«МЕЃУНАРОДЕН ДИЈАЛОГ: ИСТОК - ЗАПАД»
(ФИЛОЗОФИЈА, ЛИНГВИСТИКА, КУЛТУРОЛОГИЈА)

С П И С А Н И Е
на научни трудови

ЕДИНАЕСЕТТА МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА „МЕЃУНАРОДЕН ДИЈАЛОГ: ИСТОК - ЗАПАД" МЕЃУНАРОДЕН СЛАВЈАНСКИ УНИВЕРЗИТЕТ „ГАВРИЛО РОМАНОВИЧ ДЕРЖАВИН" СВЕТИ НИКОЛЕ - БИТОЛА

МЕЃУНАРОДЕН ДИЈАЛОГ

ИСТОК - ЗАПАД

ФИЛОЗОФИЈА, ЛИНГВИСТИКА,
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СОДРЖИНА

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MIGRATION CRISIS, AND THE DUTY OF HOSPITALITY: A KANTIAN DISCUSSION

ABSTRACT: The European ideals – as well as the idea of Europe per se – are faced with a serious challenge due to recent migration crisis: it is not just the reflexes, the effectiveness and the policies, but also the consistency, the principles and the justification of the notion of the European Union that is in stake. Kant's concept of universal hospitality could probably provide a good way out of this conundrum: while hospitality has largely been viewed as a solidarity-related imperfect duty towards others, that is, a less compelling duty that allows moral agents for certain latitude concerning the occasions and the degree of its implementation, Kant's views allow for a totally different perspective, and, in my view, a much more philosophically nuanced one: hospitality might also be considered as an autonomy-based duty owed to others, and in this respect could count as a perfect, morally compelling duty. To the extent that the concept of Europe consists in humanitarian ideals that are based upon a strong philosophical humanistic tradition, I consider my claim to be in perfect harmony with the true spirit of Europe.

KEYWORDS: Europe, ideals, migration, universal hospitality, solidarity, rights, Immanuel Kant

I. INTRODUCTION

Long before it took flesh and bones back in 1957 – first as an economic community with the Treaty of Rome,[1] and much later, in 1993, as a union by virtue of the Maastricht Treaty,[2] the concept of Europe was living as a powerful, inspiring and extremely appealing idea in the minds of people of different national origin and cultural background, people that, next to anything else, identified themselves as Europeans. What is distinctive when it comes to ideas is that, once shaped in the mind, it is almost certain that they will become reality sooner or later; any idea, in this perspective, is reality-not-yet-realized. What ideas just need to do is to lurk quietly and grow patiently in their cradle until the time is right for them to come out in the light, resting assured that sooner or later the circumstances will become favorable for their emergence. Nevertheless, exactly as it is the birthplace and the cradle of all ideas, the intellect is also their deathbed and burial ground; long before any idea becomes obsolete and perishes, it has already lost its shine, inspirational impetus and appeal in the mind of humans, and this because it has failed all belief, hope and inspiration that once was invested in it.

[1.] For the official text of the Treaty of Rome by virtue of which the European Economic Community was established see https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-rome.

[2.] For the official text of the Maastricht Treaty that established the European Union see https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/maastricht-treaty.

II. THE CHALLENGE

The idea of Europe is currently faced with a severe challenge, the most serious since the Union was established; this challenge questions its very essence and, hence, is likely to result in an identity crisis if not addressed timely and effectively. During the last decade ferocious civil wars all around the Mediterranean but also elsewhere in the globe have pushed vast numbers of shipwrecked creatures, refugees and immigrants, around the European borders; these people are desperately seeking shelter and a brighter future – actually, any future at all – for themselves and their families within the European Union. Each member state, but also the Union as a whole, need to decide on how to react to this humanitarian crisis. The challenge is twofold: on the one hand it questions whether and to what extent the European Union can reach unified decisions anyway; on the other, it concerns the basis on which any such decision will be made.

While to politicians the first aspect is probably the one that matters mostly – if not only, I believe it is still the second that, if not addressed properly, poses the greatest threat to the ideological justification of the idea (and the ideal) of united Europe. In other words, it is the basis upon which Europe will respond to the present challenge that will determine the immediate future not necessarily of the European Union itself – since the phenomenal world is dependent also upon contingency and the capriciousness of fate – but, most importantly, the survival of the idea of Europe and, to the degree that no union may stand if it is not bolstered by a strong idea or set of ideas, the very existence of the European Union in the long run. In the light of the above the migration/refugee crisis poses the ultimate challenge: what is at stake is whether the idea of a united Europe will remain strong, inspiring and influential, or if it will gradually fade away and collapse into an obsolete, redundant concept, just another one among numerous that have once been dominant, but after a while were left with only a dusky corner in the history of ideas. The way I see it, since it is nothing more than principles, values and ideals the idea of Europe consists in, the more we hold fast to these principles, values and ideals, the more chances there are that the idea of Europe will exit the turmoil intact or, the least, alive.

The core constituents of the idea of Europe were forged as early as during the 5th century BCE by the Greeks, and were later on further consolidated by the Romans: democracy, equity, parity, dialogue, lawfulness, participation, tolerance, openness, and inclusion; these concepts constitute the core of the idea of Europe, and pervade every constitutional document of the Union as the honey pervades the honeycomb, in the words of Tertullian.[3] No doubt democracy, equity and dialogue are usually considered to be prima inter paria, the most dominant within the core-concepts that shaped the idea of Europe. In my view, however, if it weren't for openness and inclusion, nothing about the origins and the true essence of the idea of Europe would have developed to be as great, or as promising. In every sense, the Greek civilization was shaped around this all-pervasive, inherent tendency for openness towards – and integration of – every otherness; as far as I am concerned, it has been exactly this inclination – that soon developed into a solid feature and a distinctive mark – that paved the ground for the establishment of democracy, parity and equity. In any case, it became the conditio sine qua non for the emergence of the concept that people who originally belong in different national groups may still be part of a larger whole, a union, and this only due to the fact that they share a common cultural background. Isocrates' iconic quote

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[3] Tertullian, *The Treatise against Hermogenes*, ed. Walter J. Burghardt, Jan Hendrik Waszink, T. C. Lawler, and J. Quasten, trans. Jan Hendrik Waszink (New York: Paulist Press, 1956), 44.1, 82.

recapitulates a view that has been dominant in his time: bloodline, race and ancestry are irrelevant; what is of actual significance is the willingness to share in a common culture:

> […] and [our city, Athens] has brought it about that the name Hellenes suggests no longer a race but an intelligence, and that the title Hellenes is applied rather to those who share our culture than to those who share a common blood.[4]

Seminal and prevailing as it proved to be, this worldview served as the cornerstone for the idea of a shared European identity, one that would not be founded on 'race,' but on 'intelligence.' It also became the basis for the emergence of cosmopolitanism, and it is not surprising at all that the first true champions of cosmopolitanism – as well as they who actually coined the term – were the Stoics, and especially the founder of Stoicism, Zeno of Citium; the few extant fragments of Zeno's Republic suggest that he introduced the notion of a cosmopolis, as "[…] an ideal community of sages, an isolated commune of intellectuals […]."[5] The later Stoics have obviously been less fastidious than their forefathers, and this is probably best expressed in Seneca the Younger:

> Let us take hold of the fact that there are two communities – the one, which is great and truly common, embracing gods and men, in which we look neither in this corner nor in that, but measure the boundaries of our citizenship by the sun; the other, the one to which we have been assigned by the accident of our birth.[6]

Seneca recapitulates in this passage the doctrine that lies at the core of Stoic ontology, and also lead them to their infamous cosmopolitanism, that is, the tenet that all men (and gods alike), next to any national or other, partake also to the greater community of rational beings, one that transcends all borders, any bloodline or ancestry.

What makes possible the idea of a common European identity is that all those who identify themselves as Europeans endorse – and are aware of the fact that they do – a belief that is quite analogous to the one championed by the Stoics, only that now the unifying material is not logos, but a set of shared values and principles instead that justify and sustain the idea of Europe and make almost imperative the concept of a shared identity.

These having been said, my claim that the present migration crisis is crucial for the survival of the idea of Europe is now probably a little bit more illuminated: if openness and integration – and their natural born offspring, cosmopolitanism – belong to its core, responding to the crisis in any other way than being in full harmony with these innate tendencies would be tampering with the foundation, the character and the very essence of the idea of Europe. In such a case, I fear that the idea of Europe would eventually collapse into a sad simulacrum reminiscent of a concept so lofty, that was at least expected to live more than half a century. Luckily, philosophers have not remained silent in the face of such a grim prospect. On the contrary, they have gone to great pains to disprove it.

[4.] Isocrates, *Panegyricus*, 50, in Isocrates, *Volume I: To Demonicus. To Nicocles. Nicocles or the Cyprians. Panegyricus. To Philip. Archidamus*, trans. George Norlin, The Loeb Classical Library No. 209 (Cambridge, MA: Harvard University Press, 1980).

[5.] John Sellars, "Stoic Cosmopolitanism and Zeno's Republic," *History of Political Thought* 28, no. 1 (2007): 1-29, 2.

[6.] Lucius Annaeus Seneca, *De otio*, trans. Aubrey Stewart (London: George Bell and Sons, 1900), 4.1.

III. THE RIGHT TO (AND THE DUTY OF) UNIVERSAL HOSPITALITY

The prevailing view concerning the ethics of hospitality consists roughly in that there can be no such duty as to be hospitable to those in need; and needy ones, in turn, are not just by virtue of their situation entitled to any right to enjoy the beneficence of others. On the contrary, providing hospitality is usually considered as a textbook case of supererogation, an act that goes beyond duty and adds to the moral merit of any agent who chooses to be hospitable, while it doesn't diminish the merit of those who decide not to.

Jacques Derrida famously remained unconvinced by this view; on the contrary, he set out to advocate the principle of unconditional hospitality as capable of sustaining a perfect duty, one that is always morally binding for agents irrespective of the circumstances. While to me it is quite difficult to accept hospitality as an unconditional moral duty towards the others, I fully share Derrida's concerns about the prevalence of the opposite view:

> I remember a bad day last year: It just about took my breath away, it sickened me when I heard the expression for the first time, barely understanding it, the expression crime of hospitality. In fact, I am not sure that I heard it, because I wonder how anyone could ever have pronounced it [...] no, I did not hear it, and I can barely repeat it; I read it voicelessly in an official text. It concerned a law permitting the prosecution, and even the imprisonment, of those who take in and help foreigners whose status is held to be illegal. This "crime of hospitality" (I still wonder who dared to put these words together) is punishable by imprisonment. What becomes of a country, one must wonder, what becomes of a culture, what becomes of a language when it admits of a "crime of hospitality," when hospitality can become, in the eyes of the law and its representatives, a criminal offense?[7]

Derrida's view is by all means striking, but far from unprecedented. Long before him Kant in his Perpetual Peace: A Philosophical Sketch was the first to provide a consistent and comprehensive account of the duty to provide universal hospitality that would be accessible by everybody, regardless one's condition and irrespective of the circumstances:

> As in the foregoing articles, we are here concerned not with philanthropy, but with *right*. In this context, *hospitality* means the right of a stranger not to be treated with hostility when he arrives on someone else's territory. He can indeed be turned away, if this can be done without causing his death, but he must not be treated with hostility, as long as he behaves in a peaceable manner in the place he happens to be in. The stranger cannot claim the *right of a guest* to be entertained, for this would require a special friendly agreement whereby he might become a member of the native household for a certain time. He may only claim a *right of resort*, for all men are entitled to present themselves in the society of others by virtue of their right to communal possession of the earth's surface. Since the earth is a globe, they cannot disperse over an infinite area, but must necessarily tolerate one another's company. And no-one originally has any greater right than anyone else to occupy any particular portion of the earth. [...] In this way, continents distant from each other can enter into peaceful mutual relations which may eventually be regulated by public laws,

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7. Jacques Derrida, *Negotiations*, trans. Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2002), 133.

thus bringing the human race nearer and nearer to a cosmopolitan constitution.[8]

Echoing Zeno and Seneca, Kant advocates the notion of 'world citizenship' as the basis of a 'cosmopolitan right:'

> The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*. The idea of a cosmopolitan right is therefore not fantastic and overstrained; it is a necessary complement to the unwritten code of political and international right, transforming it into a universal right of humanity. Only under this condition can we flatter ourselves that we are continually advancing towards a perpetual peace.[9]

This is not the occasion to discuss Immanuel Kant's place in the history of ideas; I will only suggest that Kant digested a significant part of the philosophical tradition that precedes him, and then moved on to recapitulate and reshape it in a unique way, so as to introduce a current that has deeply influenced ever since the European culture and civilization; for once, he set out – and to a large degree he succeeded – to provide a consistent justification for the key doctrine of Enlightenment, that all men are created free and equal. The advocacy of universal hospitality on his behalf is throughout interwoven with his overall view on rational moral humanity as a legislator in the realm of ends, and is showcased as an imperfect duty towards others, namely the duty of solidarity.

In particular, and this par excellence applies to ethicists that are under the influence of the Kantian tradition in ethics, rights are considered to be intrinsically related to – and dependent upon – already established corresponding duties, upon which these rights are based, and from which they draw their justification. In the words of Jozef Raz,

> 'X has a right' if and only if X can have rights, and, other things being equal, an aspect of X's well-being (his interest) is a sufficient reason for holding some other person(s) to be under a duty.[10]

In short, at least as far as the Kantian tradition in ethics is concerned, moral duties come first, and moral rights follow; or, the justification of any right is always based upon some corresponding duty. Duties, now, are classified by Kant as strict and praiseworthy respectively – or, perfect and imperfect, and this classification supports two distinct categories of duties, negative and positive rights respectively. Next to negative rights that derive from strict or perfect duties, there are also positive rights that are founded upon praiseworthy – or, imperfect – duties. As far as positive rights are concerned, the following rationale applies: X's positive duty towards z to f, means that x should undertake certain actions in order that z is allowed or facilitated to f or fing; from this, in turn, may be inferred that z has a right against x that z is allowed or facilitated to f or fing. In other words, if everybody is bound by duty to undertake a certain course of action towards me, I may be justified to claim it as a moral right of mine to be acted upon in a certain way, and not in any other. As an example of imperfect (positive)

[8.] Immanuel Kant, "Perpetual Peace: A Philosophical Scetch," in Kant: *Political Writings*, ed. H. S. Reiss, trans. H. B. Nisbet, 93-130 (Cambridge: Cambridge University Press, 1991), 105-106.

[9.] Ibid., 107-108.

[10.] Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 166.

duties towards others Kant mentions the duty to come to one's aid when one is in need;11 commensurate to this duty is the right to solidarity, by virtue of which one may claim it as one's right to be aided when in need, as it is in the case of the right to easy-rescue. Now, praiseworthy, imperfect duties like the duty of solidarity, that give rise to positive rights, are not morally binding, and this because imperfect duties are considered in general to allow for some latitude concerning their implementation.

Solidarity is usually taken to be the epitome of non-morally binding duties; this means that one is not obliged to express one's solidarity whenever one has the chance to, or the situation calls for it. From this point of view, those who deny hospitality to immigrants are perfectly justified in doing so, since the decision on whether to receive immigrants in this time and under these circumstances rests with them; they could always solidarity another time, maybe to some next wave of immigrants that will follow – or never, and to nobody.

I remain very skeptical about the actual existence of any line of demarcation between perfect and imperfect duties and, of course, the same applies to the rights that derive by each. The reason I am so reluctant to consider this line of demarcation as sufficiently sharp is this: while imperfect duties allow indeed for some latitude in general, when it comes in particular cases their underlying maxim should be put to the test of universalizability equally as any other maxim. This test is twofold in all cases; the first step is to ask: can I coherently conceive of a world where the maxim that underlies the duty of hospitality wouldn't apply? If the answer to this is yes, as it is in the case of the maxim that regards not providing hospitality, the next and final step would be: can I rationally want a world in which the maxim that underlies the duty of hospitality applies? I cannot think of anybody who would respond positively to this, since such a person would, among others, rob himself of the hope that others would come to one's aid when in need, as Kant puts it. By and large, while the duty to provide hospitality in general may not morally binding or compelling, in individual cases, when, that is, you have to decide whether or not to provide shelter to devastated, hopeless immigrants or not, it may be as binding as any perfect duty would be.

IV. POSTSCRIPT

I will rest my case here. I will only say this: in my view, the way Europe will respond to the challenge put by the present migration crisis is not an issue that allows for circumstantial decisions; on the contrary, it concerns the very essence of the idea of Europe, as well as the survival of Europe as a union of national states. I am pretty sure that nobody will weep over the ruins of an unhospitable, offish, restricted and secluded Europe that has willingly given away its essence and has turned into a travesty of what it was once meant to be; for what it is worth, I will definitely not.

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11. Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. and trans. Allen W. Wood (New Haven and London: Yale University Press, 2002), § 4:423.

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