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WALTRAUD ERNST

ACTIVE CITIZENSHIP, GLOBALIZED GENDER RELATIONS AND HUMAN RIGHTS[1]

Freedom, autonomy and the right to be different – central credos of democratic citizenship – are pitched against regulating forces of modernity and the state and subverted by discourses of "culture and tradition" – of nationalism, religiosity and the family.
Pnina WERBNER & Nira YUVAL-DAVIS 1999, 1

This paper discusses globalized gender relations and the meaning of citizenship and human rights in Europe.[2] Under the promise of efficiency, a restructuring of European welfare states has taken place

[1] This paper, given at the Symposium "Human Rights. Feminist and Gender-Philosophical Perspectives" at the University of Vienna in November 2018, is based on a reworking of an earlier book chapter, see ERNST 2010.

[2] "Europe" refers here to a geographic construction with varying borders throughout history; it also refers to a normative construction of citizenship, as it will be discussed later in the text; moreover, and relatedly, "Europe" functions here as a marker to bring universal theoretical aspirations down to their regional and temporal situatedness. The European Union (EU), by contrast, refers to a clearly defined set of countries, although the number is also subject to historic change and the countries involved do not equal the countries involved in the contract about the border policies of the Schengen Area. Since for the different questions discussed in this paper, different aspects of "Europe" are relevant, I will employ these different terms and meanings, according to the issues discussed below. Although some aspects discussed here might be neither restricted to "Europe" nor unique to its borders, it is for the sake of the argument (to point out some contradictions) that I focus here on this part of the world.

which concerns many aspects of life and has strong effects on social rights, especially concerning the cutting back of public care services. At the same time, gender relations have changed in the sense that women, traditionally the main care providers for their relatives, increasingly take part in the labor market. In this context, the question about who will care for children and the elderly becomes all the more important. To look at migration in this context is interesting because it is mostly female migrants as care providers, in precarious working conditions from all over the world, who fill the gap. These migrants seem to embody globalized gender relations, *this is my thesis*. Similar to care providers in earlier times, they are barely mentioned, rarely have access to social benefits and are seldom granted rights as full citizens. These "cosmobile"[3] care providers challenge traditional concepts of citizenship, *this is my second thesis*, on an epistemic, normative, and empirical level in far-reaching ways.

Citizenship has been a contested term in political philosophy, as well as in struggles against oppression in Europe. From the beginning, the question of who is granted citizenship has always been connected with the question of which rights and duties are contained in it. Since the eighteenth century, nation-states with formally independent governments were constructed as the main political power. Thereby, the question of which person living in the territory of a nation-state is understood and registered as one of its citizens, with clearly defined formal rights and duties, has been crucial.[4] It was during the French Revolution of 1789 when the demand for equal rights for all, by vast numbers of women and men of all social backgrounds, could no longer be ignored.[5] Instead of being granted, however, this demand provoked a problematic discourse on sameness as the precondition for equal rights, which is still vivid until today, even in feminist debates.[6] As I

[3] I borrow this term from Maria Rerrich's book title, cf. RERRICH 2006.

[4] Cf. KÜSTER 2007. Küster argues, that it was the struggle of the authorities with the migration of the poor in the context of the disintegration of the feudal estate system in Europe which gave the initiative for the codification of citizenship at the beginning of the nineteenth century, KÜSTER 2007, 197–199.

[5] Cf. BLÄTTLER 1995.

[6] Cf. NAGL-DOCEKAL 2004. Nagl-Docekal argues, that it is neither important nor necessary to be or to identify as a woman in order to struggle for feminist goals as equal

will try to show in what follows, it is this normative dimension of homogeneity which is still problematic in striving for a pluralistic understanding of European citizens, as well as for the struggle towards a realization of human rights in times of manifold migration processes.

In the context of globalization and a multitude of migration processes, the very idea of citizenship has been contested as patriarchal and nationalist, as will be discussed in the first part of this paper. Especially within feminist and post-colonial discourse, it has been argued, that besides formal rights and responsibilities, belonging and participation are also key elements of a democratic citizenship.[7] Gender norms and welfare policies, as well as gendered segregation of the labor market and gendered division of labor, it has been argued, produce privileges and disadvantages when it comes to the real practice of citizenship.[8] So far, the question of belonging has been discussed less in the context of belonging to a homogeneously imagined (national or transnational) community, but rather in the context of whose issues are taken as relevant by whom, to belong to a public agenda.

In this way, I want to relate the discourse on citizenship to questions of globalized gender relations. Thereby I mean the following: in western European welfare states, more and more women participate in the economic workforce, while care work is not distributed more equally in a significant way between the genders.[9] In this context, there is a growing migration of women from non-European countries, as well as Central and Eastern European countries, to work in private households in (Western) Europe.[10] The legal status of these migrants is often "undocumented," which means that they are illegalized.[11] At the same time, there is a growing demand for the migration of mostly

rights and opportunities for all genders, since this demand constitutes the basis of modern democracy, see NAGL-DOCEKAL 2004, 154.

[7] Cf. MOUFFE 1993; SEVENHUIJSEN 1998; YUVAL-DAVIS & WERBNER 1999. Mouffe argues that a democratic concept of citizenship needs to connect the ideal of rights and pluralism with ideas of the public as a lived space and ethical-political issues, see MOUFFE 1993, 73.

[8] Cf. MÖHLE 2005; KLINGER 2012; 2018.

[9] Cf. ERNST 2005.

[10] See METZ-GÖCKEL et al. 2008; AULENBACHER et al. 2020.

[11] See LUTZ 2006; RERRICH 2006.

male specialists of some professions into some European countries, for example, engineers into Germany. They are offered a special political status and social benefits. I will discuss the following questions: In what way do globalized gender relations challenge current nationally defined concepts of citizenship? Who is welcome under which conditions and why? How could we rethink citizenship in the context of globalized gender relations? Are these processes undermining or strengthening the quest for universal human rights?

In the following, I will analyze the normative implications of the idea of citizenship and relate them to the empirical plurality of genders and cultures in Europe. I will argue for an understanding of citizenship which encompasses, but also transcends, the dimension of rights and duties, to make room for an understanding of citizenship as a local, national, and transnational democratic practice. I will analyze the effect of normative assumptions of citizenship on the practice of citizenship for formal citizens and for those with precarious legal status. In taking the UN *Universal Declaration of Human Rights* (1948) and the idea of citizenship as democratic practice as a political measure, I will argue that feminist networking beyond divisions of power, on the theoretical as well as on the practical level, seems a fruitful path.

CITIZENSHIP

In Europe, the idea of citizenship goes back to Aristotle, who conceptualized citizenship at the demarcation of the *polis* and the household. The polis was the place were free men could gather as citizens for political participation and transcendence of bodily needs, whereas the household was understood as the place where necessary life-sustaining activities were carried out by women and slaves.[12] This means that the idea of citizenship in Greek antiquity was developed in correspondence with a rigid gender and class order. In following the idea of citizenship promoted by Aristotle, citizenship has been conceptualized in European political philosophy until recently as a dimension of life which belongs to the public sphere, without considering relations of

[12] See SPELMAN 1989.

care or other necessities and dependencies crucial for the citizen to appear as a self-sufficient individual.[13] The philosopher Selma Sevenhuijsen describes this view of citizenship as conforming with neoliberalism today "because it corresponds to the mode of regulation which guides the restructuring of many Western welfare states at this historical juncture [...] and fits into the programme of privatization of public services and the growth of market-oriented forms of regulations."[14] Sevenhuijsen criticizes this view because here, individuals ought to "translate their care needs into market-oriented behaviour, thus conceiving themselves as care consumers, participating in a system of care provisions which works according to the principles of supply and demand."[15] She makes clear, that in such a view, citizenship relates deeply to economic, social, and political independence. Traditionally, this ideal of economic, social, and political independence, she continues, functions as a norm of exclusion from social participation in Europe. As we will see, this ideal, as well as the exclusive effects, are highly gendered.

In contrast, democratic citizenship, as Sevenhuijsen suggests, tries to avoid this gendered ideal of economic, social, and political independence as a precondition for citizenship and brings other ideals into focus. Democratic citizenship assumes that people are able to judge between good and bad and can therefore be held accountable for their actions. Citizens, in this account, have to be capable of dealing with radical alterity of human subjects, through recognizing their individuality and diversity, while at the same time conceiving of them as equals. In her discussion of the feminist slogan "the personal is political," Selma Sevenhuijsen rejects identity as a suitable basis for political action and promotes the idea of active citizenship:

> *Here the public sphere is seen as a meeting ground where people shape identities through action and interaction, through the exchange of narratives and opinion, through deliberation and debate, and where, in so doing, they can continually revise and transcend their images of "self" and "other". Here identity depends more on what*

[13] See TRONTO 1993.
[14] SEVENHUIJSEN 1998, 130.
[15] SEVENHUIJSEN 1998, 130.

you do than what you are. Rather than being fixed, it remains open to change. The public sphere then enables people to act in the sense of "starting something anew".[16]

For the questions of this paper, this means that citizenship is not restricted in its meaning to formal rights and duties. Democratic citizenship is understood here as active citizenship, as a practice. Formal rights and duties would not be more then the potential basis or starting point for the "real" capacity and experience of being an active citizen. If it is a necessary basis, I will discuss below. But first, it is important to investigate further the strategies of inclusion and exclusion involved in the idea of citizenship in Europe, as well as in its practice.

Citizenship has been celebrated as a realization of human rights and the foundation of constitutional democracy in Europe. What does it mean to say that it is constructed in exclusionary ways not only in the past, but also in the present? To understand this, it is necessary to turn the focus from formal rights to real chances for social, economic, and political participation and representation. In this way, we can investigate the access to citizenship in Europe and ask how it is regulated along with norms of gender, class, ethnicity, sexuality, religion, and education. This is the recent result of various analyses by scholars from different disciplines all over Europe:

Citizenship is never only a legal status; its inclusive character depends on many contexts: it has to do with cultural diversity, recognition of difference, access to professions, and hierarchies in the labor market, not least in universities with traditions in political as well as visual representation, with institutional practices of openness.[17]

This means that the inclusive or exclusive quality of citizenship is deeply related to social hierarchies and cultural norms. This result puts into question the hope that equality on the formal level of basic rights has the programmatic power to shape reality. If formal citizens do not have all the same opportunities to experience and to practice their citi-

[16] SEVENHUIJSEN 1998, 14.
[17] OLEKSY et al. 2008, 10.

zenship, we have to look more closely into the relations of citizenship with social inequalities.

In their collaborative work, *Gendering Citizenship in Western Europe. New Challenges for Citizenship Research in a Cross-National Context*, experts from different European countries confront this field of study.[18] They investigate how citizenship works in quite ambivalent ways, functioning at the same time as inclusionary promise and as exclusionary practice, both for marginalized groups within nation-states and for migrants and asylum seekers moving between them. Moreover, citizenship seems to have simultaneously an emancipatory and disciplinary quality. Policies that require the search for paid work as a condition of social security rights, for example, can have emancipatory effects for some women, whereas for those who prefer to provide full-time care, it has rather disciplinary qualities. In a similar way, language requirements for legal citizenship depend, in their emancipatory and disciplinary dimension, on the context of the educational capacities of persons addressed and the opportunities for courses.[19]

Therefore, the authors consider citizenship as lived experience and that citizenship may be experienced by people within the same country differently, depending on factors such as age, class, ethnicity, religion, gender, sexuality, and (dis)ability.[20] They take "regime" as a useful notion to compare dominant institutional patterns and policy logics of social welfare across Europe, to show how different elements of citizenship are interconnected with it:

The lived experience of gendered citizenship in any particular country is heavily influenced by the dominant gender regime as well as by the nature of the welfare and care regimes, which govern social citizenship – the nexus of rights and responsibilities underpinning individuals' welfare, broadly understood – in particular.[21]

[18] See LISTER et al. 2007.
[19] LISTER et al. 2007, 11.
[20] See LISTER et al. 2007, 2.
[21] LISTER et al. 2007, 3.

Because these institutional patterns and policy logics define the way persons are enabled or obliged as citizens within national borders, the authors speak of various forms of regime, welfare, care, gender, citizenship and migration, which constitute formal citizenship.[22]

With this diversification and contextualization of citizenship, the authors strive for a theoretical positioning within and beyond feminist criticism of traditional philosophical approaches on citizenship as liberalism and communitarianism. In criticizing the "false universalism" of both of these traditional approaches for perpetuating inequalities, they conceptualize citizenship as something that is not static, but develops in response to individual and collective practices of persons, through political and civil society associations.[23] Furthermore, they relate the critique on the gendered domestic division of labor and the status accorded to unpaid care work to the rights and responsibilities of citizenship. Although they consider that global care dynamics point to the idea of a global or cosmopolitan citizenship, on the conceptual level the authors do not follow this path any deeper.[24]

On the empirical level, however, the study provides a profound analysis of the policies of the European Union, which frame citizenship within and at its borders. Through the "Charter of Fundamental Rights," which was adopted in 2000, the European Commission encouraged citizenship practice in informal cross-EU networks. This is an interesting move, since the legislation concerning the legal requirements for acquiring citizenship is still a rather national affair and varies widely throughout the member states of the EU. The length of residency necessary to gain nationality, for example, varies from five to ten years and language requirements do not exist everywhere.[25] I agree with the authors that it is exactly this tension and the emerging fluid space between overdetermined national ideas of citizenship and envisioned transnational ones, whether within or outside "Fortress Europe," which seems to provide for chances of new democratic practices of citi-

[22] See LISTER et al. 2007, 4.
[23] LISTER et al. 2007, 10.
[24] LISTER et al. 2007, 8, 173. For a discussion of cosmopolitanism, see MOUFFE 2005; NAGL-DOCEKAL 2005.
[25] LISTER et al. 2007, 81–84.

zenship. Yet normative ideas of homogeneous European citizens, combined with the lack of a positive attitude towards alterity, can hinder those who are considered as not matching the norm, to make use of this emerging fluid space and participate in public discourses.[26]

With the concept of "lived citizenship"[27] we can discuss unequal access to social rights and normative barriers to the experience of citizenship within one country and between different states in the EU. With a focus on "lived citizenship," it seems necessary to contest the production of norms of homogeneity for ideal European citizens. Yet, to decipher norms is not easy because they are not necessarily explicitly like laws or rules, but operate within social practices, as implicit standards of normalization.[28] Thus, to overcome homogeneity as the norm for European citizens would break radically with those strands of European knowledge production, which related material differences of the body, wealth, or income of a person, as well as cultural differences of education, religion, nationality, or tradition of a person to a strictly hierarchical value system. This holds for public discourse as well as practices, since we have seen that these dimensions are deeply interrelated. This might open paths to enable everyone living a "lived citizenship" in Europe. To celebrate the heterogeneity and plurality of genders and cultures, which have always been an empirical reality in Europe, not only on the same legal ground, but also on the basis of an equal material condition, would realize those ideas on citizenship, which have been classified so far as utopian.[29]

Nevertheless, global changes bring power relations into play, as new actors emerge in Europe and struggle for survival, for sovereignty and citizenship, as we will see in what follows. In this context it is interesting to have a closer look at the interconnection of gender arrangements in Europe and migration from many different parts of the

[26] GRONOLD 2008.
[27] LISTER 2007.
[28] As BUTLER (2004, 41) describes it: "Norms may or may not be explicit, and when they operate as the normalizing principle in social practice, they usually remain implicit, difficult to read, discernible most clearly and dramatically in the effects that they produce."
[29] María do Mar CASTRO VARELA (2007) investigates the utopias of female migrants, while taking them seriously as critical members of a democratic society.

world to Europe. As I showed in the previous section, on a formal level, citizenship is still a privilege to be entitled by the sovereign government of a *nation-state*. But, as I will show in the next section, on the level of social rights and opportunities for participation in social and political settings, it is an issue debated and decided increasingly on a *local* and *transnational* or *global level*.

GLOBAL CARE

As Selma Sevenhuijsen pointed out, "[b]y defining care as domestic labor feminists made it clear that necessary care could just as well be provided on a professional basis and that it was high time that men finally fulfilled their duties in that respect."[30] Yet, many European gender arrangements are emancipatory to the point that even within affluent heterosexual couples, professional women take part in the labor market to a significant extent and an increasingly small number of women struggle for successful career options and to compete with their male colleagues. But these gender arrangements are not emancipatory to the dimension that men, male members of households or partners would take a significant share in caring work and household tasks. Joan Tronto illustrates this ambiguity:

> *The use of nannies allows upper middle-class women and men to benefit from feminist changes without having to surrender the privilege of the traditional patriarchal family. The hired household worker is an employee, but she is mainly treated as if she were a wife. Nannies can be imposed upon as if they were members of the family, and that imposition often proves to be abusive.*[31]

Hence, it is migrants from all over the world who provide important services for these "emancipatory" gender arrangements in Europe, often without legalized political status. Migrants without a legal status are at a double-risk. First, they are vulnerable to exploitation, insofar as they

[30] SEVENHUIJSEN 1998, 5.
[31] TRONTO 2002, 47.

are not protected by any law or institution which would guarantee the respect of their personhood or fair wages. Second, they risk being caught in official processes and sent back all the long way from whence they came – often from countries where survival has become difficult and economic prosperity almost impossible, precisely because of global economic and political power relations. On the other hand, the global mobility of workers has become a fundamental column of the European welfare states. For the national economies in Europe, migrants have become an important reservoir of cheap labor that is easy to mobilize through private agencies in times of need. The mobility of workers serves not only to secure the new more or less emancipatory gender arrangements of the European middle class, in providing crucial services of cleaning and caring in private households, mostly through illegal employment.[32] Moreover, migrants also feed the social security systems of European welfare states through legal employment in sectors and industries with unattractive working conditions and meager wages.

According to the International Labour Organization (ILO), almost half of all labor migrants globally are women. Furthermore, 80 to 90 percent of all refugees worldwide are women and children. Women migrate because of political, economic, social, and individual reasons. The gendered nature of the labor market forces most women to work only in certain jobs – many have to sell their bodies or their reproductive capacities. These jobs are rarely recognized as professions, are poorly paid and are not socially valued. Examples include work in the informal and unregulated sectors of prostitution, domestic work, the entertainment industry, and "marriage."[33]

Jae-Soon Joo-Schauen and Behshid Najafi show that in this context, the importance of counseling organizations is evident. They themselves belong to a working group against international sexual and racial exploitation in Germany (AGISRA). This agency supports victims of trafficking in women and sexual and racial discrimination, as well as women who have been coerced into prostitution or marriage and they advise women in asylum matters. They consider their work

[32] Cf. LUTZ 2005; RERRICH 2006.
[33] Cf. JOO-SCHAUEN & NAJAFI 2002, 224.

as successful to the extent that public awareness of the problems has increased and more support is available for the victims. Yet, they emphasize that there is still no guarantee of government protection and respect for human rights:

> *To offer economic, social and work opportunities for women in the countries of origin and legal migration opportunities to the destination countries still require our continued effort. We demand the implementation of human rights standards for migrant women.*[34]

In this context of globalized gender relations in Europe, the following questions arise: What does it mean that human rights standards are not implemented for migrant women? Since the UN *Universal Declaration of Human Rights* (1948) has been signed by every European country, shouldn't it be taken for granted that every European state is accountable for guaranteeing them for every human being living in its territory? If this is not the case, on which basis are human rights promoted by the EU, vis-à-vis countries such as the People's Republic of China or the Russian Federation? Is it possible that migrants, especially from outside of the EU, can be treated and conceptualized so differently from European citizens that this problem does not occur as a contradiction to the consciousness of EU authorities? Who is responsible for shaping this political reality?

GLOBAL GENDER DEMOCRACY?

To explore the idea of a global gender democracy, I draw on the discussion at the International Women's University (ifu) in Germany in the year 2000. In their programmatic article on 'Feminist and Migrant Networking in a Globalising World. Migration, Gender and Globalisation', Ilse Lenz and Helen Schwenken define globalization

> *as an ensemble of interlinked processes with possibly open results characterized by increasing economic, political, social and ecological*

[34] JOO-SCHAUEN & NAJAFI 2002, 234.

> *interdependence, increasing global communication and mobility and increasing influence of new actors – especially supranational organisations, transnational enterprises and Civil Society Organisations (CSOs) or NGOs.*[35]

Lenz and Schwenken argue that to realize a global gender democracy political agency is important, not only on the level of the United Nations or the European Union, but also locally. As they understand globalization as processes of interplay in a multilevel system, they emphasize the importance and the opportunities of feminist migrant organizing on a local level, for example through counseling agencies. There, the authors discuss to which dimension feminist migrant networks open up transnational spaces and build bridges between the local and the global level. They describe an example, where it was through networking and political mobilization on the local, national, and international level, that feminist migrant groups in Germany succeeded in 1997 in changing a national law which regulated the number of obligatory years for foreign spouses to be married to their German partner before getting independent legal status (the amount of years was cut by half). As a result, the authors illustrate their understanding of state regulations "as the outcome of social negotiations by state governments, interest groups (as enterprises and other organizations) and social movements."[36]

For the mostly female migrants concerned, this means that they were able to participate in a political process envisioned as an ideal of democracy, maybe even before some of them were granted formal citizenship, with some of them maybe even illegalized. For the meaning of citizenship, this example shows that formal citizenship is neither a necessary precondition nor a guarantee of citizenship experienced and practiced as a lived citizenship in Lister's sense, or as a democratic citizenship in Mouffe and Sevenhuijsen's sense. To the extent that political participation – understood as the struggle for one's rights in public – and feelings of belonging – in the sense of finding a community of peers and being acknowledged by others as a being worth being – are

[35] LENZ & SCHWENKEN 2002, 157.
[36] LENZ & SCHWENKEN 2002, 162.

involved, it seems that there is no limit for political participation to formal citizens.[37]

CONCLUSION

This exploration into the different dimensions of citizenship and human rights in the context of globalized gender relations leads to the following conclusions. Formal citizenship of a nation-state, especially of a member state of the European Union, is still an important goal to struggle for, because it promises legal protection from violence and exploitation and access to many life-sustaining benefits. Sometimes it seems to even be the precondition for protection against human rights violations. This is a problem, since the UDHR considers *every* human being – with or without citizenship of a country – worth respecting and protecting. On the normative level, this situation leads to problems, since the self-conception of Europe as a human rights advocate is deeply undermined, if at the core of its socio-political and economic system, persons who fulfill important intimate demands for domestic services for European citizens cannot be safe from human rights violations.

The examples and theoretical explorations of this paper, however, point to an interesting shift in the meaning of citizenship and the protagonists of this new meaning: It became evident, that beyond formal rights and duties, citizenship is something that is lived, experienced, and practiced in public by courageous individuals who have the social capacity to organize themselves with peers and argue for their rights and freedom, within and beyond national borders, and thereby act towards a global gender democracy. For the understanding of citizenship as democratic practice, it is important to realize that we can learn from empirical realities where citizenship is practiced through networking, beyond ideals of European homogeneity. This democratic citizenship can be practiced – and lived – beyond formalized institutional practices, e.g. voting, and traditional institutions of power, such as political parties.[38]

[37] For further discussion of this point see BUTLER & ATHANASIOU 2013; CAIXETA 2013.
[38] For further discussion see ERNST & CAIXETA 2019.

In this way, we can see that it is possible to overcome the normative aspect of citizenship in Europe, which forces people to practice their citizenship along prescriptions of state authorities.

Since democratic citizenship cannot be all about the obedience of norms and laws, and rules in favor of those in power. Rather, it is in processes where hegemonic power structures are questioned and contested, in order to overcome relations of oppression and domination, that citizenship unfolds its democratic dimension. This means, at the core of the idea and practice of democratic citizenship lies the possibility that the public and the state is shaped by every person living in its territory in a creative and self-conscious way, with equal rights and equal access but infinite alterity. Therefore, citizenship theory needs to reflect the empirical context of globalized gender relations, in order to encourage and empower everyone to participate in arguing for how to shape global reality, not only those who are affluent enough to have wives at home and service personnel – like in Greek antiquity.

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MANUELA MASSA

HUMAN RIGHTS AND CIVIL LIBERTY: AN ANALYSIS

Human rights and civil liberty normally converge. Because society has human rights guaranteeing the legal protections of individuals or groups, it is possible for the citizens of every country to develop what it is normally recognised as civil liberty. However, this theoretical convergence sometimes doesn't work, because if the state has to guarantee human rights, this doesn't mean that citizens are able to receive the civil liberty which they should exercise in the modern state. This discrepancy between human rights and civil liberty emerges particularly in the case of minority groups, such as immigrants or enabled subjects. Here it is not only the case that human rights do not correspond to civil liberty, but also the individual seems to lose their social liberty, in order to integrate into the society of the state to which they aspire to belong. Thus, the aim of this contribution is to re-evaluate, through a philosophical approach, the convergence between these two elements in order to establish a possible relationship between the two. Hence, it will be structured as follows: I will 1) problematise human rights and their function in society. A systematic reconstruction will show their regulative function between the state and the individual. From here, I will 2) initiate a historical reconstruction of liberty. It will demonstrate not only its social characteristics, but also the point at which it became its opposite, namely servitude, through the question of dominium, in which every human right is missed. These aspects will be transposed on the real problem of immigration. If human rights are presupposed for such people in every state

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