

Comment

Response to Hirt, Alfred. Dalmatians and Dacians—Forms of Belonging and Displacement in the Roman Empire. *Humanities*, 2019, 8, 1

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Abstract: Taking a cue from Hirt’s paper, this contribution is mainly focused on contemporary juridical debate on the movement of people, and the legal status of foreigners in the Nation-State and the implications in terms of legal guarantees, of the conceptualization of the principle of dignity in historical perspective. The distinction between labor migration and forced migration gained importance through the centuries and played a significant role in the gradual emergence of the regulation of mobility and population flows in the Western countries. Geo-territorial circumstances (as remoteness, physical isolation due to mountains or deserts, and harsh weather conditions) have always been, and still are, strategic drivers of amalgamation of different social groups and solution of potential conflicts. In turn, the administrative procedures and practices and the concrete circumstances produced by public authorities affecting the settlement of migrants, foreigners and ethnic groups deserve particular consideration in the light of the principle of human dignity and its relationship with the concept of identity.

Keywords: migration; forced and labor mobility; displacement; human dignity; identity; legal concepts; modern day concern

In his paper, Alfred Hirt tackles the issue of the displacement and relocation of Dalmatians and Dacians to new ‘frontier’ areas of the Roman Empire—the gold and silver mines of the Apuseni mountains of Dacia and the remote forts of the Eastern Egyptian Desert. He makes a wide ranging argument in favor of the significant impact of the displacement experienced in such frontier areas, in terms of group identity and new senses of belonging. Considering the comparison between ancient and contemporary experiences of frontier communities (and their formation as a consequence of displacement, relocation or movement of different groups of people) sketched out by Hirt, this response will be focused more on the divergences in terms of mobility, legal frameworks, perception of dignity and assimilation.

Both Dalmatian miners and Dacian soldiers experienced, in fact, “the negotiation of identities in the formation of new communities in the aftermath of forced relocations to the peripheral zones” (Hirt 2019, p. 2). The Dacian Wars and the incorporation of Dacia into the Roman empire resulted in the grab for natural resources and the exploitation of gold mines (under the supervision of imperial officials; Popescu 1998). In regard to the Dalmatian presence in Alburnus Maior, Hirt cites Mrozc’s interpretations of the written evidence, that “it was the result of a forced relocation due to their mining expertise” (Hirt 2019, p. 5). However, since Dalmatia was often identified as a source of gold, one may presume that Dalmatian expertise in mining was the reason for the initial mobility of some qualified Dalmatian miners towards Alburnus Maior. In this regard, Hirt stresses that “shared experience in mining gold and its auxiliary ‘industries’ impacted on the formation of a sense of community” (Hirt 2019, p. 18), while concerning the Dacians he suggests that “shared risks and fate (...) underlies

the identification of soldiers with their respective unit" (Hirt 2019, p. 17). Finally, he comes back to the concept of 'frontier' community and identity at the end of his analysis.

The author's argument raises many important issues, which strongly resonate with contemporary debates about people's movement and dignity, and it is these which I would like to reflect on here. The first issue is whether the circumstances under which some Dalmatians arrived in Alburnus Maior can be framed as displacement or labor mobility. In the initial stage, we may assume that the likely combination of multiple push factors makes it particularly difficult to distinguish, in practice, labor migration (rather common in ancient times; Braudel 1999, Carli et al. 2009) from forced migration. Later, the forced relocation by the Romans was consistent with their policy of populating the conquered areas. In the modern world, on the contrary, the distinction is crucial in terms of the definition of the legal status of the foreigner in the Nation-State. Its conceptualization historically dates back to the decades of the nineteenth century when the idea of Immanuel Kant gained currency (Kant [1781] 1912). He framed the topic of hospitality and asylum according to what current terminology would define as a "rights-based approach" (Bast 2011): the natural (cosmopolitan) right of the foreigner not to be treated in a hostile way by another foreigner because of arrival on other people's soil and the possibility for the latter "to reject him if this can happen without his ruin" were recognized. The meaning was extended to include the right to obtain unconditional protection (not subject to discretionary power of the host state) against political or religious persecution and not to be extradited to the country from which one had fled (in practice it includes, among others, the experience of Lenin in Zurich, Marx and Mazzini in London, Manin and Herzen in Paris). By the end of the century it became an integral part of the embedded liberalism and a common legal principle of the Western countries (Torpey 1998; Bade 2018; Sciortino 2018). At that time, rules prohibiting the extradition of refugees were adopted in France (1832), Belgium (1833), Holland (1849), the United Kingdom (1870), the United States (1875) and Switzerland (1892). The number of refugees seeking protection was in any case small and the legal requirements of visa, passports and labor authorization, were very limited. From the Russian Revolution (1917) onwards, displacement became for the first time a mass phenomenon: wars, revolutions and state formation were the main causal explanations of forced migration and mobility (Gatrell 2013). As a consequence, the regulation of population flows (visa, asylum, immigration policies) and State controls over national borders became pervasive. Originally adopted (at the beginning of the First World War) as temporary measures, a set of procedural and substantial rules gradually formed the twentieth-century refugee regime. When those numbers increased and the first social legislation came into the public debate, the regime was a consolidated, shared regime.

After World War Two, with the modern, so-called "administrative state"—equipped with welfare benefits and democratic guarantees for an increasing part of its citizens—it became clear that the regulation of population flows is only effective when coordinated among several states (preferably neighboring states) and not unilaterally adopted (i.e., the 1986 inter-German agreements between the German Democratic Republic and the Federal Republic of Germany requiring the transit visa for Tamil groups, see (Greenhill 2010)). On the side of labor mobility, at the international level, charters and declarations of human rights, like the UN, do not include any right to immigrate, or to enter a foreign state for jobseekers. Furthermore, national interest has worked against the competitiveness of foreign workers in the domestic labor market of Western countries: numerous strict requirements, lower wages and other measures are provided to make Welfare State benefits less appealing (Halfmann 2000; Lanza 2016). On these premises, the definition of refugees and international protection is narrowly interpreted and applied (i.e., tailored on an individual basis, no longer for ethnic groups). In ancient contexts, there was no need for such strict legal definitions and on this ground current distinctions were unknown. This is the most prominent divergence between ancient and contemporary implications of different mobility phenomena. In his contribution, Hirt frames it in broader terms, pointing out that the relevant sources of evidence are few and unclear. The possession of specific competence in mining, the perspective of an economic gain, together with the likely decline of mining in Dalmatia, might have been the main push factors of the initial selective, spontaneous migration.

A second issue is connected to territory (and nature) as a dimension of power (exercised also by institutions) (Amilhat Szary and Giraut 2015). Old and new forms of colonization reveal the importance of “frontiers” and “borders” not only for public institutions and authorities like the state, but also for individuals within social dynamics. Hirt’s analysis is focused on certain ecological and socio-economic circumstances—such as remoteness from *civitates* (urban centers, which are “settled, agriculturally developed and secure areas”) and proximity to wild nature or desert—that facilitate the emergence of similarities in language and habits among individuals in mixed communities and therefore solutions to related social conflicts. Still, in recent times, the sense of physical isolation of each population and the timing and length of that process of gradual emancipation from the state of nature, which is civilization for Romans, depend on the geo-climatic characteristics of the place of settlement. For a long time, depopulated, mountainous and frontier areas have been the target spaces of movement control policies set by central powers, often by means of the amalgamation of different ethnic, language or social groups (minorities and the majority). It happened, for instance, after the First World War in southern Tyrol (so-called the Italianization of Alto Adige and its toponomy): the region became officially part of the Kingdom of Italy (in force of the Treaty of Saint Germain, 1918) and people from the Southern areas of the peninsula were pushed (by economic incentives or soft power) to move to Bozen mainly to compensate for the lack of Italian-speaking workers and specific professional skills (Grote and Obermair 2017). Most recently, during the so-called migration crisis (since 2015) positive experiences of co-habitation between migrants and the local population happened in some remote areas of Italian mountain regions, as in Molise, Piemonte and Valle d’Aosta. In such contexts, the fear of isolation, harsh weather conditions and external dangers are strategic drivers of amalgamation, reciprocal trust among different groups and solutions for potential social conflicts (or the integration of minorities; Caroli Casavola 2020). In depopulated areas, like the small village of Ripabottoni, where migration is a challenge and an opportunity, the local community takes action, promotes petitions and organizes street protests against the closure—decided by central authorities—of the local migration center, gaining the attention of the international press (amongst others, CNN, Mezzofiore 2018, and Le Monde, Saintourens 2018; about the case, see Darboe 2018). Hirt insightfully outlines other relevant aspects of these dynamics such as administrative organization, functions, procedures, resources and actors, to understand reciprocal implications and phenomena (such as divergences and convergences) related to the specific fields under scrutiny (movement, security or borders control, procurement and contracts).

Central to both issues is the question of what is indeed identity? What is the *proprium* that makes us, Romans, Dacians or Europeans? Is it more related to the past or to the future of the people of the same group? Values and beliefs or traditions (individual rights and correlative obligations and duties), in fact, are kept certain more in the perspective of a “community of destiny” of mankind (Morin 2015), than according to a territorial, political or historical paradigm of identity. The legal requirements of contracts, such as names of the parties (to the contract) and of the witnesses, which Hirt explores (Hirt 2019, p. 6) are relevant here. These contractual requirements are due to the precise intention to inform the local community that, as a result of the contract, certain goods are recognized as the property of the Illyrian members of that community (*peregrini*) and therefore to avoid future disputes (“Sao ke kelle terre, per kelle fini que ki contene . . . ”, Placiti Cassinesi). Similarly, nowadays the recognition by the state of destination, of migrants’ education, qualifications and skills for employment purposes (that is, legal requirements of labor contracts) are explicitly granted by supranational and international law (e.g., art. VII of the Lisbon Recognition Convention, approved on 11 April 1997, implemented in Italy by law n. 148/2002, art. 26, c. 3 bis of the Italian legislative decree n. 251/2007). Such provisions aim at getting economic migrants and seasonal workers out of the black labor market and therefore making it easier for them to reach a regular status and full social integration (on legal integration, Smend 1968; on its interpretation, Pomarici 1982). In the Eurozone, the illegitimate status or irregularity of foreign workers is, in fact, a serious challenge to national legal orders: it leads to

lower labor prices which fuel hatred of immigrants and coincides with the rise of radical, populist and 'sovereignist' parties (Ambrosini et al. 2019; Cassese 2020).

Identification is an ongoing process of change (the *construction incessante*, to say it with Montaigne; on this, Bencivenga 1990) in which affirming one's own subjectivity might require one to step out of any identity received or to step into a new identity (see Appiah 2018). From this perspective, migration or mobility always has a profound impact on this process, be it individual or collective. Such an impact is, however, more disruptive to human beings as much as the push or pull factors that degrade their dignity. Dignity is, for example, compromised when displacement or eviction happens under circumstances that exclude any respect for individual self-determination, achievements (track record) or human relations, e.g., unexpected departure, without notice, by force or separation from relatives, friends and loved ones. In Hirt's examples, this was a consequence of the war for the Dacians, as the ostrakon related to the two Dacian brothers shows (Hirt 2019, p. 16). In the recent EU experience, this was a consequence of the lack of political will and inter-administrative coordination among the EU partners in the execution of asylum-seekers or migrants' relocation (from Greece and Italy) and resettlement (from third party countries) humanitarian programs (Brekke and Brochmann 2014; Savino 2017; De Lucia and Wollenschläger 2019; Angeloni 2019).

In law, identity and dignity have followed different pathways. Identity is an ambiguous concept: it has for centuries been incorporated into 'status', used to distinguish and thus degrade the person (for example, the legal status of slave, serfdom, illiterate, poor, Jewish, woman, immigrant). Legal statuses have been codified to harm what we now call 'fundamental freedoms'. After the Second World War, identity has become a measure of exaltation, not degradation of the person. Its ambiguous meaning however still survives and any categorization based on identity requires careful consideration in the light of modern constitutional principles. First and foremost, the principle of dignity. It is at the heart of the concept of mankind as Kant described it: "Man must not be a means but an end" (Kant 1997). Dignity is a polysemic word too. Nevertheless, as a concept referring to mankind, it has been always recognized by political regimes based on individual rights. Those regimes that harmed it are the 'totalitarianist' regimes (Arendt 1951). For jurists, human dignity is the basis of the juridical meaning of 'person' (Rodotà 2012, p. 184) and therefore condenses the personalist principle. Together with the principle of equality, it "supports the great building of contemporary constitutionalism" (Silvestri 2007). Michael Rosen, for instance, qualifies constitutions according to whether or not they codify the principle of human dignity (Rosen 2012). A great contribution to clarify the implications of dignity came from contemporary political philosophy and theories of justice. Ronald Dworkin distinguishes two dimensions of human dignity: that of self-respect (moral dimension) and the ethics of dignity (Dworkin 2011; on the interpretation, Khurshid et al. 2018). The former is objectively, not only subjectively important and it implies to show respect to humanity by respecting yourself. The latter means accepting a personal responsibility for identifying what counts as success in your own life. The paradox about the foundation of human rights is that no actor can carry out a personal project outside the economic, political and social context (and constraint) of the organized community. However, the latter is sometimes itself a dangerous trap for life and human dignity. This is the case when the circumstances produced by sovereign powers deny legal guarantees not only of respect for and the protection of the person, but also of the promotion of their development to the highest possible degree. In the light of contemporary constitutionalism, dignity is the structural paradigm for any possible identity classification, meaning that the latter needs to proceed from it. Therefore, its proclamation in the constitutional charters and the European Convention on Human Rights is not superfluous, but has become an important guarantee.

From this perspective, the comparison with the present phenomena for several aspects is hazardous, but very interesting. It is hazardous because of the fraught interpretation of push and pull factors through the few and unclear glimpses into the ancient context provided by our sources. Nevertheless, it is interesting because the groups under consideration (Dalmatians and Dacians) were mainly forced migrants, but the latter (Dacians) experienced a much more serious condition of the deprivation and

degradation of dignity than the former (Dalmatians). Dacians suffered the interruption of the continuity of their pre-established social hierarchies as a consequence of the defeat of war (Hirt 2019, p. 14). The deliberate destruction of settlements and the displacement of young men by forced recruitment correspond to the logic of preventing any residual attempt at reaction and encouraging the emergence of a new society. In this new society, the actors were the ‘new Romans’ who, as Julius Caesar had understood beforehand, had to be both Romans and barbarians at the same time (Marchesi [1927] 1979; Azzara 2016). The conqueror and the conquered peoples could thus both leave their mark still legible. Such survivals of myths, gods and even the fundamental notions of the legal, political and social order are one of the main elements of European civilization and those inspired by it. On the other hand, the public authority represented by the imperial procurator (Hirt 2019, p. 4) and the prefect (Hirt 2019, p. 16) in selecting specific groups, and the lists of soldiers registered by ethnic categories, deserve consideration. The Empire was able to count on a dense administration, hierarchically ordered and completely dependent on imperial will. It was a fundamental element and an essential characteristic of its authority. The army, finance, organization and functioning of the imperial provinces and justice were strategic in making Dacians and soldiers of other conquered peoples totally dependent on the Emperor and the Roman State (Gaudemet 2002). Administrative (military) procedures and practices gained importance at the time.

In the cases of both Dalmatians and Dacians, we see the uprooting, the grouping in communities of origin (with the formation of lists in the case of soldiers), their location far from urban networks, in an unusual peripheral context and the induction to the cohabitation of different ethnic groups that were thus forced to find a new unity in the only one that became possible. The recognition by the authority (e.g., prefect) and the importance of the ethnic grouping in military formations and auxiliary units, the use of specific names in legal or official documents as well as the use of a common language of communication other than the native one, all manifest a complex process of integration and amalgamation.

The great effort that Hirt puts into this essay deserves appreciation. He tries to draw from archeological and epigraphic evidence concrete historical examples of how ‘old’ identity is retained by displaced people and offers interesting ‘snapshots’ of frontier communities’ everyday life. Even though by virtue of the evidence, several questions are left unanswered—there is much to be gained from the emphasis he places on the situation of ‘frontier’ experiences (remoteness, isolation, mobility) and individual and groups’ diversity (names, ethnic characters, deities, activities and more).

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