# Open 'Hearing' in a *Closed Sea*: Migration Policies and Postcolonial Strategies of Resistance in the Mediterranean

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## Abstract

In the early years of the 2000s migration towards Italy, both as a destination and transit country, was on the rise and gained increasing importance on the political agenda. In this context, enhanced security measures of border control in the Mediterranean became a priority. Meanwhile, new forms of postcolonial resistance have emerged as Italy has been compelled to face its longstanding colonial amnesia. The 2012 documentary film *Mare Chiuso* [Closed Sea] (Liberti and Segre 2012) captures a slice of the entangled discourses, politics and practices in the Mediterranean. It recounts the story of boat migrants who set off from Libya in May 2009 and were forced back to their point of departure by Italian authorities. Engaging with the testimonies of the migrants involved, as well as with the legal discourses surrounding the case, *Mare Chiuso* brings to the fore the emerging contradictions at play in the dominant discursive practices. The film offers alternative perspectives from the margins, it problematizes official narratives and instigates fruitful debates on the Mediterranean as a geo-political and cultural site. Traversing postcolonial and cultural studies, political science and law, this paper proposes an analysis of *Mare Chiuso* as an instance of postcolonial resistance. Independent and separate disciplinary approaches have failed to successfully map and investigate complex phenomena such as migration; thus, this paper brings into contact cultural theory and legal discourses with the aim of better understanding the burgeoning postcolonial phenomena in contemporary Italy.

**Keywords:** Mediterranean, Postcolonialism, Migration, Counter-Narrative, Discourse, Borders.

## Introduction

> Blessed is the journey that brought you here
> the red sea that let you go,
> the homage you pay us
> knocking at the window.
> *Erri de Luca* (2011)

The 2012 documentary film *Mare Chiuso* [Closed Sea] (Liberti and Segre 2012) captures a

slice of the entangled discourses, politics and practices in the Mediterranean. Traversing

postcolonial and cultural studies, political science and law, this study proposes a close

analysis of *Mare Chiuso*'s narrative strategies as an instance of postcolonial resistance. While

addressing one specific case of 'push back' operations on the high seas,[i] the film brings

powerfully to the fore the stark contradictions at play in the contemporary Mediterranean

politics of migration. This paper contends that such contradictions offer invaluable scope for a more multifaceted analysis which brings cultural and social theories into contact. Independent and separate disciplinary approaches in this field have failed to successfully map and investigate complex phenomena such as migration. A sustained lack of engagement with migrants' lived experiences has reproduced disempowering paradigms in top down research practices. The transdisciplinary approach developed here, and the 'narrative turn' which *Mare Chiuso* brings about, challenge such trends and valorise participatory, inclusive and restorative representation.

The intersection of cultural theory and legal discourses functions as a theoretical framework to examine burgeoning postcolonial phenomena in contemporary Italy. A reflection on the absence of migrants' testimonies in legal discourses is followed by an analysis of time and space categories and how these are refigured in *Mare Chiuso* to unsettle dominant ones. Further, by highlighting emerging contradictions, we examine migrants' accounts featured in the film in relation to official narratives. The last section addresses the significance of *Mare Chiuso*'s narrative strategies – its heteroglossic nature – as counter-discursive practices in contemporary postcolonial Italy. Our concluding remarks point towards wider theoretical terrains with the aim of stimulating further debates. Prior to moving on to the specific case represented in the film, we briefly outline the context for this study. Recalling Fredric Jameson's methodological imperative to historicize all texts and arts – 'Always historicize!' (Jameson 1981, 9) - we outline the different stages that preceded the 2009 push back operations in the Mediterranean.

**Context**

In the early years of the 21st-century curbing migration became a priority for the EU (Pastore 2005; Wollf 2008); the *Hague Programme* (2004), and the recent *Stockholm Programme* (2010--2014) are among the many policies designed to restrict 'illegal' migration. The very creation of Frontex (2004), the European Agency for the management of operational cooperation at the external borders of the EU member states, bespeaks Europe's growing

anxiety and preoccupation with border control. The externalization of borders is a result of such restrictive measures and is particularly realized through bilateral agreements between EU and non-EU countries. Partnership with countries of origin and transit have been key to EU politics of migration and asylum; cooperation with non-member states was formed 'in a diverse spectrum of areas including interdiction, border control, readmission, protection capacity building, and even negotiating the idea of "offshore processing centres"' (Betts 2006, 2). Indeed, within these agreements non-EU countries hold back irregular migrants and prevent their entry into European territories in return for financial aid. Thus, the management of border control goes well beyond Europe's borders, often extending to migrants' points of departure. As Balibar points out, 'borders are no longer at the border' (1998, 217--218); rather, they are 'dispersed' (Balibar 1999).

In the Mediterranean area, bordering practices are negotiated between countries on the northern and southern shores of the bay. Geographical proximity and longstanding historical ties brought Italy and Libya to establish common and shared policies on migration – which was on the rise in the early 2000s (Colluccello et al. 2007; Paoletti 2011). Beginning with the 1998 *Joint Communiqué*, Italy--Libya bilateral agreements developed through the years and gained momentum with the 2008 *Trattato di Amicizia, Partenariato e Cooperazione* [*Treaty on Friendship, Partnership and Cooperation*]. Signed by former Libyan dictator Ghaddafi and Italy's prime minister Berlusconi in a tent near Benghazi on 30 August, the treaty was presented as a turning point in the shared colonial history of Italy and Libya. Berlusconi's solemn apology for Italy's colonial enterprise in the early twentieth century allegedly marked the beginning of a new course of history in the Mediterranean. In matters of migration, the treaty saw Italy and Libya joining forces in border patrolling with the aim of curbing migration and denying access into Europe. Both countries publicly addressed their concerns over migration identifying it in the words of the Libyan foreign minister Rahman Shalgam as an 'invasion' (*The Guardian*, August 12, 2004). In the same year, the Italian interior minister, Pisanu, defined migratory movements towards Italy as 'an assault on our coasts' (Pisanu 2005). In this context, migration gained increasing importance on the political agenda, both at

the level of political discourse and government initiatives (Zincone 2004, 8); restriction, security and fear regulated this agenda.

In the treaty, Italy continued its commitment to Libya – established in an earlier agreement on 29 December 2007 – for 'the fight against clandestine immigration'. The agreement's additional Protocol included operational and technical arrangements: building and maintaining detention camps on Libyan soil; providing training, guidance and technical assistance, satellite detection systems and other surveillance technologies; and, among other materials, thousands of body bags (Paoletti 2009). Within the framework of the treaty, push back operations were considered a legal practice aimed at restricting and containing migratory movements from North Africa towards Europe. Despite violating the principle of *Non Refoulement* (art. 33 of the Geneva Convention), push back operations – with the EU silent connivance – were practised indiscriminately and commonly across the Mediterranean. In 2009 alone (according to Human Rights Watch and UNHCR), Italy carried out nine push back operations on the high seas, returning 843 Somali, Eritrean and Nigerian nationals to Libya.

The 2008 treaty between Italy and Libya sanctioned and initiated an official openness which recalled the countries' 'strong friendship ties' and aimed at 'cooperation and integration' to establish 'peace, economic and social growth and the protection of the environment' (*Trattato*, August 31, 2008).[ii] The treaty was based on the acknowledgment of the colonial past, Italy's apology and Libya's willingness to accept it; these entail a dialogue and speak of exchange at multiple levels – cultural, economic, political and environmental. Such openness is abruptly and paradoxically annihilated in section three, article nineteen of the treaty, which relates to migration control. The very rhetoric of this section promotes closure, and is aimed at reinforcing and multiplying border controls to further fence off migratory movements. The words of the Italian interior minister, Maroni, eloquently reveal the actual nature of this unusual friendship: 'the most relevant part of this pact, besides the highway (a payback for Libya), is the possibility [for Italy] to initiate patrolling in Libyan waters' (*Corriere della Sera,* February 1, 2008).[iii] Such a contradiction points ironically to the

treaty's essence: both the notion of 'friendship' and the alleged end of Italy's colonial amnesia (Del Boca 2003; Triulzi 2006); however, it practically sanctions and prescribes theexclusion of citizens from its other former colonies (namely Eritrea and Somalia – as seen above).[iv]

Bilateral agreements not only bring together Italy and Libya, but have been at the centre of Mediterranean politics in the last decades: Spain--Morocco, France--Algeria, Greece--Turkey are among many to participate in this political trend. The 'incremental dismantling of Europe's internal borders and a strong focus on external control' (Cross 2009, 171) have brought about the externalization of borders, as well as a kind of outsourcing of border patrolling (Tsianos et al. 2010). The proliferation of increasingly shifting borders – paradoxically aided by the unification of the global market – enhances and reproduces the north--south, east--west divides. Today, these multiple walls separate the rich, capitalist north, from the 'wretched' south; the former reprsented as sane and visible, and its counterpart as obscure and sick (Agier 2010). Within this world-order migrants form one indistinct category, the undesirable, superfluous 'human waste' (Bauman 2003). Political and public rhetoric portray migrants as endangering European health, security, identity and welfare; as an inhuman presence gathering at the southern frontier of Fortress Europe. As Chambers has it, migrants 'seemingly spew out of an immense and unknown continent that has been reduced in the world media to the wild site of the wretched of the earth: endemic famine, dictatorship, genocide, child soldiers, sexual mutilation' (2008, 10). In this scenario, borders and frontiers inhabit the realm of crisis and emergency (Agamben 2005), surveillance and control.


*Closed Sea* **and Open Hearing**

*Mare Chiuso* recounts the story of three boats which set off from Libya with about 200 migrants on board and were intercepted by the Italian Revenue Police (Guardia *di* Finanza) and the Coastguard on 6 May 2009. The Italian military ships began rescue operations but, after a sudden change of orders, the migrants were returned to Tripoli and handed over to the Libyan authorities. The film narrates the facts through the testimonies of some of the migrants

and, simultaneously, follows the trial and final decision of the European Court of Human Rights to which eleven Somali and thirteen Eritrean migrants – who were directly involved in the incident – subsequently appealed. The case, also known as the *Case Of Hirsi Jamaa And Others V. Italy*, was lodged against the Italian Republic for the indiscriminate push back operation in high sea, and was presented to the Strasbourg Court in May 2009.

The film opens with a long shot of countryside under a scorching sun, in St. Anna, Italy. A man climbs over a closed gate and takes a narrow, beaten path amidst an open field, a neat blue sky in the background. As he crosses the field, judges simultaneously enter court for the 22 June 2012 trial at the European Court of Human Rights. This cross cutting marks the beginning of *Mare Chiuso*'s parallel narrations. The film's incipit images metaphorically insert both the presence and the story of the man – who is one of the witnesses/victims of the 2009 push back operations – into the 'closed' court trial, as he trespasses a seemingly bolted gate. This juxtaposition continues, powerfully signifying the witnesses' absent presence: while the man swims into the sea, a voiceover from the trial's original footage 'declare[s] open the *public*[v] hearing'. Such overlap articulates the remoteness between the two places, spaces, geographies and perspectives. This scene at sea undoubtedly brings to the fore the Mediterranean and its buried memories, and places them forcefully at the heart of the trial, where they appear to have been erased.

The Strasbourg court judged the push back operation as a violation of article four of protocol number four of the ECHR, 'collective expulsion of aliens is prohibited'.[vi] Furthermore, the court ruled that article three of the same convention – the prohibition of 'inhuman and degrading treatment' – had also been violated as a consequence of the push back operations. This was an unprecedented case which saw Italy being 'condemned' for its border patrol operations by the Grand Chamber of the court, composed of seventeen judges. The official document of the court judgment plainly states that 'a hearing took place in public in the Human Rights Building' (*Case of Hirsi* 2012, 2); three solicitors represented the applicants (the twenty two migrants),[vii] while two legal representatives were sent on behalf of the Italian state. Whilst the hearing was 'public', the absence of the persons involved (named

as the 'applicants' on the official documents) is strikingly evident. As Toni Morrison claims, 'certain absences are so stressed, so ornate, so planned, they call attention to themselves; arrest us with intentionality and purpose, like neighborhoods that are defined by the population held away from them' (1989, 136). The migrants and their stories are obliterated from the hearing and remain unheard. So is the Mediterranean Sea – powerfully captured by the opening of *Mare Chiuso* – which shrouds the stories of those who are no longer able to tell them.  Drawing on Deleuze's concept of 'minor cinema', Bromley argues that 'the acknowledgement of a people who are missing is the new basis on which modern political cinema is founded, in the Third World and for minorities'; it brings those who are 'missing or not yet … into existence, [and] produce[s] a set of enabling images that summon them into meaning' (2012, 342--9). This is indeed what *Mare Chiuso* brings about.

The narrative strategies of Liberti's and Segre's docu-film powerfully interpolate the testimonies of the migrants into the High Court trial held in Strasbourg. Far from questioning the rules of court or the 2012 June trial, this study points towards the social and human dimensions and questions the power discourse dynamics that arise during the trial and become so apparent in *Mare Chiuso*. The 'failure' of the legal system to provide an actual hearing of the witnesses/victims of this tragedy is in fact addressed in the film by positing migrants' voices in a narrative sequence that is juxtaposed to the one of the trial in Strasbourg. The result is the restitutionary insertion of witnesses' hearings where, in fact, they should have been solicited by and heard in the court: the testimonies are filmed in a temporal sequence that follows seamlessly on from the opening of the trial. Furthermore, as both the defence and prosecution litigators elaborate their arguments to the judges, *Mare Chiuso* proposes migrants' accounts which frame and reinvigorate the trial's narratives rendering them more human and tangible. Throughout the film migrants 'bear witness to a missing testimony'; in the Strasbourg trial they 'have no story' (Agamben 2005, 36), hence no visibility. Within this context one of the witnesses' statements resonates with vigour and functions as a powerful reminder of the value of testimony: 'we wanted Europe to know what

we have lost because of the Italians'.

A trial provides an alternative spatial and temporal dimension in which the process of re-construction of the factual truth takes place. In this context, numerous actors – both those involved in the facts and those extraneous to them – realize this process of ascertaining what actually happened in a time and space aptly dictated by the rules of court. It must be noted that such context does not escape power dynamics, but it actually produces and reproduces power relations. As Ashcroft underlines:

> [t]ruth is what counts as true within the system of rules of a particular discourse; power is that which annexes, determines and verifies truth. Truth is never outside power, or deprived of power, the production of truth is a function of power (1989, 165--6).

The actual voices of migrants involved in the Case of Hirsi were missing in the process of power discourses and truth re-construction which occurred at the Strasbourg court; they were excluded by the process of "truth production". Nevertheless, the June 2012 trial duly incorporated witnesses' declarations: through third party interveners such as Human Rights Watch and the UNHCR, 'statements of numerous direct witnesses' were collected and reported (*Case of Hirsi* 2012, 30). While the 2012 court hearing did not in fact directly 'hear' from any of the migrants involved in the Hirsi case, chapter VI of the ECtHR rules of court prescribes that: 'any judge may put questions to any persons appearing before the Chamber' (rule 64.2). As the migrants were pushed back, beyond European borders, there were spatial (and legal) obstacles to their testifying; but how did we get to the stage that a public court hearing cannot hear from those involved in the incident? How can the re-construction of truth occur without the witnesses? Whilst we concur with the June 2012 ECtHR judgment and welcome its undeniable impact on future European politics (and practices) on migration, we highlight the crucial importance of testimonies in the search and validation of truth.

How is such erasure compatible with the very essence of the ECHR? Sophocles'

*Oedipus Rex* marked a break in the search and production of truth within a trial and distinguished the Greek trial from pre-classical practices, mainly based on physical performances and oaths to Zeus (de Romilly 2005). *Oedipus* brought about the figure of the witness as a key actor in the process of production of truth, thus defining the beginning of western trial practices. The absence of migrants' voices – dwelling at the borders of Europe, at the borders of Tunisia and Libya, and at the borders of international and national protections (as some of them are asylum seekers still awaiting UNHCR decisions) –reminds us powerfully of the significance of  the legacy of Sophocles' play . Such remoteness continues to characterize migrants of the Hirsi case not only before and during the trial, but even – and more ironically – afterwards. The ECtHR pronounced the judgment which declared Italy's practices as in violation of the convention and granted each one of the applicants 15,000 euros as they 'must have experienced certain distress' (*Case of Hirsi* 2012, 52). *Mare Chiuso* reports the very moment when such declaration was received by some of the migrants involved: a telephone call to one of the lawyers' offices, puts an end to the Hirsi case. The telephone call functions as a metonymic transposition of the evident displacement between the migrants' realm and that of the ECtHR.

**Time, Space and Borders**

Space and setting play a powerful role in the film and function as effective narrative devices in delegitimizing normative discourses. The building of the European Court of Human Rights in Strasbourg (Richard Rogers design 1995) features a wide use of glass and steel; the building and its design signify transparency and openness. In *Mare Chiuso* the camera shots focus on the ample stairwells which seem to spiral into a void, sustained by air; the gentle, curving shapes of the court chambers appear as a cocoon-like space. The ethereal feel that the building transmits is somewhat uncannily exacerbated by the angelic voices of some female singers seemingly rehearsing (in the building's stairwells) for a concert and duly accompanied by a pianist and a conductor. This scene, caught on camera as it randomly explores the

building from its insides, not only brings the distance between the court hearing and the absent witnesses to a further level, but also reflects its surreal incongruity.

This heavenly imagery, evoked by the long shot within the court building, is in striking contrast with the humble, earthly setting of the UN Shousha refugee camp where most of the migrants involved in this episode unravel their accounts. Grounded on the sand of the desert, in the vast openness of the camp, the refugees' tents appear fragile, undemanding and at once powerfully human. *Mare Chiuso* humanizes the 2012 trial in which Italy is accused of infringing the convention of human rights by indiscriminately pushing back migrants, most of whom were entitled to international protection. By juxtaposing original footage of the court trial to the recorded testimonies of those who were 'pushed back' on the high seas in 2009, the film articulates the 'hearing' which never occurred in court and provides the 'victims' with names, voices, faces, stories.

Reflections on settings plainly underline the realms in which migrants dwell, both physically and legally. Removed from the grounds of the human rights building, pushed back into *open* sea even before reaching Italian soil, they inhabit a spatial dimension which is permanently at the border. This border existence is further exacerbated by the sequence of testimonies in *Mare Chiuso* where migrants unravel their stories in the UN Shousha camp, at the border of Libya and Tunisia. Borders appear as a bubble which encapsulates them and surrounds them, 'these borders may be found anywhere' (Guild 2003, 103). As Jorry puts it, 'the growing "interpenetration of internal and external security" highlights the evolution of border controls becoming more and more differentiated, detached from the territorial logic and more targeted at specific groups' (Jorry 2007, 1). The impact of the externalization of European borders directly affects migrants' lives as they are, from the very onset of their journeys, caught in a permanent borderland existence. Defined by Gloria Anzaldùa as an 'open wound' (*herida abierta*) 'borders are set up to define the places that are safe and unsafe, to distinguish us from them. A border is a dividing line … a vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants' (1999, 25). Migrants are indeed a

forbidden and alien presence in Fortress Europe, where borders are 'multiplied and reduced in their localization, … thinned out and doubled, … no longer the shores of politics, but … the space of political itself' (Balibar 1998, 220).

*Mare Chiuso*'s portrayal of migrants functions as a re-figuration of mainstream narratives of criminalization and victimization; it provides a space where migrants articulate their stories, in a displaced 'hearing'. This process of self-representation allows them to escape victimhood and to become political agents once again. As Bromley has it, 'the displaced erupt into the spaces and enclosures of the national map/fiction, bleed its boundaries and puncture its temporalities' (2012, 350). The voices in the film enact not only a displaced 'hearing' but also a temporal displacement. Time is a key paradigm in *Mare Chiuso* in which the simultaneous use of diverse time dimensions (trial, migrant voices, TV footage, news reports, etc.) deconstructs 'old times'. The fragmented and juxtaposed time sequences debunk dominant notions of time and mark a fracture between old and new (hi)stories. The colonial and historical amnesia inscribed in dominant narratives is challenged by *Mare Chiuso*'s alternative temporalities which re-write erased and 'unheard' histories. *Mare Chiuso* expands both the time of the trial and that of the narrative in the official documents of the Case of Hirsi. Within its sixty-minute running time, the film reformulates roles and narratives and addresses the ellipsis produced by the legal discourse. A blatant example of narrative ellipsis (and erasure) emerges from the Case of Hirsi judgment, where the tragic events of being first rescued and then handed over to Libyan police – narrated by migrants in painful detail and recollected with terror – are considered in haste as follows: '[t]he occupants of the intercepted vessels were transferred onto Italian military ships and returned to Tripoli' (*Case of Hirsi* 2012, 3). The testimonies recounted in *Mare Chiuso*'s are thus squeezed into one sentence only, and the violation of human rights is encapsulated in the word 'returned' – which should imply a restitution to a place of belonging. But it does not. The film's montage also contributes to the reversal of the strictly imposed timing of the trial. It is thanks to this temporal inversion, expansion and dilation that at last stories can come to populate history.

**Witnesses' Tales of 'Shipwrecks'**

In *Mare Chiuso* migrants articulate narratives of departure, war, famine and fear. The camera crosses a map of Africa, focusing on the Horn of Africa and tracing migrants' routes through the desert, to Libya. Migrants' accounts of their lives in Libya tell of abuse, prison, arrest, torture; both men and women narrate as the camera focuses on their faces. These migrant narrators (all of whom wear a barcoded bracelet) sit in their tent in the camp, their words 'fill' the screen. The stillness of their pose – enhanced by the fixed camera – and their sitting position allow for their narratives to dominate the scene. This produces a counter–narrative to the erratic movement of migratory routes affected by brutal policing, controls and savage abuses of human rights.

The sea crossing is documented through the original footage taken by one of the migrants on board – probably on a mobile phone. The video captures men, women and children packed on a small boat after days at sea, left with neither water nor food. Often these journeys are realized without any appropriate guidance, knowledge of maritime routes or suitable equipment – boats are old and seldom fit for sea; as some of the witnesses report, 'it is dangerous', 'GPS are unreliable', 'we were wounded', 'soaked in petrol'. Migrants sing and pray for their destiny. Four days without any petrol, they are left at the mercy of the elements. A call for help to the Italian authorities results in the prompt arrival of a rescue helicopter, though a later telephone call will turn the path of their destiny again.

Some of the witnesses' accounts tell of: a 'big ship, so big it could fit a helicopter platform'; 'this is the ship that will fetch us. We wanted a dream'; 'God exists'. Though beaten by the sun and overcome by hunger and thirst, a joyful and moving scene is captured by the video as an Italian lifeboat approaches them: 'They welcomed us well'; 'I told them that I was happy because they welcomed me'. The ship in question is Orione P410, an off-shore patrol vessel of the Italian navy. As the rescue operation unravels, women are taken first and provided with water and food. According to the testimonies, the officers in charge spoke English to the migrants and were reassuring and supportive in the way they handled the rescue operation. It was a phone call from Rome that broke this happy ending story – as

witnesses put it – before its end. Indeed, a change of orders abruptly transformed the officers'

attitude and behaviour towards the newly rescued. The phone call suddenly erased migrants'

legal status, thus rendering them unnameable and unclassifiable beings. As article four of the

Italian navigation code prescribes, 'Italian vessels on the high seas are considered to be

Italian territory'; thus, despite being under Italian sovereignty, migrants were treated as being

at the borders, were pushed back legally, physically and politically. A 'shipwreck' of

migrants' legal status takes place, as the paradox of the phone call's counter-order speaks of

the contradictions at the core of the 2008 treaty and the Italian politics on migration in the

Mediterranean. This impromptu, ad hoc, rule-making – eschewing national and international

laws – reveals the existence of longstanding subterranean Italian political practices (Gjergji

2010; Ticktin 2006). What Hannah Arendt calls 'the right to have rights' (1951, 294) is here

overtly denied by a state of exception – 'a no-man's land between public law and political

fact … a threshold of indeterminacy between democracy and absolutism' (Agamben 2005, 1--

3) – that 'suspend[s] the validity of the law and legally places [the sovereign] outside the law'

(Agamben 1998, 25). As Agamben argues, 'the state of exception tends increasingly to appear

as the dominant paradigm of government in contemporary politics' (2005, 2). Reduced to

bare life, in Agamben's terms, migrants were indiscriminately 'pushed back' to Libya, to the

place where they suffered abuse, prison and torture.

This incongruous and unfortunate incident, beyond its grave illicitness, takes even

more sinister routes as soldiers ceased to provide food, water and assistance to migrants. The

almost schizophrenic notes of these circumstances are expressed powerfully by the officers'

refusal to address the migrants: 'they spoke no more English', 'they took all our documents'.

Through the state of exception, migrants fall from being rescued to being banned:

> [t]he relation of the exception is a relation of being banned. He who has been banned is
>
> not, in fact, simply set outside the law and made indifferent to it but rather abandoned
>
> by it, that is, exposed and threatened on the threshold in which life and law, outside and
>
> inside, become indistinguishable (Agamben 1998, 27).

This blatant lack of acknowledgement, and its dehumanizing consequences, stand in stark contradiction to the Orione's motto, 'Lumen et Fides' (Light and Trust), which is engraved in capital letters on a large brass plaque on the ship. The obscurity of the operation is driven by deceit, as migrants' anxiety and fear are met with fraud: 'we are taking you to Italy'. The ship Orione is named after the constellation Orion, in ancient mythology also known as the heavenly shepherd; however, the P410 patrol vessel shepherds the group of migrants into Libyan waters to honour a years-old pact between Italy and the country of the former dictator.

With a quilt hanging as a backdrop behind him, a migrant in the UN camp recalls hours of journeying in the Italian ship before they reached Tripoli at dawn; as he recounts their arrival back in Libya, he sits outside his tent in the camp and the prayer call in the background. The film's juxtaposition of narratives and settings conveys a sense of displacement as well as of strident contradictions between law and politics, hope and destiny. Another boat approaches Orione and the migrants are roughly handled and consigned to Libyan authorities; refusal and protestations were met with beatings, abuse and handcuffing – 'you are taking us to the murderers'.  The migrants' fear of returning to Libya, the terror experienced by those who thought they had just been rescued by the Italians, drives one of them to attempt to take his own life by jumping into the water (from which he is subsequently saved), as one of the witnesses recounts.[viii]

Accounts of those who were sent back to Libya and put in prison (Zilten) tell of being beaten for three days, of being tied up, given sea water to drink, tortured with electric wires, and being whipped; such testimonies are recounted in a measured and unhurried tone, with close ups and medium close up shots. This time dimension is very distant from the two-line sentence in the Case of Hirsi document. Only in 2011, during the uprising of the Libyan civil war, detained migrants were able to escape and walk to the Libya--Tunisia border to seek refuge in the UN camp, where later their testimonies were collected. Others attempted to cross the sea again: some were lucky and made it to Italy, but, as one migrant recounts, seventy two left Libya and only nine survived the crossing after fourteen days at sea without

food or water.[ix] Aware of having been spared by several ordeals, one of the nine survivors recalls the names of his lost companions; this testimony functions as an acknowledgment of the many deaths that still remain unaccounted for.

**Counter-Discourses, Strategies of Resistance in 'minor cinema'**

Political, media and legal discourses not only criminalize, but also marginalize the figure of the migrant, the 'forbidden and prohibited',

> [t]he destitute – including refugees, exiles, migrant workers, refused asylum seekers and undocumented aliens – are those who are not only impoverished but also abandoned by the narrative monopolies, inclusions and exclusions of the sovereign nation-state, lacking social or political mediation, outside of thought even, except as part of an 'immigration crisis'. However, what [is] for the sovereign nation-state a moment of crisis – 'Fortress Europe' – is also for the displaced a moment or space of encounter which raises the hypothetical possibility of becoming a political subject. (Bromley 2012, 341).

Such possibility of becoming a political subject lies at the heart of counter-narrative strategies of postcolonial cultural phenomena, often relegated at the margins; *Mare Chiuso* is in fact realized by ZaLab, an Italian collective devoted to participatory video/film-making in 'intercultural contexts and geographically or socially marginalized situations' (*ZaLab*). As Mellino points out with reference to Italy's postcolonial unconscious, there exist 'political, cultural and militant circles connected to, but outside, the university and contiguous with those of the new social movements … and it is certainly from this new political, cultural and intellectual ferment, from these border spaces, that one of the main Italian routes to postcolonialism can develop in the future' (2006, 470).

By staging powerful counter-narratives, ZaLab's works contribute to the burgeoning Italian postcolonialism.[x] *Mare Chiuso*'s representation of the 2009 event is not univocal as it

features a variety of media and voices: whilst showing both the original video from the migrants' boat and the recordings of testimonies, it also features the original footage of the Strasbourg trial; video recording of Berlusconi and Gaddafi's 2008 encounter, and original footage of the war in Libya. Furthermore, it also includes the media report of the Hirsi incident from Italian national TV. The early evening news talks about 500 migrants intercepted in international waters and 'pushed back'; interviewed interior minister of the time, Maroni, states that 'this is a turning point, arrivals should be prevented', at all costs. Original footage from one of the several friendly, official encounters between Berlusconi and Gaddafi is entwined with more oral testimonies from the UN refugee camp. A lullaby sung by one of the women in the Shousha camp functions as a prelude to the pompous ceremony in which Gaddafi and Berlusconi renew their friendship and shake hands.

Liberti and Segre articulate skilfully a series of counter-discourses to the 'official' accounts of this incident; the multi-medial and multi-vocal narrative constructed by *Mare Chiuso* speaks back to established and imposed perspectives. Clifford reminds us of the importance to review 'modes of authority' (1983, 141) in writing by allowing polyphonic narrative to come to the fore – especially in the context of subaltern subjects – to allow for relative, counter-discourses to emerge and be juxtaposed to official ones. The film replaces and challenges the univocality of normative discourses by introducing a heteroglossic dimension: rather than one voice disseminating an officially-sanctioned version, *Mare Chiuso* juxtaposes different voices. Bakhtin's concept of heteroglossia proves useful to this study, as it sheds light on the articulations of counter-discourses: drawing on dominant accounts, *Mare Chiuso* develops representational and (counter-)discursive strategies of resistance from the margins (borders). What Bakhtin calls 'heteroglossia' is a multivocal dialogue which represents non-homogeneous cultural diversities: '[t]his dialogized heteroglossia' – animated by 'centrifugal, stratifying forces' (1981, 272--3) challenges and defies centralizing and unifying discourses. In *Mare Chiuso*, heteroglossia unfolds through the several intertwining voices: the engagement of migrants' narratives with the hegemonic, legal and official discourses announces a significant discrepancy between times, places and stories.

Thus, the film represents a cinematic postcolonial text which expresses 'a more complex, less sequential history: in fact you are compelled to retell the "facts" in such a way as to be inventing a language from scratch' (Said 1994, 393). Counter-discourse, as a site of struggle over meanings, can be an effective rhetorical strategy of resistance: discourse operates in a field of relationships and is therefore the locus of a struggle over meanings characterised by (re)-appropriation and mimicry. As Said put it, 'official narratives still have the power to interdict, marginalize, and criminalize alternative versions of the same history' (1994, 393). *Mare Chiuso*'s multiplication of voices revolving around the ECtHR animates the trial's static vision and opens spatial and social interactions, revising and intervening in the official narratives. Such strategy 'involves the capacity to interpose, to intervene, to interject a wide range of counter-discursive tactics into the dominant discourse' (Ashcroft 2001, 47). The trial's monocular-monocultural discourse is relativized, problematized by alternative perspectives from the margins and from the borders where innovation occurs, as 'a site of negotiation' (Bromley 2012, 347). *Mare Chiuso's* mutual and reciprocal relativization offers a 'reversibility of perspectives' – in Merleau-Pontian terms. What Bromley defines as the 'New Cinema of Displacement',

> [c]onstitute[s] an emergent, alternative narrative in which the 'modern geopolitical imagination' is subject to question. …. [T]he films represent the first steps in challenging the dominant vocabularies and image resources circulated and referenced by the state and its mediating agencies. (2012, 344)

The film escapes any accusatory tones, rather it presents and juxtaposes a series of multivocal narratives that speak to each others and concur into undermining legitimate practices; as Ashcroft has it, '[t]he successful disruption of the territory of the dominant occurs, not by rejecting or vacating that territory but by inhabiting it differently' (2001, 53).

**Conclusions**

The multiplicity of contradictions which *Mare Chiuso* reveals in its representation of the 2009 push back operations goes far beyond politics and migration. The film trespasses the ECtHR premises and those of the Shousha UN camp and offers a much wider look upon the Mediterranean to disclose and question grand-narratives surrounding this much celebrated bay. The counter-discursive strategies deployed by the film not only challenge the 2009 events, but also interrogate the stale discourses which have crystallized the Mediterranean into a two-faced entity: a blissful natural haven, and a backdrop to countless human tragedies.

The Mediterranean as a cultural concept and geo-political entity has been transposed onto the physical Mediterranean. Fernand Braudel, one of the first scholars to suggest this connection, described it as a multifarious and irregular landscape: 'a thousand things together. Not a landscape but countless landscapes', it grows and enriches itself to the point of becoming a 'system' in which nature and human kind reconcile, offering humankind a 'chance' to approach history in a different, original way (1999, 9). Braudel's theory holds marked Orientalist nuances which exoticize the Mediterranean in a homogeneous conundrum. The physical unity of the Mediterranean then turns into ideal unity; the fact that many people inhabit one place – allegedly – dissolves their differences and induces hybridization.

This special convergence of nature and spirit has typified most scholarship about the Mediterranean ever since (Latouche 1999; Goffredo 2000; Cassano et al. 2007; Alcaro 2006). *Mare Chiuso* breaks away from such romanticized views and shatters this postcard imaginary of the Mediterranean. The film provides an alternative perspective – firmly grounded in the Mediterranean as it is today – and offers a high-angled shot onto micro-histories. The very oxymoronic nature of the film's title, Closed Sea, tells undeniably of the vast contradictions at play in the Mediterranean and reverses the chief intrinsic characteristic of the sea; namely, its openness. The ironic tones of this title cannot fail to induce viewers to reflect upon the foolishness of closing off a sea. Furthermore, the irony of push back operations acquires even heavier tones in the face of the Mediterranean's geo-physical structure. In fact, the recent seismic activities which have repeatedly shaken Italy seem to be a result of the African plate

*pushing* northward. There is a tension of *pushing* from oppositional directions: push back operations are mockingly challenged by Africa's geo-physical counter-pushing (Mantovani et al. 2012).

*Mare Chiuso* breaks the silence and redraws the lines of a contemporary, postcolonial Mediterranean. This perspective is captured lyrically in the words of Erri De Luca:

> The coasts of the Mediterranean are divided.
> Departures and arrivals, but unbalanced:
> more shores, more nights of boarding, than arrival,
> so few the lives that reach *Italia*.
> With our help, misfortune undoes the figures,
> and yet – *Italia*, a word open with *aria* (2005, 7)[xi].

**Endnotes**

[i] 'Push back' is are a patrolling practice whereby boat migrants are interdicted in the central Mediterranean Sea and forced back to the point of departure in North Africa.

[ii] Our translation from the official document of the treaty.

[iii] Our translation from the official document of the treaty.

[iv] The apology to Libya is Italy's only acknowledgment of its colonial past; no other apologies have been made to its other former colonies. This colonial amnesia still affects profoundly contemporary politics in Italy. It is telling that an influential political figure such as Berlusconi only recently claimed that: 'Mussolini's biggest fault were the racial laws (against Jewish people) for many other things instead he did well' (a problematic translation grammatically. Should it read: "Mussolini's biggest fault was the racial laws (against Jewish people). In many other things he did well'? (*Repubblica*, January 27, 2013).

[v] Italics is our emphasis.

[vi] ECHR, p. 34

[vii] The migrants who appealed to the ECtHR were no longer twenty four because, '[a]ccording to the information submitted to the Court by the applicants' representatives, two of the applicants, Mr Mohamed Abukar Mohamed and Mr Hasan Shariff Abbirahman (nos. 10 and 11 respectively on the list appended to the judgment), died in unknown circumstances after the events in question' (*Case of Hirsi* 2012, 4).

[viii] This extreme act echoes thousands voluntary deaths at sea of Africans forcefully traded to America across the Atlantic during the slave trade.

[ix] The changes that swept across North Africa in 2011 marked a significant break in the migration patterns both within North Africa and between North Africa and the EU. The UNHCR defined 2011 as the 'deadliest year' in the Mediterranean which turned out to be a sort of postmodern cemetery. In the 'deadliest year' many African migrants could not reach the Italian shores alive, often not due to weather conditions or shipwrecks. One particular event provides an insight into the tragic and disconcerting conditions that African emigrants have to face crossing the Mediterranean Sea. In the case of what is now referred to as the 'left-to-die boat', seventy two emigrants fleeing Tripoli by boat on 27 March 2011, were left to drift for fourteen days, with no water or food on-board, until they landed back on the Libyan coasts – sixty three of them died. Migrants' distress calls went unanswered for days, despite the significant naval and aerial presence in the area due to the military intervention in Libya; Italy was the country that received their S.O.S. calls. A nine-month investigation by the Council of Europe has brought to light human and institutional performances that condemned the boat's occupants to their deadly fate.

[x] Zalab's counter-discoursive strategies are reinforced and enhanced by its alternative approach to distribution and dissemination of *Mare Chiuso,* as well as for many other of its visual works. Indeed,

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the 2012 docu-film was screened in non-mainstream venues across the peninsula and the rest of Europe and distributed via its website only, removed from larger global distribution channels.
[xi] Our translation.

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