



CITIZENS OF THE SEA

The poster

The struggle for the recognition of man's rights has always been a prerogative of human history.

The last two centuries have seen a significant progress, thanks to the constitutions of liberal and modern states, which have seen the affirmation of natural and fundamental rights.

It is by no means a firm point that, after sixty years, the principles contained in the Universal Declaration of Human Rights, also called as "*Magna Carta of Humanity*", and in the Ventotene Manifesto, are today known, understood, and, above all, implemented.

How reasonable is it to assign different treatment and distinguish those who flee persecution and threats to their life from those who flee because they have nothing to live on?

Starting from this reflection, in Matera, City of Peace, in 2023 Energheia proposed the initiative "**Literature as a Tool for Civil Engagement**": the International Citizens of the Sea Project, aimed at discussing and educating new generations on the topic of migration and the arduous path to protecting migrants' rights, identifying them as **Citizens of the Sea**.

The myth of Europe as shipwrecked and guest

There is a theme that is evocatively intertwined with the one of Europe, that is the theme of friendship.

Even in a time in which a disenchanted rationality seems able to do without any foundation outside itself, we are hosted - or aspire, more or less consciously, to be - by great myths. And the matter is, if anything in this regard, whether myths "willing" to host us there still exist.

If they still exist, if they have ever existed, myths capable of determining Europe. Holding within a paradigm a European homeland that, like Virgilian Italy, flees. If their destiny, the destiny of myths, their sad vocation is not simply to recount its impossibility, today perhaps no more than its weariness. A Europe tired of itself, of its mission?

Europe, shaken by an overbearing 'insecuritas' and therefore – paradoxically - constrained, condemned to hegemony, to curiosity, does nothing else, has done nothing but set sail in its history, in its evolution. Pericles invited the Athenians to consider their ships as their homeland, emancipating it from the land, deterritorializing it, to free it from the invincible Persian threat. Starting from the founding myth of the nymph Europa who bears his name. Europa, the Phoenician, was deceptively translated from Asia; therefore, Europa, a nymph who came from Asia, was shipwrecked herself, before becoming a land of landings. Europa is symbolized by a sort of shipwreck, in any case by a "translation" of a nymph from Asia. Starting from this founding myth, European myths are in fact paradoxical myths of travel, of invention in the other, sometimes of the guest (*hospes*), sometimes of the enemy (*hostis*), of curiosity hungry for hegemony or knowledge, or better, both of them. But where there is a sea, there is already the promise of a shipwreck, and where there is a shipwreck, there are the drowned and the saved, that is, the shipwrecked who are awaited on every shore, just as we await the unknown friend. The one who perhaps will hurt us even just by reminding us of our common destiny. Each island of the archipelago, an image dear to Massimo Cacciari, awaits its shipwrecked sailor and awaits him to allow him to discover his most authentic mission.

Other founding figures of our history, of our mythology, are precisely

castaways who refound. Aeneas wasn't the first one, and in any case, Aeneas, who founded Rome, also came from Asia. Every solitude is awaiting its friend, awaiting its friend to be preserved in its irreducibility, to save its difference, as in the stellar friendships found in a beautiful passage by Nietzsche in *The Gay Science*, and to which Cacciari devoted luminous pages. The castaway is by definition also a spectator, because he survived, but he knows in that survival that he will be shipwrecked again, that his destiny lies in the shipwreck. As with God, Cacciari notes again, he himself is a foreigner, therefore a much more foreign God, well before being a master of hospitality.

Thus Europe, which I mentioned earlier, the Phoenician Europe, shipwrecked by translation, by abduction, is in turn shipwrecked even before being a land of shipwrecks, a land for the shipwrecked. And it likely owes its incessant restlessness, the exercise of infinite questioning, to this dramatic genesis. If we think about it, philosophy itself was born from this restlessness. It is to that original shipwreck that philosophy itself is owed.

And that original shipwreck urges us to understand the role of the shipwrecked "friend of humanity," as Freud unconventionally attributed to Einstein in the famous correspondence on the possible radiation of war from the system of human relations, "implored" by the naive enthusiasm of the great German physicist.

Navigation and Shipwrecks in the Philosophy of the Sea

Fleeing a city destroyed by war, by the ferocity of the Achaean weapons, the Trojans, led by the hero Aeneas, reach the shores of a foreign land. Virgil recounts the fate of these refugees. He tells of their suffering at sea. Of the pain they experienced during the long hours of navigation. Of their limbs burned by the salt water. Of their rejection by both Europe and Asia. And finally, he recounts of their request for asylum when they reach the Libyan shores. But those who should welcome them prove hostile; they threaten to burn their ships, refuse them hospitality (*hospitium*) on the beach, and any form of welcome. Then the Trojans complain that this behavior is unworthy of someone

who belongs to the "human race." It goes against the very principles that must support the bonds that bind men together because they belong to the human family, even before any form of citizenship. Seneca had outlined the fundamentals of similar principles: "to lend a hand to the shipwrecked, to show the way to those who have lost it, to share bread with the hungry," based on the fact that "nature has created us relatives."

Brought before Dido, queen of those Carthaginian lands, the Trojans, to plead their case, ask one thing: *'proprius res aspice nostras'*, that is, *look closely at our destiny*. We come from far away, but we are human, like you. If you look closely, you will see that what we ask is a refuge from the waves, a land on which to rest our broken and exhausted bodies. That we do not come to bring war, that it is not our intention to plunder your riches, that in our hearts dwells no violence.

Look closely at us, and you will see that we are human, who have suffered, and who ask to be welcomed and treated humanely.

Migration: A Descriptive Concept and Its Normative Implications

In the Universal Declaration of Human Rights, approved on December 10, 1948, by the United Nations, which recognizes the right to seek asylum from persecution in other countries – unless they are sought for non-political crimes or for actions contrary "to the purposes and principles of the United Nations."

According to the Ventotene Manifesto 2.0, in 2019, total net migration to the EU was 1.5 million people, with just 0.6% of the EU's total population in need of international protection and approximately 100,000 irregular entries.

Following Russia's invasion of Ukraine in 2022, the number of non-EU citizens legally residing in an EU country reached 27.3 million, representing 6.1% of the total EU population in 2023. Around 73% of migrants lived in just four Member States: Germany (28%), Spain (16%), France (15%), and Italy (14%).

In total, the Asylum, Migration and Integration Fund resources allocated to integration measures (such as language training, vocational

and social guidance) in the various programs implemented in the Member States amounted to approximately €1 billion for the 2014-2020 budget period, and have almost doubled for the 2021-2027 period, reaching approximately €1.9 billion. Additional resources from the Fund are managed directly by the Commission and allocated to integration measures. Other EU funds, such as the European Social Fund (ESF), the European Social Fund Plus (ESF+), the European Regional Development Fund, and other programs such as Erasmus+, can also contribute to the integration of migrants and people with a migrant background.

Migration is a matter of people and relationships. The relationship between those who emigrate from their country of origin is severed, while the relationship with the future country of arrival is yet to be built, and this construction will not be free from mutual distrust, from negative social constructs of the image of the migrant, portrayed as "someone" to be kept at a distance, especially in light of ideological and media exasperation, related to certain criminal incidents, which can never be generalized. All people must be recognized for their strengths and weaknesses belonging to any other human being. But often the humanity of the migrant is suffocated and sometimes annihilated under the weight of prejudices and fears existing in societies. And it is precisely the human dimension of these people that we need to recover in order to listen to and understand the migrant person. Is this a new phenomenon, specific to our times? Or is it part of the historical tradition of liberal and civic humanism that, offering ideological forms to national aspirations, looks favorably on the globalization of goods, because it increases wealth in the hands of a few oligarchs, but not on the free movement of people?

European citizens in their daily lives, experience society differently than is represented in politics, because the members of multiethnic and multicultural societies are trained from childhood to see things differently. Some see the forest while others see the trees, grasping differences that a single cultural approach ontologically cannot appreciate: this can be an added value in the field of technical-scientific research, bringing greater innovation, creativity, and flexibility to the needs of local markets.

Claims of vaunted autochthonies (peculiar to many peoples, even in ancient times) reveal themselves, upon closer inspection, to be '*proprius aspice*', constructed from fragile and often deceptive material. Narratives that should be questioned because they can give rise to policies that foster oppression and ultimately lead to a loss of freedom. The most philosophically informed literature to unmask these mechanisms – Leopardi wrote: "*Of the ancient, presumptuous opinion held by various peoples of being indigenous, and therefore different in birth or rights from other men, with which they justified their conquests, their national preeminence, the claims that each people had over other peoples, their being free from all laws towards foreigners, their national or individual slavery, the oppression of tenants or domiciled foreigners, in short, their hatred towards other nations, while professing love for their own, and believing themselves obligated by law and nature towards their own citizens or compatriots.*"

Global emergencies that only a Constitution of the Earth can face

Only through the introduction of suitable global functions and institutions of guarantee the great global challenges can be adequately faced. Let's analyze five of these challenges or catastrophes, because peace, equality, fundamental rights and goods, starting with the life and survival of all, depend on the responses given to them.

The Tragedy of Migrants

A particular emergency is the plight of the hundreds of thousands of migrants who every year flee one or more of the tragedies present in the world, are rejected at our borders and, when they do not die in their odysseys, encounter oppression and racist discrimination in our countries.

This emergency is the product of a blatant violation of the right to emigrate. The origins of this right date back to the early modern age, when it is used to legitimize the conquest and colonization of the "New World" by the Spanish. Today, this right has been codified in Articles 12,

paragraph 2, and 14, paragraph 1, of the Universal Declaration of Human Rights of 1948, in Articles 12, paragraphs 2 and 3 of the International Covenant on Civil and Political Rights of 16 December 1966, and in Article 35, paragraph 4, of the Italian Constitution.

Therefore, every time agreements are made with countries from which migrants depart to prevent them from leaving, or blockades or naval missions are considered to prevent migrants from leaving, a fundamental right that is part of international law and current constitutional law, as well as the principle of equal dignity of all human beings, is being violated. Even more serious is the plan advanced today in Italy, by the right-wing government, to deport migrants to detention centers in Albania; migrants are not things, but people, and their transfer outside our borders against their will constitutes not only a violation of the right to emigrate, but also kidnapping.

A fundamental theoretical question arises here. Citizenship, which at the origins of constitutionalism was a factor of inclusion, as a negation of the differences in status in the '*ancien régime*', has today been transformed into the latest accident separating people based on their birth. As such, it contradicts the principle of equality and the universalism of human rights, which in all international charts and in most national constitutions, apart from the political rights conferred in each country on its citizens, are attributed to all as persons.

The effect of these illegitimate inequalities of *status* and violations of migrants' human rights, from the right to emigrate to the right to life, is a growing death toll: thousands of people drown every year in the Mediterranean or are turned away at the borders between the United States and Mexico. These deaths are the result of our governments' policies, supported by the indifference or the consensus of a large part of our public opinion.

These policies, precisely because they are aimed at generating consensus, are causing, through the contagious and legitimizing effect of the inhumanity displayed at the highest levels of the state, a lowering of moral sense at the mass level. To counter these violations of rights, a Constitution of the Earth must guarantee the right to emigrate from one's country while also providing the obligation, logically implied by it,

to satisfy it with the right to immigrate to some other country. More generally, it must either eliminate this last difference in *status* based on birth, determined by national citizenship, or grant all human beings' universal citizenship, as citizens of the Earth. It is only the racism and mass immorality, promoted by xenophobic policies, that makes it unthinkable, in Italy, even to grant citizenship to migrants or children of migrants born or raised in Italy and guilty only of being born from foreigners.

And yet, it is precisely these policies that cultivate a utopia: the idea that the growing pressure of the excluded at our borders can be repelled with laws and violence. They are shortsighted policies, which ignore that migration is a growing and irreversible phenomenon, destined to overwhelm national borders and redraw the spaces of politics and law. These policies ignore the role of progress that migrants have always played historically. Just think of the formation of what is now the world's greatest power, the United States. The US population was formed entirely through migration and therefore through the interaction between multiple cultures under the principles of equality and freedom. The inhabitants of the United States, mainly from England and the Netherlands, numbered only 250,000 at the beginning of the 18th century and just under 4 million, precisely 3,929,214 in 1790. In 2023, they numbered 339,996,563, coming from all over the planet and equal to 4.25 percent of the world's population, with extremely high annual emigration rates, particularly at the beginning of the last century.

Western world governance as an updated version of colonial domination

The model of equal sovereignty of states, they say, results in substantial international anarchy and conflict, sometimes cold and sometimes hot, between the great powers for world governance. Today, the greatest power, both militarily and economically, is undoubtedly the one of the Western countries. Unfortunately, the governance pursued by these countries carries within it, like a genetic code, their colonial past. Despite the processes of decolonization, the current leaders of the

Western powers have inherited the colonial mentality developing over the centuries based on the self-depiction, first as a Christian world, then as a civilized world, and finally as a free world.

The origins of this idea of the primacy of the West, of its self-depiction as a civilized or at least superior world, and of the resulting asymmetry between "us" and "them," are linked to the discovery and conquest of the Americas. Francisco de Vitoria was responsible for the first philosophical and legal elaboration of the theoretical foundation of the conquest and relevant colonization.

In his lectures in Salamanca in the 1430s, Vitoria denied the validity of all the old titles on which the Spanish had based their invasions. The claim to universal sovereignty of the Empire and the Church, the '*ius inventionis*' of unknown lands, but actually inhabited by indigenous people, or worse, the special concession to the "most Catholic" Kings of Spain and "their heirs and successors" of "all the islands and mainlands with all their dominions, cities, fortresses, inhabited places found and to be found, discovered and to be discovered," decreed on May 4, 1493, by the *Bull Inter Caetera* of Pope Alexander VI.

To these manifestly unfounded claims, Vitoria countered, as legitimate claims to the occupation of the New World, a long series of edifying rights universally granted to all human beings, but in fact unequal and asymmetrical since only the Spanish could then exercise them: first of all, the "*ius migrandi*" that is, the right to move to the New World and acquire citizenship; then the "*ius peregrinandi et degendi*," since the seas, rivers, and ports were "*common goods*" then the "*ius commercii*" the "*ius occupationis*" of uncultivated lands, and the "*ius praedicandi et annuntiandi Evangelium*".

Finally, as a closing rule, the right of the Spaniards to defend these rights even with the extreme measure of war. Which was done, in the form of massacre. At the origins of modernity lies a genocide: the destruction of pre-Columbian civilizations and the extermination, also due to epidemics brought by Europeans (especially smallpox, measles, and tuberculosis), of almost 90 percent of the indigenous populations, equal to approximately 70 million people.

The idea of the West as the center of the world was then established,

at the origins of the modern age, when the *ius gentium* was modeled, by Francisco de Vitoria and then by Alberico Gentili, Francisco Suárez, and Hugo Grotius, as a system of relations between civilized nations only, that is, between the nascent European states. It was then further refined and consolidated with the development of the plurality of sovereign states, depicted by Thomas Hobbes and much of modern political philosophy as a savage society in a state of nature, or of "*perpetual war*". The result was a double opposition between the civil state achieved by European legal systems and the uncivilized or natural state that is precisely on the one hand, the set of sovereign states virtually at war with each other, and, on the other, the uncivilized and savage populations that the West has always claimed, as its historical task, to conquer, evangelize and civilize.

Illegal immigration, international law, and the presence of migrants in the Italian prisons

Prison is not a normal place. And it is even less so if you are a foreigner, if you don't speak the local language well, if you come from a very difficult migration path, if you are unclear about the reasons why you were arrested or convicted.

The vast and complex issue of migration is today treated as a simplified matter.

It is instrumentally and demagogically made to coincide with the criminal issue, while it is primarily a social, geopolitical, and economic issue. To fully address the phenomenon, we can only begin with the presence of free foreigners on Italian territory. According to official data, there are just under five and a half million foreign residents, equal to 9% of the total population. This figure is constantly increasing: as of January 1st, 2023, there were approximately 5 million foreign residents, accounting for 8.7% of the population. To these must be added at least 500,000 more foreigners illegally present in Italy. If we instead look at the presence of foreigners in prison, according to the most recent data, they are approximately 31.5% of the total prison population. In recent years, the number of foreign prisoners has declined, despite political and

media debate suggesting a much more alarming picture and despite, as mentioned, the certified growth in the number of foreigners resident, whether legally or not, in our country. Considering that twenty years ago, the total percentage of foreign prisoners was as high as 37.5%. We have therefore witnessed a decline of more than six percentage points. And yet, election campaigns have been won around the equation immigration equals crime.

A significant contribution to the reduction in foreign prisoners has come from the Romanian and Albanian communities. The presence of Romanians in prison has progressively decreased over time, as it has happened for Albanians. This is the positive outcome of community integration, the presence of new generations, and family reunifications. On the other hand, if we consider other communities widely represented in prison, we see that the percentage of Moroccan and Tunisian prisoners tends to increase slightly. In both cases, these are non-EU countries that have suffered a significant restriction in their ability to access forms of regularization and consequent more stable job opportunities. These are communities in which the female presence is lower. Here, we have seen fewer forms of integration, and this negatively impacts the imprisonment flows. Unfortunately, the foreign prison population experiences discrimination in prison life compared to the native population, despite Italians receiving substantially more severe sentences, handed down for more serious crimes, and serving much longer sentences. Data confirms that Italians have easier access to alternative measures and home placement, thanks to the support of loved ones and ties in the area, which is often not the case for foreigners, who are not provided adequate reintegration tools by institutions.

This framework includes a policy aimed at eliminating all forms of reception, including for minors. Today, unaccompanied foreign minors constitute as much as 50% of the juvenile detention population, thus overturning a system that previously functioned adequately.

Many of these young people come from tragic migration journeys during which they experienced and endured torture and abuse, loneliness and contempt. During prison observation work conducted by

'Antigone', we often encountered young people, like the protagonist of Matteo Garrone's film "*Io Capitano*" accused of being smugglers, when they were clearly pre-designated victims of human trafficking from which they could not escape except by death. A paradigmatic case was the case of Maysoon Majidi, a Kurdish-Iranian activist who was imprisoned in Italy and later acquitted, falsely accused of being a trafficker.

It would finally be necessary to abandon punitive, prohibitionist, and security-oriented rhetoric. Instead, we should rely, even in the field of migration, on social and criminal statistics and critical analysis, in order to qualitatively and quantitatively assess a complex phenomenon. Simplifications are always the anteroom of injustice.

People cultivate ideas of freedom and justice that they attempt to translate into concrete historical forms, but in the post-globalization era, in which we live, what should we aim for: a supranational legal system aimed at maintaining peace, or a republican political practice at the state and international level keeping political change open?

The sea, by definition alien to the survival of man, who seeks to dominate and exploit it, unable to be a part of it, can be the framework for a different way of being **Citizens of the World**.

In Matera, in 2023, starting from the reflections of the Philosophy of the Ocean, the idea was born of providing a sea passport, recognizing human rights to anyone rescued from a shipwreck, with a temporary identification document that will overcome the *impasse* of the failure to recognize refugees or economic migrants, which is currently the crux of a legislative vacuum within which mafias are inserted.

Overcoming individualism: from integration to inter-action to promote civil coexistence among peoples.

Philosophy and literature can recall how the Mediterranean has been a place of hospitality, dialogue, uninterrupted cultural exchange, a space of freedom and proud flights. A place where the sun of history stood, giving birth to Europe and its specific peculiarity. Philosophy and literature can also dismantle narratives of identity (showing how our past

is not rooted in a single land); above all, they can point to what it has always been Europe's authentic vocation, namely, its archipelago-like nature, shaped by the connection and coexistence of the different and multiple identities constituting the whole.

Identity is a term sharing its root with the Greek '*idiotes*'. Every identity closed in on itself, isolated, is *idiotes*, and none of such identity has ever been the foundation of a powerful, free community, capable of expressing innovative energies and social dynamics of growth and development. When Italy was the economic and cultural heart of Europe, during the Renaissance, and produced a wealth it still enjoys, its driving force was curiosity and openness to other languages, religions, and traditions.

The most important philosopher of the time, Pico Della Mirandola, argued that the identity of those who confine themselves within a single culture becomes narrow, that is, small and anguished, unable to breathe, suffocating. Because our identity (which we must not renounce, and which is undoubtedly constitutive of who we are, and has its own specific characteristics that distinguish it from others) grows and flourishes when it reflects and engages in dialogue with what is other than itself. Only by assuming other's perspective an identity, whether individual or communal, can look at itself as if from the outside, recognizing its own faults and shortcomings, and in this way, it can know itself and gain power.

The sea, even for Pico, was the opposite of any form of closure, an image of navigation as a discovery of the other and of the self.

These Trojans, children of Asia, led by Aeneas, will eventually be welcomed, and then they will depart from the Libyan shores, on a journey that will take them to Italy, first to Sicily, then to the coasts of Lazio, where they will settle and where their descendants will found Rome. Rome is the daughter of refugees from Asia, whom Virgil called by many names (shipwrecked, veterans, vanquished, derelicts, exiles, castaways).

These refugees will merge with the peoples they found on that land upon their arrival: the Latin peoples. For Seneca, "*Rome has as its founder an exile, a refugee who had lost his homeland and dragged with him a*

handful of survivors in search of a distant land... You will struggle to find a land still inhabited by natives: everything is the result of mixtures and grafting." Even more, Rome was born by welcoming and granting asylum to all who sought it: in Rome *"they welcomed everyone, without handing over slaves to their masters, debtors to their creditors, nor murderers to magistrates, but they said they granted asylum to all"* (Plutarch). Padua was also founded by refugees – the Eneti (from which the Veneti), allies of the Trojans, also fleeing their homeland, Paphlagonia (present-day Turkey), after losing their king during the Trojan War, reached the Adriatic Sea, together with the hero Antenor, to land on the coasts of present-day Veneto, where they met the Euganei, and from there spread throughout the region, and built, under the leadership of Antenor himself, the city of Padua. The legendary roots of Italy, Europe, of the West, more broadly speaking, are an antidote to any narrative of presumed autochthony or indigeneity.

The Europe of integration among peoples was born in the prophetic words of the **Ventotene Manifesto**, evoking those conservative forces that regaining their power will disguise themselves as lovers of peace, freedom, and the general well-being of the poorest classes, seeking to leverage the restoration of the nation state and appeal to patriotism. National jealousies will replace an attempt at federation among European states, undermining the European vocation, and the very idea of Europe.

Over the last 10 years, Europe has culturally shifted from a "cradle" to a "fortress," due to the strong politicization of the immigration issue by the far right and nationalist populism, which, by changing the terms of the narrative, offers a distorted description of reality.

Distrust of the unknown and the economic crisis of Western societies monopolize the public debate on immigration by using fear, racist stereotypes, and xenophobic rhetoric, especially in the shortest and most effective communication tools, such as social media, where there is no room for reflection, debate, and counterarguments.

A socially complex issue therefore becomes not addressable if the cultural tools of political and sociological analysis are lacking, that needs reflection, detailed and in-depth study of phenomena, and not unilateral

communication as the primary political methodology.

Proposals for Reception and Socio-Normative Implications: Citizens of the Sea

The presence of conflict (reception-internal security) whether you like it or not, arising in host countries is undeniable. This is one of the reasons behind the strictest regulation of migration flows. Therefore, the objective and concrete realization of the human right to emigrate and settle where one expects to find a better chance of realizing aspirations and projects must necessarily be balanced with the corresponding right of the receiving state to be able to manage its immigration policy within the framework of the common good and the established order. In light of this, it is clear that, although there is a "*right to emigrate*" there is no "*absolute right to immigrate*" that is, to enter another country in any case. This is because destination countries have the right to govern immigration through access and integration, but by establishing humane rules that respect the dignity of people. As Pope Francis recalled in his address to the UN General Assembly in 2015, it is true that "*without law there can be no justice*" but "*the priority of law entails the limitation of power, which therefore cannot be absolute.*"

For these reasons, "*even law is not totally sovereign*" because it is necessary to recognize a moral law inscribed in human nature itself providing support and, above all, truth to law, thus saving it from the aggression of false rights.

Given the need to harmonize the stratification of criminal and civil laws of individual states within the European framework, it is necessary to identify the protected legal assets and offer a framework for reconciliation with philosophy and history.

If we reduce our idea of justice to a set of positive norms, to schemes producing a proliferation of laws to be applied and merely obeyed, we risk severing the connection between law and justice. "*Just*" Aristotle said, "*is what concerns the other, it is wanting what is good for the other, but the set of norms that constitute law can only accidentally adapt to this need. If the relationship between the two poles of law and justice is*

lacking, the norm will have nothing to do with what is right; but to maintain this relationship, law must strive to look closely at the 'res judicata', seeking to establish a relationship, as far as possible, with its otherness."

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