

IMMIGRATION AND SOLIDARITY – SOME CONSIDERATIONS

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Abstract

The topic of immigration and, more generally, of the encounter/clash with foreigners, is certainly not new in European history. Nonetheless, today's migratory flows see the Mediterranean and Europe at a crossroads. The first, the Mediterranean, from *mare nostrum*, has been transformed into a sea in which hundreds of people go to die. The second, Europe, is increasingly torn between the regression to closure policies and the search for reception strategies.

Keywords

Immigration, Solidarity, Hospitality, Rights, Duties.

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1. The topic of immigration and, more generally, of the encounter/clash with foreigners, is certainly not new in European history. Beyond the cyclical nature, in recent years the phenomenon has undergone an exponential increase, acquiring particular relevance in Italy which, due to its geographical conformation, is among the most European states exposed to migratory pressure.

Many issues, many problems. The comparison and coexistence with individuals and groups with different identities, cultures, and ethical sensitivities, call into question the notions of welcome, integration, solidarity. At the same time, they recall how difficult it is to balance hospitality, protection of minorities, and effective defense of fundamental rights. From this point of view, think of the practical, as well as theoretical-legal repercussions of the simultaneous presence in the same territory of parallel legal systems (e.g., Courts of Sharia law, Judgments of Beth Din).

Many of these topics and problems are also accompanied by clichés and convictions, which very often, lack of a real foundation. The *Piccolo prontuario per un racconto (finalmente) veritiero sull'immigrazione*² so collects them and summarizes them: “we are facing an invasion”³, “there is no work for Italians either, we cannot accept them”⁴, “they steal our jobs and take away resources for welfare”⁵, “there are too many refugees, there

² https://www.uil.it/immigrazione/NewsSX.asp?ID_News=7229 (visited on 27.04.2021).

³ Indeed, in the European Union, the share of resident immigrants with respect to the entire population would be around 7%. In European countries, this share would vary significantly (for example 10% in Spain, 9% in Germany, 8% in the United Kingdom and Italy, 7% in France).

⁴ In the *Prontuario* we read that to keep the Italian population of 15-64-year-olds substantially unchanged over the next decade, given that between 2015 and 2025 Italians will decrease by 1.8 million, an increase in immigrants of about 1.6 is instead necessary millions of people. This is an indispensable requirement to compensate for the reduction in the Italian population of working age.

⁵ In this regard, it's proven that immigrants are reserved only for unskilled jobs, largely rejected by Italians. In other words, foreigners do not reduce the employment of Italians, but progressively occupy the less qualified positions abandoned by the natives, especially

is not enough space in Europe”⁶, “we host them in hotels, and we give them 35 euros a day for doing nothing”⁷, “Islamic terrorists are exploiting migratory flows to carry out attacks and conquer Europe”⁸.

Also to help dispel those that in hindsight turn out to be little more than slogans, it may be useful to remember a few figures. In comparing the data relating to the number of migrants disembarked in Italy in recent years, it can be emphasized that, unlike 2016 (the year in which 181.436 migrants landed in Italy) and 2017 (in which there were 119.369), in 2018 – according to the findings of 2 July⁹ – the number of migrants arriving in our country

in personal services, construction and agriculture: sectors in which work is mainly manual, heavier, with modest remuneration and unstable contracts. It is also noted that the total costs of immigration, between welfare and the security sector, are less than 2% of public spending.

⁶ It is sufficient to consider that of the total 16 million, only 1.3 million are hosted in the 28 countries of the European Union (8.3%), including Italy (118 thousand, equal to 0.7%). The countries hosting the largest number of refugees are Turkey (2.5 million), Pakistan (1.6 million), Lebanon (1.1 million) and Jordan (664 thousand).

⁷ A choice that, in reality, happens to be necessary. Since the extraordinary reception centers are temporary structures and in consideration of this the prefectures, together with the Regions and local authorities, look for additional reception places in the individual regional territories, also involving the hotel. As for the 35 euros per day, this is the average cost for welcoming an asylum seeker or refugee, thus covering the various management costs, including the so-called pocket money (approximately 2.5 euros) given to the migrant.

⁸ In this regard, it is objected that, limiting observation to Islamist terrorism, the top 5 countries with the highest share of deaths are Afghanistan (25%), Iraq (24%), Nigeria (23%), Syria (12%), Niger (4%) and Somalia (3%). Victims in Western Europe represent a residual share, less than 1%. Italy is a land of immigration with many Orthodox Christians: over 2 million Ukrainians, Romanians, Moldovans, and other nationalities. This is followed by about 1 million and 700 thousand people of Muslim religion (including illegal immigrants and minors), less than a third of the total of over 5 million foreigners in Italy. In Europe, only 5.8 percent of the population is of the Islamic religion.

⁹ Data from the Department of Public Security published within the *Cruscotto statistico giornaliero* of the Department for Civil Liberties and Immigration of the Ministry of the Interior (<http://www.interno.gov.it/it/sala-stampa/dati-e-statistiche/sbarchi-e-accoglienza-dei-migranti-tutti-i-dati>).

was 16.585. Also in the three years 2016-2017-2018, there was a significant decrease about unaccompanied foreign minors which, in 2016 were 25.846, in 2017 they were 15.779 and, based on the surveys of 25 June last, in 2018 they were 2.593. Interest is also raised by the comparison between the absolute data of landings in 2019 (11.471), 2020 (34.154), and 2021 (8.505)¹⁰. These data – as well as any other – must also be evaluated in combination with the predictions of the World Population Prospects that in 2050 the world population will increase from the current 7.3 to 9.7 billion, more than half of this growth will affect Africa, where the population will double and reach 2.5 billion, of which 450 million will be Nigerians alone.

1.1. The Mediterranean, a source of inspiration for Paul Valéry¹¹, has long since become a divided and torn sea. Rather than fabricating civilization, cultivating and enhancing the culture of *limes*, of the many gods, and the many languages, it has become the center of the main geopolitical tensions. The *mare nostrum* has turned into a sea in which *Mamadou goes to die*¹². Think of the victims waiting for their turn to get on makeshift boats, the many women victims of violence before departure, the shipwrecked deaths. Some significant dates: 3 October 2013, 11 February 2015, 13 and 18 April 2015¹³. All dates in which shipwrecks occurred during which hundreds and

¹⁰ Reference to what is reported in the summary sheets and in the comparative graphs on the Ministry website, of which I refer to the link: http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_15-04-2021.pdf (27.04.2021).

¹¹ 1940.

¹² DEL GRANDE, 2008.

¹³ Significant date, at which about 700 bodies were recovered (to be identified thanks to the coordination of the Government's Extraordinary Commissioner for Missing Persons), as part of an operation which, in itself, has raised several criticisms, also based on the argument that burial at sea in its various forms has its tradition and that there is no universal ethical principle according to which the bodies of migrants lying at the bottom of the sea

hundreds of people lost their lives, to which – last in order of time – is also added that of 22 April 2021, which saw the *Ocean Viking of SOS Mediterranee* engaged in a rescue operation, with largely unfortunate results¹⁴.

2. Europe is at the crossroads: it could be tempted to shut the door in front of the masses of foreigners (erecting walls, spreading barbed wires, rejecting and violating the law of the sea), but this door would inevitably come knocked down; or, to keep it open, governing the phenomenon with reception and cooperation policies, creating new opportunities and rights for the various refugees (war, political, economic, environmental). Immigration solicits the themes of peace, rights, environment, and it is above all individual history, the history of those who ask for hospitality and non-violence.

I was a foreigner, an expression as clear as it was ancient. “I was hungry, and you gave me food, I was thirsty, and you gave me drink; I was a stranger, and you hosted me, naked and you dressed me, sick and you visited me, imprisoned and you came to see me”.

Only six concrete actions, only six corporal works of mercy are contained in the Gospel of Matthew, while the seventh – that of burying the dead as a last gesture of love and respect for the deceased – was later added by the tradition of the Church. Yet, that is enough to transform the world we live

should be recovered and buried. In reality, it is easy to observe that one thing is to choose, for a deceased person, the sea and not the land as a place of burial, even more so if the choice is made by family members or some neighbor (the ship’s captain), who decides that the funeral can or should be performed through this form; another is, due to the circumstances of his death, not having been able to choose or attend a burial that is not such (MOCELLIN, 2016, p. 335).

¹⁴ See *Libia, 130 migranti annegati. Il racconto dalla nave Ocean Viking: “Abbiamo navigato in un mare di cadaveri”*, *Il Corriere della Sera*, 23.04.2021.

in into the Promised Land, or on the contrary, if it disregarded (“I was hungry, and you did not give me food; I was thirsty, and you did not give me to drink; I was a stranger, and I did not you hosted, naked and you did not dress me, sick and in prison and you did not visit me: away from me, cursed!”), in Hell. It can be said: here the elect, there the damned, in the middle Christ the judge, after all, it is precisely in this way (and with this image) that Michelangelo beautifully frescoed the Sistine Chapel.

But it can also be said: it is *here and now* that the elect-happy and the damned-unhappy are distinguished, it is *here and now*, in fact, that the joy of living is experienced – for example through the friendship relationship, the acceptance of the other, opening oneself to one’s neighbor – or, on the contrary, that one feels the sadness of living – as in the hypothesis of enmity, of rejection of the other, of closure towards others. In other words: with active non-violence, practiced *here and now*, we live better, and therefore salvation or condemnation are logical and practical consequences (rewards or punishments) of our choices and actions.

2.1. Things are not simple at all. Better than any other, the Aristotelian statement – *those who have welcomed men of another race, most have fallen prey to factions* – summarizes the concern that every age (ancient, modern, contemporary) has known and knows in the face of other, to the different, assuming a defensive behavior. Sometimes, a decidedly hostile one. Despite the variety of approaches and definitions, in all ages, a stranger in the land of other lives an uncomfortable, if not dramatic situation, against him discrimination, critical judgment and suspicion seem to chase each other relentlessly.

The stranger with his presence contaminates and threatens men and places, is unfamiliar, and is guilty until proof of the contrary. Ambiguous and obscure, he brings with him his own vision of the world, his own culture, his own customs. In ancient times he would have had to make sacrifices to purify the place from the wrath of the gods and the plague caused by his arrival, and he would have been obliged to provide some sort of

compensation, in the form of news from distant lands or gifts for the host. Only thanks to this reward-purification would he have been welcomed into the community and would have escaped the many prejudices that arrogance and pride cause.

Even in our global, liquid society, plagued by the fear of losing one's place, migrants continue to be perceived as *messengers of bad news* (to use Bertolt Brecht), or as *walking dystopias* (to use Zigmunt Bauman).

Dystopias that swim, dystopias that walk. Lampedusa, Calais, Ventimiglia, and, again, Macedonia, Hungary, Austria, Libya. And then the many non-places: the station in Rome and Milan, the parks of Belgrade, but also the many centers (first aid and reception, reception for asylum seekers, identification and expulsion). An exodus in the literal sense of the term: Afghans, Eritreans and Syrians flee. In the meantime, Europe is desperately looking for a common voice to obscure xenophobia, arranges more or less rigid migration quotas, tries to relocate. It will be true, it will not be, as estimated by the anthropologist Michel Agier¹⁵: there will be one billion displaced people in the next forty years. What is certainly true is that - after the globalization of capital, goods, and images - the time has now come for the globalization of humanity that materially bursts into our streets, with all its side effects.

3. Around migration processes have been developed two fundamental interpretations ¹⁶: one oriented to take seriously the community and the belonging of the citizen – that is, of the one who is the holder of civil, political, and social rights, and who believes he can enjoy them with his descendants fully and exclusively – the other oriented to take seriously individuals and their rights, including the rights of foreigners and above all

¹⁵ 2012.

¹⁶ GREBLO, 2015.

the right of a foreigner who arrives on the territory of another state not to be treated hostile¹⁷.

Two different interpretations: according to the first, citizens are free to govern each other and to make membership exclusive, after all, the consortium of citizens has its character and has the right to keep it; according to the second interpretation, foreigners cannot lose their characteristics and cancel themselves. After all, sooner or later the same and/or subsequent generations rediscover their origins and their culture. Two interpretations which refer to assimilationism or to multiculturalism. In the end, both result impracticable. According to the first, the foreigner is expected to become similar: that is, that he adapts, making the culture of the country that welcomes him its own culture, abandoning his cultural references. In short, he is expected to annul himself. The second, on the other hand, tends to guarantee the cultural rights of communities, groups, and minorities, favoring their promotion in the public space. The consortium of citizens is thus soon dismantled to make room for the various consortia of strangers. In both cases, the problem remains open and reality struggles between homologation and stormy coexistence.

Bruce Ackerman's science-fiction dialogues remain very current and of great importance: in the conversation between Apollo passenger and Explorer ones – two spaceships engaged in the task of discovery, both with an equal number of people, to satisfy the necessary conditions for liberal citizenship – the ultimate questions emerge. As the Explorer lands first, the commander gives each member of the group a single grain of manna, in order to help him starting a new existence. Ultimately, it is nothing other than the origin of the citizenship principle, at least until the request of

¹⁷ KANT, 1795.

Apollo passengers for equal conditions in the newborn liberal civil society assumes relevance, beyond temporality¹⁸.

¹⁸ This, in summary, is the dialectical exchange between the Apollo passenger and the Explorer passenger: “A: [...] why do you think you have the requisites of a citizen while I don’t have them?”

E: It’s easy. I landed on the Explorer and therefore must be a citizen of the liberal state made up of the Explorer passengers.

A: This is not good. After all, there are a lot of things that landed on the Explorer but don’t qualify as citizens. That piece of metal for example.

E: But I’m different from metal because I can justify my claims of power.

A: Me too [...].

E: Furthermore, I can conform my behavior to the power structure required by a liberal dialogue.

A: Me too. So why don’t you say we’re both different from that metal, why don’t you say we’re both citizens of a liberal state?

E: Because I landed in that piece of metal and not you! [...] You will not deny that thanks to the Explorer I arrived before you.

A: I don’t deny it. I just want to know why this fact should be the reason for your superior position of power.

E: Because the first to arrive is better than the second ones.

A: Here is the reason, finally! But this would obviously be a non-neutral reason if it were provided by the citizen of the liberal state.

E: This objection is irrelevant. I’m using it as a reason to deny you citizenship [...].

A: And what about your children? Will they also qualify as citizens?

E: [...] I declare that the special superiority that I possess thanks to the fact of having arrived first will be transmitted to my descendants for all the centuries to come, while your special inferiority will also contaminate your descendants.

A: If citizenship is the most important right in liberal theory, how can you allow this right to be granted for reasons you would never accept on matters of lesser importance? [...] After all, you are using it as a reason to deny me all rights!

E: [...] frankly it is difficult to deny that citizenship is central [...].

A: And then you have to concede the same position to me [...] otherwise you would have to give up the claim that you, the Explorer passengers, have constituted an ideal liberal state. The first principle of such a civil society in fact requires every citizen to provide rational and coherent answers every time a request for legitimacy is made. And you just failed this minimal test” (1980, p. 140 ff.).

3.1. The two poles of a philosophical debate on the very lively phenomenon of migration can be well represented today by Michael Walzer¹⁹, who favors political autonomy over the right of free movement and therefore recognizes the right of sovereign power to define the rules for crossing its borders as a condition for the existence of the political community itself, and by Joseph Carens²⁰, which considers the free movement a fundamental human right and equates contemporary immigration restrictions with the unbearable criteria of distribution based on race and sex - since moral rights can only be traced back to *uti singuli* individuals and not to groups and communities,

Between the two proposed reconstructions, a third way is a must. Because both the ideal moral perspective – to every human being cannot be denied the fundamental right of movement, since there is no right to occupy a place – as well as the perspective of political autonomy – democracy needs borders for work, since it is necessary to delimit the representation in order to know who is responsible, concerning what and to whom – both have an essential core that cannot be shared.

The proposal of permeable, porous borders – in the words of Seyla Benhabib²¹ – can be a meaningful point of view. Moreover, it is an aspect that belongs to the very structure of every democratic order which, on the one hand, bases its legitimacy and the legitimacy of its laws on the direct participation of all those who are required to obey, and, on the other, imposes constraints of self-reflection, due to participation in the community, in which the mediations between universal obligations and the need for self-determination are situated. Constraints that, de facto, translate into a process of perennial reconfiguration of borders.

¹⁹ 1983; 1992.

²⁰ 2013.

²¹ 2003.

4. Global society experiments new forms of juridical and political interaction, creates new subjects who acquire power from their ability to dominate time, places the state in a context of structural interdependence, so that modern concepts of citizenship and sovereignty must be revised. Law and identity are now the two keywords between sovereign states and global society. It is sufficient here to recall the development of International Law. With the recognition of powers, limits, rights, and duties, a new era of international relations has been inaugurated: the one of protection of human rights which implies a challenge to the principle of non-interference in the internal affairs of a state. Mind you: a broader protection of human rights, no longer only at the individual scope, but also collective and with solidarity content. In our societies, then, the construction of identity also develops thanks to the globalization of the media and electronic communication. Both of them change the traditional link between physical environment and social situation: identities (individual and collective) are reconfigured starting from a generalized interconnection of all terminals, an interconnection that borrows from the metaphor of the electron its free character. The new identification mechanisms transcend national borders: sometimes they affirm a global belonging, some others are inscribed in nomadic culture and sometimes they open up to post-modern monothematic formations. In any case, an essential aspect of the construction of today's identity is that it opens simultaneously to the global and to the local. If in the global there is no difference between internal and external, in the local the *here and now* becomes more and more particular and more radical.

All these themes and all these reinterpretations certainly facilitate the understanding of the expression citizenship, but they do not resolve the dispute between human and citizens' rights. What solutions for today's migration phenomenon? First of all the recovery of what is in crisis today: trust, as well as the careful understanding of extraneousness and the construction of a new paradigm based on solidarity.

4.1. The crisis of trust usually affects differentiated and complex societies, in other words, advanced societies²². Distrust of public institutions and, in particular, of those who lead them (managers and financiers, scientists and doctors, politicians, journalists, and so on) is the trait that more than any other unites and bonds citizens, who, not having adequate information or direct knowledge, are unable to verify the credibility of scientific, political, economic claims for knowledge of the socially relevant world. Quite often, indeed, many statements are considered with suspicion, since they seem to betray (or betray) second unspeakable purposes.

But yet, the nature of relationships is so intricate that we can say that we never trust, for example, the media and their reports, even if in reality we depend on them in some ways. In other words, while being wary of them and trying to be cautious in our adhesions, our knowledge of events and happenings is acquired both directly and indirectly, and therefore also through reading and viewing (newspapers, programs, sites). We are wary of television and, however, we cannot help but watch!

The fact is that lack of trust has negative effects on society and democracy. Is it possible to restore it? Onora O'Neill²³ faces it for her part, highlighting the recurring clichés, addressing concrete issues (such as the transparency of information, the culture of duties the bureaucratization of controls or the freedom of the press) and urging a rebirth of trust relationships, an intangible resource available to all, a public good indispensable to economic, social and politic life.

First of all must be reworked and corrected what does not allow to explain in a proper sense the relationship of trust - since it plays a fundamental role in our lives and is a condition of possibility or success of many of the actions we plan.

²² LUHMANN, 1968.

²³ 2002.

And here is the warning: the philosophical reconstruction moves (must move) from simple beginnings and principles to reach complex and important conclusions. Moreover, it is evident that the possible inversion would be of no use: starting from excessive and extraordinary assumptions to conclude with uncertain and limited justifications. According to O'Neill, it becomes necessary to move from Kantian autonomy and, in particular, from his humble vision of the powers of reason. Mind you: humble but not skeptical. Kant understands the limits of human reason and that is why he deals with the legitimate authority of reason; finite and limited, human beings are prone to error, arrogance or presumption. For this very reason they need to resort to reasoning, to subject beliefs and ideas to rational evaluation.

Of course, human reason can err, and the truths of reason cannot always be proved without a shadow of a doubt; however, the distinction between true and false, just and unjust, remains and calls for justification criteria that have a public character, that is, can be communicated (to) and exchanged with others. Reasons, therefore, that others can also share and a non-individualistic conception of autonomy, a conception therefore of a legal nature. O'Neill²⁴ emphasizes that Kantian autonomy refers to agents who act freely and on the basis of universally shared principles. Different from freedom (which can also be used for evil actions and which in any case is not sufficient to show the moral justification of action, except in the hypothesis in which it is morally obligatory) and different from simple individual autonomy (because also it is insufficient to determine the moral acceptability of what is requested or instead prohibited), Kantian autonomy requires that principles, to be universal, must be able to be followed by all, since their adoption allows to preserve, rather than destroy, to strengthen, rather than weaken, people's ability to act according to those same principles.

²⁴ 2015.

Hence trust, not as a feeling, but as a communicative action with which credibility is attributed to others, and it is attributed precisely because criteria, procedures, and constraints, constitute the basis of reference for discriminating between those who deserve trust, or on the contrary, they do not deserve it. This reference base does not always avoid betrayal and manipulation. For example, O'Neill argues, in an interview at BBC regarding the debate on Brexit, that there was a lack of honest and reliable reports from both sides, prejudicing the debate, misinforming public opinion, undermining the mutual trust as a condition of social cooperation²⁵.

4.2. Without trust, the new articulation of extraneousness (the external foreigner - the danger, the fear – and the internal foreigner – that is the immigrant, but also the precarious worker, the unemployed, the middle class, as well as the Greek, Italian) remains entangled in the meshes of a technocratic and nihilistic Europe, unaware of its *treasures*: the diversity of languages, the conquest of doubt, the success of values such as freedom, democracy, citizenship... in short, human rights. A new political practice is needed to ensure that these treasures are not irretrievably lost. Even for *who we are*, as indeed for *who I am*, the best answer is a questioning restlessness, possible only starting from that European identity reality, which welcomes with it and gathers in itself the foreigner, and from that historical vigor represented by cultural memory of our continent. A new humanism – in the words of Julia Kristeva²⁶ – able to face the two monsters that threaten the globalized planet, namely the closed politics between economy and finance, and the ecological self-destruction. And in such a context, the cultural experience and the answer that will be given to the question of identity have decisive importance.

²⁵ O'NEILL, 2016.

²⁶ 1988.

A new political practice, however, requires that we seriously reason about being foreigners and being perceived as foreigners, first of all, because each of us is “a stranger to himself”, he is unique and is multiple, he is singular and he is plural: the foreigner is the discovery of the other, and even before any consideration this other is his body with its distinctive natural and/or cultural signs, and also because in recognizing himself as all strangers one avoids falling into statelessness, that is, into a de-socializing process, with no more citizenship and solidarity²⁷.

Mind you: without trust and solidarity there remains nothing but a disintegrated and totalitarian society, in which values and rights, such as citizenship, freedom, democracy, reciprocity, are simply values and rights among others; values and rights of an ethnic group that coexists with other ethnic groups that often profess and claim antithetical values and rights. Side by side with others, we are thus immersed in a reality in which feminism – perhaps radical – coexists with horrible forms of oppression of women and in which secularism – even the aggressive one – self-censors even in the face of forms threatening with religious fanaticism, and where freedom, which sometimes tends to border on libertinism, coexists as if nothing had happened, with evident violations of human rights.

And while ethnic clashes are resurrecting and increasing, international law, the right of navigation, constitutional law, the so-called intercultural criminal law, are now becoming the scene of as bitter and arduous discussions about the space to be recognized for the normative expectations generated by different cultures and from different religions. Think of the problematic medicalization of some practices, the discrimination between the sexes tolerated – if not even imposed – by certain traditions, the difficult composition of concepts of the family institution that are very distant from each other, or, again, the public role of religions and their institutional conceptions in Western societies, which from the enlightenment onwards

²⁷ TODOROV, 1982.

have progressively limited the presence and social visibility of the religious phenomenon to the point of theorizing its privatization.

4.3. In today's societies, we have become members of minorities that are formed from time to time, according to the problems on the agenda. How it is possible to achieve peaceful coexistence in societies now inhabited only by foreigners and only by minorities?

Here it is particularly useful to recall Jürgen Habermas conception of solidarity between strangers²⁸. When individuals meet and live within the same spaces, having nothing in common, not sharing equal ideas and opinions, the law as a medium of social integration can allow for peaceful coexistence. Such an integrative capacity must not be traced simply to the formal properties of law – and therefore to its articulation in terms of subjective rights – or to its being produced by a legislator and its coercive character, it depends, above all, on the fact that individuals who meet and live within the same spaces, even if they have nothing in common, can – together and at the same time – accept established norms as legitimate norms that deserve intersubjective recognition. In this respect, law is perfectly suited to the post-traditional moral conscience, according to which citizens are willing to obey commands based on their good reasons. Good reasons, in any case, diminish the likelihood that an established law will be used arbitrarily or that the meaning of the rules and procedures remains fundamentally obscure.

If so, the main supplementary service carried out by the law is to persuasively strengthen that weak post-traditional morality which is found rooted in the conscience of the person, a conscience which – in turn – almost in a relationship of reciprocity, would be mobilized on the occasion of legitimation of law.

²⁸ 1996.

We still subsume these strangers in the category of the other, whether they belong to our nation (and are our fellow citizens) or not. The special obligations that bind us to ‘others’ do not arise primarily from the belonging to a certain concrete community. Rather, they derive from the abstract coordination of action operated by legal institutions, when these institutions ascribe certain obligations to certain groups of people or certain subjects, to make explicit on a social and content level (as well as to make binding) positive obligations that otherwise would remain undetermined²⁹.

Solidarity between strangers and weak post-traditional morals could guarantee peaceful coexistence even with the new immigration, provided that adequate policies are developed, capable of offering services, repressing illegal behavior, and in general, providing quality and rigor filters. However, the fact remains that, in the case of the conflict of values between different cultures, everything depends on the traditions and affiliations of immigrants: some manage to enter immediately and successfully in Western European societies, others enter with delay and overcoming a series of difficulties, others remain always on the threshold.

5. Today’s justification of the mandatory normative must be able to creatively integrate those dimensions of modernity that are to be considered indispensable acquisitions and others that, although important, have been sacrificed on the altar of modernity. This critical effort becomes all the more precious if we consider the new forms of domination, which transcend national borders, take on an opaque character and become pure forms of manipulation of individuals and collectivities. Is therefore important the re-proposal of institutional forms (the State, the European Union, the International Community) and legal relations (between citizens, between European citizens, between foreigners) under the banner of peaceful coexistence, integration, and solidarity.

²⁹ HABERMAS, 1992, p. 131.

It is a question of regaining the essence of law and with it the sense of the treaties and the meaning of the fundamental charters, especially at a time of great change, when the processes of economic internationalization determine an abnormal increase in financial capital to the detriment of its use in the cycle of work and solidarity.

Against this increase, the modern idea of the law-rights-solidarity relationship, with its developments, may prove to be an important interpretation. Solidarity as a constitutional element of the state, of the European and international system, has been able to assert itself thanks to the conceptual shift from property to work³⁰. The assets in my power no longer determine my independence, but my work skills, developed in a context in which education, study, and research become essential for the model of public and social organization. The principle of universality of certain rights (health, assistance, education, etc.) is also linked to the assertion that those who work bear the burden of the costs of participation rights, economic rights, and social rights. Work and solidarity thus make up a system of rights of a circular nature.

Against the abnormal increase in financial capital, which tends to question solidarity rights and labor, reducing the latter to the rank of any commodity, the contemporary idea of the law-rights-solidarity relationship must start from the rereading of the good (goods) and, in particular, from the affirmation – concerning for to exclusive goods, of the so-called inclusive goods – that, going beyond the limits of traditional politics and economics, put relationships at the center, preferring spirituality over materiality.

The logic of the inclusive goods is gratuitousness. They are freely created and enjoyed. They freely circulate. The division is the logic of exclusive goods, where the recognition of the different ones is more difficult as people compete. The participation is that of inclusive goods. To increase

³⁰ Big property becomes irrelevant to the political organization of the state, but it can still play a role if it falls within the cycle of work, that is if it acts as a driving force for the solidarity system. As the Weimar Constitution stated, “ownership obliges”.

chances of peace is necessary both a just distribution of exclusive goods and an increase in the sphere of inclusive goods³¹.

Moreover, if correctly understood, law – with its essential category, justice – belongs to the order of inclusive goods

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³¹ POSSENTI, 2013, p. 251.

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