

crisis-in-the-mediterranean

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cdts.admin@utoronto.ca

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[music]

00:03 Speaker 1: This is Between, Across, and Through.

00:22 Yana Romero: The sea is a monster. Its furious skies, pounding waves, and its isolating vastness set the stage for calamity. Within it, a broken boat full of desperate people look out at an unbeatable, unwavering force. It is frightening, unforgiving, unrelenting. But every year, for millions of people, the sea is a gateway to hope, the first leg of an unbelievable journey where more often than not, they don't know where they're going or if they'll even get there. Today, Professor Kevin Lewis O'Neill, director of the Center for Diaspora and Transnational Studies, sits down with Professor Naor Ben-Yehoyada from the Department of Anthropology at Columbia University, in a conversation that explores how the very nature of the sea, as an unforgiving, unrepentant force, frames a conversation about the nature of humanity and obligation. We will discuss how the way we think about hospitality directly affects the policies that determine who gets saved at sea and who is left to drown. Please join us as we travel between, across, and through.

01:38 Kevin Lewis O'Neill: Hello, thank you for joining us. I'm Professor Kevin Lewis O'Neill, and I'm speaking with Professor Naor Ben-Yehoyada. Thanks for joining us. Naor, tell me, why is it important to have this conversation now?

01:50 Naor Ben-Yehoyada: It stages some of the most fundamental questions that European states and the European Union as a project are facing nowadays. It makes the Mediterranean into a sort of mirror of Europeans' own different conceptions about what is a state, what is a people, what are borders.

02:11 KO: So the Mediterranean as a reflection or as a mirror of this, how does that raise the question of people and states and rule?

02:19 NB: It raises that question through the staging and the casting orders that the saving of life at sea performs on conceptions of citizenship and of state obligation. Saving of life at sea is an obligation that all vessels in the world are, by law, they have to follow, but it is based on a script that is based on universal hospitality, the anthropological concept of universal hospitality that, since early modern ages, Europeans projected to the two great spaces of European expansion, the sea and the desert. And the way the sea does it, is that it has a casting order that says, there is a ship and people are drowning because it sank, and there's another ship and the people onboard the ship that is sailing have to disregard any aspect of the people in the water other than the fact that they're drowning, and therefore they have to save them.

03:10 KO: It's interesting, 'cause when I think about the law of the sea, at least in terms of literature, I think about the sea as a very reckless and tumultuous terrain that is unforgiving, but here it becomes the source of this incredible obligation, reciprocity, and even potential hospitality.

03:31 NB: It's the image of the unforgiving nature of the sea, and the desert, by the way, that serves as justification for the pan-human law of hospitality. You should treat persons as sea as only fellow humans, you should act towards them with hospitality that you should assume they would

reciprocate if your roles would flip, because you both are encountering a relentless and un-hospitable space.

04:02 KO: As an anthropologist, how do you begin to historicise this obligation? I can't imagine it is some sort of a historical phenomenology, but some sort of deeply embodied affect of responsibility, or... How do you make sense of this?

04:21 NB: Even though the law of the sea exists as a moral demand, there are very good reasons to assume that when ships crossing the Channel of Sicily, see boats, even if those boats are in danger, they don't necessarily save them. In some horrendous cases, naval ships and helicopters from naval ships didn't come to the rescue of boats stranded. There was a very infamous case of the left-to-die boat that left the Libyan coast and drifted for dozens of days. So the implications of the law of the sea, both the moral obligation and the historical demand, and the codified law, appear more in moral projects and political projects, for example, of NGOs that lease boats and send boats, mobilize boats to the middle of the Mediterranean to save people, to collect refugees and bring them to European ports.

05:13 KO: Well, tell me, how are NGOs navigating the legality of this space?

05:17 NB: Right now, not so well. The original project was to create a stable perennial presence in the central Mediterranean to assist boats and vessels in danger. Very quickly, the centres that control communication in the central Mediterranean, radio stations that control SOS calls and send delegation of assistance, collaborate with them. But in the last couple of summers, the Italian government, which is the case I know the best, try to curb the operations of these vessels, not necessarily because they have such a concrete, significant numerical role in the bringing of people into Europe, but because the treatment of irregular migration became the most burning topic in the last elections.

06:01 KO: So how significant are the NGOs in this terrain?

06:05 NB: Last year, 20% of interceptions of people were done by privates, so either container ships passing by or those NGO ships. The number of that category dropped from 20% to 10%...

06:19 KO: 10%?

06:20 NB: Which means that 10% is the total of people brought in by NGO ships.

06:25 KO: And then the 90%, so the remainder... So the NGOs...

06:28 NB: 90% is navies.

06:30 KO: Navies.

06:29 NB: Yes.

06:30 KO: The state itself?

06:31 NB: Yes, which numerically is by the far the most significant. But in terms of dramatizing the dilemma of open or closed borders is not a very good [06:43] .

06:43 KO: Sure. Both the state and NGOs find themselves obligated by this law of the sea, that they are held responsible when they see someone drowning or at risk in the sea, but politically, NGOs are taking the vast majority of criticism for bringing people.

07:05 NB: Yes, because states have treated differently the obligation to save life because states can decide where they're going to deploy ships. So for example, in the summer, Italy decides that it is going to send ships all over the Mediterranean, once they ran out of money or ran out of space in welcoming centres, they turn to the EU and asked for help. The EU in order to help say, "Yeah, sure, we'll help you, but you cannot keep intercepting vessels, saving human lives as close to the Libyan shores as you have. For us to fund you, you need to draw back a bit." Now, does it mean that they're telling people not to save people? No, it just means that they deploy ships in a smaller territory, knowing very well that people outside of that zone will die.

07:52 KO: And so these navies have tremendous regulation on where they can go, and the different kinds of scales of the sea that they have to obey, whether it's economic or... But NGOs are far more free to engage... I mean, is there ever a moment where NGOs get associated with or described in the language of piracy?

08:12 NB: So yes and yes. So exactly what happened a year and a half ago, the government declared that all NGOs operating in the central Mediterranean, if they wanted to receive assistance from Italian government, would need to sign a code of conduct that would curb their actions, but it would make them less free. What is happening exactly at the same time is that several public prosecutors have started to treat NGO boats as suspects of either favouring clandestine migration or external collusion with an associative crime of illegal migration. Now...

08:52 KO: So criminalizing NGOs?

08:53 NB: In the language of the NGOs, solidarity, because saving of lives is treated as an organized crime against public order. And also the legal thinking have treated more and more irregular migration as a form of organized crime.

09:09 KO: So NGOs are saying hospitality is being criminalized. But you describe hospitality in terms of reciprocity. Why?

09:18 NB: One way to think about it is that hospitality as an institution, hospitality as a ritualized behaviour is gift plus governance of space. If gift is associated very vaguely and complexly with the idea of reciprocity, I give you something, you give me in return. They're not supposed to be equal, so it's not exchange, but...

09:37 KO: So Naor, let's say you give me a coffee mug and I say, "Oh my gosh, thank you so

much. I got you something, too", and I give you the exact same coffee mug. That's a terrible gift.

09:45 NB: Or if you give me a coffee mug that looks slightly different, but equals in value. It wasn't a gift. Once you give it back to me, I feel like we've exchanged something, it wasn't a gift and a counter gift.

09:55 KO: Okay.

09:57 NB: That kind of treatment of social relations through the circulation of things foregrounds reciprocity.

10:03 KO: Different and deferred.

10:04 NB: Different deferred...

10:05 KO: The gift must be different.

10:06 NB: Reflecting on the persons circulating rather than of the things being circulated.

10:11 KO: Yes.

10:12 NB: Hospitality does something else and opens up different ways of thinking about social and political dimensions of life. What hospitality does is say, "I'm doing something to you, and in the setting in which I do that, when you walk into my house, when I say, 'Please come in.' Or when you ask, "May I come in?" And I say, "Yes, please come in." We've taken a situation in which you're dependent on me, I am your protector, you're my protégé. I have to honour you, but you have to limit your... There are things you cannot do, can't walk into the kitchen. You should feel as if it were your house, but it's not your house, and you need to remember. That situation dramatizes hierarchy, but declares or in the background says that hierarchy is hierarchy for roles, not of identity. You are dependent on me just because you are the guest now and I'm your protector just because I'm your host. The assumption is always that, and when I'll come to your country or house or region or something, you will reciprocate my hospitality, wouldn't you?

11:14 KO: No, I see the hospitality in this scenario, and where it can be dramatized with the sea, where refugees come into Europe and there is this obligation towards reciprocity or at least a hospitality, but reciprocity seems unlikely.

11:30 NB: That's exactly shows how the political use of the idiom of hospitality is being stretched here to the maximum. Because if hospitality stages reciprocity when it happens at sea by saying, "I'm a human and I happen to be still afloat, therefore I need to save you. If next year I'll be in a storm, you will save me, won't you?" That is exactly what is never mentioned in treatments of Euro-bound migration. Not one person ever said, "And if we find ourselves off the shore of Senegal, drowning, we assume we will receive the same treatment from countries."

12:07 KO: Because that scenario is so unlikely that it's not worth even proposing.

12:12 NB: Which goes to show that the linking of the scenario of saving life at sea to the geopolitical scenario that is unfolding now in the central Mediterranean is in itself a political stretch that is shared by all sides.

12:28 KO: So it's a political stretch that's shared by all sides. One side that we haven't talked about yet is the Roman Catholic church in Italy. So how does spirituality play into this relationship of expected reciprocity?

12:40 NB: In short, with the Catholic church, I think it's so successfully in the Italian case, is that it took the question of saving life at sea and turned it from a question that is based on sameness, "I need to save you because you're a human and I'm human", to an obligation that is strong, that is based on difference. "I need to save you not because I'm human and you're human, but because I can and I'm better off than you right now." And that is a fundamentally different set up of what does it mean to be Christian Catholic Sicilian Italian European citizen meeting at sea people who are there because they are neither of these things.

13:18 KO: Is that shift in relationship one from reciprocity to charity?

13:24 NB: It's not just reciprocity to charity. It's hospitality... It's reciprocity to hospitality as obligation. We're still talking about hospitality, but we have just shifted the frame from the dimension of hospitality that assumes sameness in reciprocity to the dimension of hospitality that focuses on different hierarchy of role and the obligation that stems from that.

13:46 KO: Again, this must be hard to do because there's an assumption about who these people are.

13:51 NB: That's what became so evident in 2015 with the summer of the Balkan route. In the winter, people talked about people crossing the Mediterranean. Again, the images were boats overcrowded with African bodies sinking or having a hard time crossing the sea. Once the images were of non-black bodies walking overland from one country to the other, the language changed and the emphasis became on refugees. And once they're refugees, the question of refugees from what? What refugees? They're Syrian refugees. Why are there Syrian refugees? Because there was a war. Why was there war? Because of all the reasons we know.

14:25 NB: Do we as European countries have anything to do with what happened with that war? Well, of course we do. Do different countries in Europe have different roles or responsibility for things that happen? Of course they do. Then maybe those countries that have more to do with the Syrian War need to accept more of those refugees. So all of a sudden, the possibility to calculate responsibility, either for saving or for welcoming or even for incorporation of refugees, was completely opened up and it was no longer the assumption of reciprocity just because you're human and I'm human.

14:57 KO: Which is incalculable.

15:00 NB: And is justified by an ideology of incalculability.

15:02 KO: Yes.

15:02 NB: Yes. Both.

15:05 KO: You've written about a bishop performing a mass at sea. Why did the bishop think having this mass would impact the discourse on hospitality?

15:14 NB: So the bishop is the bishop of Mazara del Vallo, which is the port that used to host Italy's largest fishing fleet in the Mediterranean, and that fleet, because it was the largest in the Mediterranean, those ships encountered them. Sometimes they encountered people in distress, people drowning, and sometimes they saved them. So very early on, the question of framing emerges because another aspect of the setup of the sea or the desert is that these stories, on the one hand, start when somebody saves somebody or somebody encounters somebody, picks them out of the water. On the other hand, they start when somebody appears in port. So states have been reluctant to accept the versions of seafarers, not just in 2015, also in 2005. One of the ways that the bishop tried to deal with that problem is to emphasize the obligation to save life at sea and celebrate cases in which Sicilian fishermen saved life at sea. And in 2008, there was an idea to celebrate it, to emphasize it by conducting, performing Holy Mass on the high seas. What was liturgically brilliant in that case is that it wasn't just Holy Mass on the high seas, he created the relation between the Holy Mass on the high seas performed in 2009 and Jesus Christ's speech from Saint Peter's boats to the fishermen of the Galilee.

16:35 NB: The argument was this, the Mediterranean has been called, since the 1950s, this Great Lake of Galilee, or this Great Sea of Galilee, but that language unable to create a parallel between the Mediterranean of the 20th century, 21st century and the Sea of Galilee of the Bible. Now, the bishop used this and used his powers, as he said, of transubstantiation, to say, "Jesus preached from a boat, telling them, "Follow Me, and I will make you fishers of men." I as a bishop, have the power, the monopoly over the relegation of grace, through transubstantiation. I, the bishop of Mazara del Vallo, can repeat the call of Jesus Christ to the fishermen of the Mediterranean, "Follow Me, and I will make you fishers of men." Who are the men that we are supposed to fish? The people drowning. Only that you're not supposed to save their souls. Well, you're supposed to save their souls materially, not spiritually.

17:29 KO: But that's the slippage that's theologically interesting. That it's not necessarily a moment of evangelisation, but one of material survival.

17:37 NB: Yeah.

17:38 KO: I know this is slightly outside of your expertise, but you live in the United States, and in this moment where migration is up against the US-Mexican border, and there's the desert, but not the sea, why do you think the desert doesn't provide the same kind of moral leverage that the sea does in the United States as opposed in Europe?

17:58 NB: It's not a material, it's a political material answer. So the high seas, the international waters between Sicily and Tunisia, in this case, are places in which states are not supposed to perform their sovereignty. Whereas the deserts, in this case, even though they're as inhospitable, are still either on one or the other side of a border between two states.

18:18 KO: That's an important part of the conceptualization of the sea as the site for moral reflection, is that it exists beyond the sovereign.

18:28 NB: Well, again, now it doesn't exist beyond the reach of any sovereign part because NATO ships are moving around the Mediterranean. But in the language of the international law, in the capacity to mobilize various treaties and laws and norms, it is like an Archimedean point from which you can, again, reflect and challenge projects and policies and attempts by states and supra-state organisations to do what they want with the sea.

18:54 KO: Exactly.

18:55 NB: That is why the political urge of the European Union and NATO has been to take the situation of saving of life at sea and declare that my obligation to you if I saved you at sea ends when you're breathing on my deck. Now that you're alive and I saved you, I can send you to the other shore of the sea. It happened with Berlusconi and Gaddafi. It has been... There are various attempts to do it more recently. There is one European court decision against Italy, because there was a moment in which Italy said, "Okay, we'll save people in the Mediterranean, but then we'll send them back to Libya." And there was one court case in which the European courts critiqued Italy because the relationship of responsibility between saving state vessel and saved person does not end once the person is on deck. Because once the person is on deck, the entire itinerary of treatments and consideration of asylum-seeking cases, etcetera, etcetera, could not be cut off.

19:58 KO: But I get the feeling these governments are still trying to find ways to circumvent these laws. Is it even legal to drop migrants off on someone else's shores?

20:08 NB: It's illegal to put in harm's way people who have asked for your protection, which explains why so much NGO attention has been made to show how dangerous cities for the refugees to be right now in Libya. That is why the images of the labour camps and slavery are so important because that substantiates the case that whenever Europe decides to send refugees they save at sea back to Libya, they're then endangering their lives. Now, the political situation in Libya is very unstable, and it doesn't prevent Italy and France to try to train and mobilize Libyan Naval Coast Guard capacities, so that whenever a boat is intercepted at sea, the vessel that would go to help them would not be of European member states. That is why the NGO boats became so crucial, not because of the numbers of the people they save, but just because they ended up being the only vessels in the Central Mediterranean that were invested in taking people to Europe.

21:17 KO: How are NGOs and independent fishing boats that wanna help migrants being affected now?

21:21 NB: Independent fishing boats have been doing what they've done all the time. If they are

confronted with people at sea and feel the obligation to save them. I'm not saying that everybody does, then they declare it on the radio, perform the entire procedure, bring them into port and then continue on their way. NGO ships right now need to abide by the code of conduct, which significantly limits their ability to act because it makes them complete subcontractors of European search and rescue operations rather than personifications of that, more general and maybe generous law of the sea.

22:00 KO: That's fascinating because obviously the code of conduct helps states regulate NGOs, but NGOs are playing this at least political role for taking all the heat.

22:10 NB: Exactly.

22:10 KO: So I don't know what your perspective is on how effective that is even for the state to totally fault the NGOs.

22:18 NB: So what's fascinating... Not fascinating... Frustrating that happened over the last summer, is that at the beginning of the summer, there was the final curbing of NGO ships. By midsummer, no NGO ship operated independently in the Mediterranean. That was performed by the government, the new government, the new right-wing government, the nationalist anti-immigrant minister was one of the two leaders of the government. That political project was made with one goal, [22:44] , to say Italy should not suffer the consequences of European situation with refugees. He told the European countries and the European Union, "If you want us to keep accepting NGO boats, what you need to do is to take some of those refugees," which goes against one fundamental aspect of European border policy that says that any asylum requests should be processed at the country in which the person arrived. Now all of a sudden, the Italian right-wing government manages to get the EU and other countries to listen, by how? By blackmailing people on the back of migrants. Basically what happened was that NGO ships were denied entry into Italian ports 'cause the Italian government said, "We won't let you in because we know you're carrying migrants that we are not going to accept." Once NGO boats were stopped, another thing happened. Remember that 90% of the ships of the people being intercepted at sea are actually done by navies.

23:43 KO: Yes.

23:45 NB: Sure enough, a couple of weeks later, the same Italian government performed the same thing with an Italian Navy ship, was entered into port, but it left under quarantine, filled with people who had been intercepted at sea. And the Italian Deputy Prime Minister Salvini declared that he's not letting those people ashore until he would reach a political agreement with other countries and the EU, regarding the fate of those people.

24:14 KO: So what can be done to help the migrants?

24:16 NB: At the most basic level, because the law of hospitality applies, because it is the main framework through which people understand what should be done to people in distress at sea, one thing that should be done is to fight against every state attempt to stop abiding by that or stop

abiding by all the implications of that. And we should expect that states would keep changing the ways they deal with it so that the counteraction should keep doing that. I'll give you one example. Remember we said before, that what some Italian prosecutors are trying to do now is to say, "You are not an individual professing solidarity when you save somebody. You're aiding or at least favouring the actions of organized criminals." That criminalization of solidarity makes sense to a prosecutor at the national level. So at the national level, I am a prosecutor, I'm responsible for public order. I see something that in my perspective, from my scale, looks like a citizen aiding or at least favouring the action of an organized crime, meaning a crime against public order, I have to act.

25:21 NB: By scaling it up to the level of European law or international law, that perspective of a prosecutor stops making sense. That's a clear case in which shifting the scales of the perspective over what is happening at sea, insisting that it is solidarity, can have effects. But there is another way, I think, a different way to do it, and that comes back to what happened with the Balkan route, and that what happened with the Bishop. And that is the law of hospitality seems to make everything about reciprocity, and was always a way to enshrine, to reinstate, to establish relationships, power. And that is, in a way, what is happening right now. When European countries debated how many thousands of Syrian refugees would make it to which city in Europe, they were even on the radio saying yes, because they might be Christian, yes, because they are more like us, yes, because we have some responsibility towards the war in Syria.

26:15 NB: That kind of historical calculation makes an event of saving somebody's lives not about pure humanity bouncing into each other, but actually about restitution, retribution, historical settling of accounts. Now, how hard is it to frame exactly the same interaction of Italian naval officers meeting boats overcrowded with Sub-Saharan Africans into historical accounts? So we don't need to go to the 2000s. We need to go to colonial expansion or to imperial operation. In other cases, let's say slavery in the Atlantic, similar settling of accounts have happened. If we remind European countries that situations that seem like the law of hospitality actually have to do with historical settling of histories of violence, we might enlarge the tools in our hands when we address the problems that saving life at sea only emblematises, but definitely not exhausts.

27:16 KO: What do you think the resignation of Angela Merkel will do to the possibility?

27:25 NB: It would probably take away from the face of somebody who felt the obligation to do something. I can't imagine it means good things in the short term.

27:38 KO: Are things gonna get worse?

27:40 NB: I think things are going to repeat themselves. On the one hand, the Italian right-wing, anti-immigration governments managed to get out of the EU something that leftist governments or centre-left governments have tried for more than a decade and always failed. That means victory for nationalists. I don't know if I answered the question.

28:00 KO: Sure.

28:01 NB: Thank you.

28:01 KO: Thanks so much.

28:04 YR: That was Professor Kevin Lewis O'Neal in conversation with Professor Naor Ben-Yehoyada from Columbia University. Please subscribe on Stitcher, Apple Podcast, Spotify, or your favourite app, so you won't miss our next episode. This monthly podcast was brought to you by the Centre for Diaspora and Transnational Studies at the University of Toronto. I am Yana Romero. Thank you for listening and joining the conversation.

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