulvia Caruso describes an experience in participatory action study carried out with students and former students of Ethnomusicology at the Department of Musicology and Cultural Heritage of the University of Pavia, in two different contexts: a centre of reception in the Diocese of Cremona that hosts more than 150 asylum seekers and a CAS (Centre of Special Reception) in the province of Piacenza, that hosts about 20 asylum seekers. The study shows how music is a strong tool for finding a way to communicate, both inside and outside the reception centres. In Italy, asylum seekers waiting for their legalisation live in alienating conditions. During this period they live in a 'non lieu', in a suspended time, after a long journey of deprivation and suffering. This situation produces a loss of faith in themselves and in others; often they lose the capacity to think of their future. They are in a state of limbo where their identities or sense of belonging can weaken or multiply. Through music, barriers and borders inside and outside the individual can be broken down.

But can borders stop ideas, words, and music? Or do they cross them without obstacles? Or could they even tear them down? It is a rhetorical question, even more so in the current age of globalisation and the internet. A lot has been written, and much more should be. In this volume, Francesca Fiorani tells a little story in *Free voices beyond the borders. The experience of Italian exiles in Radio Londra (1940–1945)*. War makes friends of yesterday's enemies, and closes the borders that were open until a little while ago. That is what happened to Italians in the United Kingdom after Italy declared war on June 10, 1940. That is what happened to those Italians who, together with other citizens from enemy countries, worked at the BBC as highly skilled journalists and speakers. The broadcaster, in spite of pressures from public opinion and most conservative circles, protected by whatever means possible its migrant workers. So, on December 22, 1939, the first show of what later became the BBC's Italian Service was aired, with a rich schedule: news, culture, politics, entertainment, and satire in which the attacks against fascism were not propaganda, but information.

Finally, the circle is closed by Flavio Ceravolo's chapter, *The great migration game. Who wins and who loses?*, which returns to the starting points by acknowledging the evidence of a basic contradiction. All the evolutionary dynamics of a knowledge society require people to be able to move, and therefore foster migration flows both of middle class and of less-skilled economic migrants. In this context, some countries attract flows because of their stock of material and intangible resources, while others are, by definition, donors of human capital, and yet others are gateways and temporary corridors.

Only the former has the ability to effectively select the migration flows to their own exclusive benefit, while the others actually endure an irreversible process of impoverishment that prefigures a dynamic of reproduction of inequalities between central and peripheral countries. Moreover, the rhetoric of open borders, is in fact, reciprocated by creeping protectionist policies that foster more and more pronounced international inequalities. Social tensions lead some countries toward overtly protectionist policies and the building of physical walls to block the passage of migrants. This new protectionism makes the idea of 'border' a truly modern concept, and yet one that clashes ever more stridently with the productive needs of a globalised world. The future scenario of border restoration will intensify international inequalities and could create new arenas of conflict.