

edited by

**Antonio Lavieri**  
**Alessandra Pera**

**Pandemia**  
**in Translation**

*A Comparative  
Understanding of  
European Social Values*

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# **Pandemia in Translation**

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## Introduction

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Words are translated into images, music into words, and gestures into objects. Furthermore, even within a single culture, translation processes enable the passage from one context of communication to another. Virtually everywhere, such formal contexts of the expression of meaning as ritual action, play, and other forms of performance generate their specific “ontologies.” Things, artifacts, and living beings may then crucially change their nature [...]. In these cases, the interpretation of such formal contexts of cultural representation transforms translation into a way to translate “worlds”.

W.F. Hanks & C. Severi<sup>1</sup>

This volume, resulting from the training and research activities of the “Pandemic in translation” project – FORTHEM’s *Experiencing Europe* Lab, University of Palermo<sup>2</sup> –, deals with central is-

<sup>1</sup> W.F. Hanks and C. Severi, “Introduction”, in W.F. Hanks and C. Severi (eds.), *Translating Worlds. The Epistemological Space of Translation*, HAU Books, Chicago 2015, p. 10.

<sup>2</sup> FORTHEM European University Alliance is supported by the European Union via different project funding; the original FORTHEM project 2019-2022 is co-funded by the Erasmus+ Programme of the European Union.

sues related to COVID-19 pandemic, and aims at contributing to a comparative understanding of mainly, but not exclusively European values challenged during this contingency. This interdisciplinary project mobilizes a multicultural and multilingual debate about norms and beliefs, cultural identities and societal values, public policies and emotional communities<sup>3</sup>. Using methodologies drawn from Comparative and International Law to Comparative Literature, from discourse analysis to Translation Studies, this book clarifies the socially constructed nature of the pandemic reality and calls for a redefinition of some long-assumed categories.

Although translation can function culturally, epistemologically and cognitively

The European Experiencing Europe Lab seeks to provide analysis and scientific reflection on various aspects and levels of Europeaness, ranging from historical and political aspects to social and cultural issues that create new definition contexts for Europe: <https://www.forthem-alliance.eu/objectives/labs/experiencing-europe/>.

<sup>3</sup> A. Page, *Émotions en temps de crise: une clinique des peurs individuelles et collectives. Analyse qualitative des peurs en période de pandémie*. Sciences du Vivant [q-bio], Ph.D. dissertation, 2021 : <https://dumas.ccsd.cnrs.fr/dumas-03258272>.

as a metaphor<sup>4</sup>, in fact translation seems more like “a process endogenous to social life<sup>5</sup>”: in this sense – and from an anthropological point of view – it allows for the articulation of ethical, legal, normative and ideological representations. In some cases, translation can highlight the hermeneutic impasse between public policy actions and the discursive politics that emerge from them. The social suffering caused by the pandemic crisis calls into question both scientific mediation as a whole and scientists’ position in particular: how can scientific accuracy be reconciled with the need to make certain warnings known? Who is qualified to speak about the pandemic and its societal implications? Which authority figures are expressing their thoughts on the matter, and how trustworthy are they? Indeed, the methodological combination of

the approaches of Translation Studies and Multilingual crisis communication points to translation as a key theoretical concept not only in social and human sciences, but also in the anthropological and epistemological construction of global public health discourses<sup>6</sup>.

In this light, the contributions collected in this volume address the new world pandemic as an opportunity and a new way of translating (and reconfiguring) cultural difference and social experience. In particular, Barbara Curylo’s chapter focuses on the need for an intercultural dialogue in the public diplomacy’s response to the pandemic, emphasizing how culture has a large influence on international relations

<sup>4</sup> R. Evans, “Metaphor of Translation”, in M. Baker (ed.), *Routledge Encyclopedia of Translation Studies*, Routledge, London 1998, pp. 149-153.

<sup>5</sup> W.F. Hanks and C. Severi, “Introduction”, cit., p. 2. See also A. Lavieri, “Anthropology and Translation”, in Y. Gambier and L. van Doorslaer (eds.), *Handbook of Translation Studies*, Vol. 5, John Benjamins, Amsterdam-Philadelphia 2021, pp. 11-16.

<sup>6</sup> E. Engebretsen, T.J. Sandset, and J. Ødemark, “Expanding the knowledge translation metaphor”, in *Health Research Policy and Systems*, 2017, doi: 10.1186/s12961-017-0184-x; see also: I. Pillar, J. Zhang, and J. Li, “Linguistic diversity in a time of crisis: Language challenges of the COVID-19 pandemic”, *Multilingua*, vol. 39, no. 5, 2020, pp. 503-515: <https://doi.org/10.1515/multi-2020-0136>; F.M. Federici, *Language as a Social Determinant of Health. Translating and Interpreting the COVID-19 Pandemic*, Palgrave Macmillan (forthcoming); K.L. Tong and W. Dingkun (eds.), *Translation and Social Media Communication in the Age of the Pandemic*, Routledge (forthcoming).



(IR), which provide a framework for decision-makers' and participants' behaviours and attitudes, which are massively amplified by outstanding communication technology developments. The author argues the COVID-19 pandemic has broadened the context of public diplomacy and intercultural dialogue, strengthening some while weakening others, as widely investigated. Alessandra Pera examines the strong limitations on constitutional fundamental rights in Italy as a result of the pandemic, owing to the dominant right to health in its individual and collective dimensions. In particular, her analysis focuses on public education, highlighting the pre-existing problems caused by relevant legislation and the issue of financial resources, the measures approved by the Italian government concerning schooling as well as online teaching during the first and second waves of the pandemic, and the inequalities emphasised by the digital and socio-economic divide across the country. The critical issues arising from the balancing of conflicting interests and values are also crucial in María Torres Pérez's chapter, which is devoted to the sacrific-

es and restrictions on freedom of movement in the European Union, balanced by the spirit of cooperation among Member States in establishing an emergency European fund to aid the continent's recovery in such a vulnerable context. The pandemic has exacerbated people's vulnerabilities, as highlighted by Erika Raniolo's study on the experiences of deaf people, which analyses how the pandemic appears in the eyes of deaf people, focusing in particular on the term "eyes" from two different perspectives: on the one hand, by stressing on the importance of the visual channel and, more broadly, on the question of the "visibility" of the interpreter; on the other hand, discussing how Italian deaf people "see" the pandemic, analysing the information they receive through translation into sign language.

An intriguing specific focus is on the pandemic narrative as told through war metaphors, which have appeared repeatedly in speeches and conferences. In his essay, Salvatore Azzarello explores images of the health emergency in contemporary poetry, locating images depicting the health emergency all over the world, such

as those of the potter's field in Hart Island, field hospitals in New York, or the column of military trucks transporting the coffins of COVID-19 victims in Bergamo, which had global resonance. More specifically, Azzarello's chapter analyses two recent poems, *Plaguey Hill* by Paul Muldoon and *Requiem per una casa di riposo lombarda (Requiem for a Lombard Rest Home)* by Fabio Pusterla, and delves on the metaphorical function of pictures in portraying and narrating the human condition. Last but not least, the interviews carried out by DEMS's students for the short film *Behind Words. Voices from the Pandemic* shed new light on the issue of the relationship between the discursive imaginary of the deliberative practices occurring during the lockdown and the social polysemy of the affective cate-

gories experienced by citizens. The semantic conflicts linked to multiple symbolic designations – i.e. “home”, “normality”, “family”, etc. – emerged in the Italian context during the lockdown, and especially around the notions of “congiunti” (relatives?) and “stable affections” (which are not defined in the Italian Civil Code) show that the norms as formulated by the enunciative sources are inadequate to express the complexity and symbolic transformations of socio-affective relationships.

Our best thanks to all colleagues, graduate and undergraduate students and friends who have made this project possible. A special thanks to Giovanni Agresti, Francesco Caruso, Gianni Gebbia, and Silvia Pallini: without their invaluable help, our short film would never have been completed.

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## **Public Diplomacy and Intercultural Dialogue in the Face of the Pandemic**

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*Abstract:* Today, culture has a large influence on International Relations (IR) that provide a framework for decision-makers' and participants' behaviours and attitudes, which are massively amplified by outstanding communication technology developments. As a result, different types of misunderstanding are especially common in today's complex world, and it appears quite obvious that an actor's success on the international stage is determined not only by its material power and resources, but also by its intercultural competence. In the present paper, I shall argue that intercultural competence can be acquired through public diplomacy (PD), in particular within that relational framework. The COVID-19 pandemic has expanded the context of public diplomacy and intercultural dialogue, strengthening some tendencies while weakening others.

The present chapter is divided into four parts. After the Introduction, the first part discusses

PD in the context of rapidly changing IR. The second discusses culture as a determinant of IR and its incorporation into intercultural dialogue (ID). The third part focuses on the relational approach to PD which is considered an effective framework for managing ID. The last part analyses the effects of the pandemic on PD and ID in its earliest phase.

*Keywords:* diplomacy; public diplomacy; relational framework; culture; intercultural dialogue; pandemic.

### *1. Introduction: dynamic changes in a dynamic world*

IR are a dynamic landscape that requires scholars, observers, analysts, and diplomats to constantly rethink the ways and methods by which various actors co-exist and communicate in the international arena. Over the past decades the most significant changes have been mutually interconnected. Firstly, due to striking technological advancements, new concerns and hazards have emerged on a regular basis, extending beyond the borders of the single states and requiring to be addressed by specific regulations by the internation-

al community as a whole. Second, globalisation, which is both a driving force and an effect of technological advancements, has accelerated global integration and disintegration processes, bringing about conflicts, tensions, and misunderstandings of various kinds on multiple levels. Furthermore, because of their ramifications that extend beyond national borders, internal policy concerns have ceased to be internal matters of states or nations and have become the focus of numerous international actors. The evolution of ICT has made technological progress and the degree of global interdependence particularly evident, with twofold consequences. Firstly, as Eytan Gilboa pointed out, ICT advancements “have significantly altered the conduct of conflict, warfare, and conflict resolution. [...] Evolution in communication technologies have changed the meaning of power, the number and nature of actors participating in international political processes, and the strategies these actors employ to achieve their goals”<sup>1</sup>. Second-

ly, progress in communication technologies has resulted in an increasingly larger public being involved in global communication processes, which facilitates in the formation of global public opinion.

The dramatic increase in the number of participants in IR observed in the twentieth century as a result of the emergence of new countries and the growing importance of international organizations has also been determined by the significant importance of new players, primarily non-state actors (e.g., NGOs, translational corporations, etc.), whose activities and influences make the international arena even more diverse and multifaceted.

This also applies to the global population, which, despite its diversity and fragmentation, has become active and aware of the opportunities for influence provided by modern communication technologies. These new participants contribute to international politics in a variety of ways and provide a wide range of stimuli to IR, among which we can include the growing importance of culture in contemporary international relations and di-

<sup>1</sup> E. Gilboa, “Media and Conflict Resolution: A Framework of Analysis”, *Marguette Law Review*, Vol. 93, Issue 1, 2009, p. 87.

plomacy. As Rhonda S. Zaharna pointed out, culture “has emerged as the new dynamic in international relations”<sup>2</sup>. The impact of this dynamic is particularly reflected in the fact that culture establishes the framework for the actions of all types of decision-makers, implying the necessity of deepening, broadening, and implementing international education, which provides useful instruments for the analysis and interpretation of the cultural bases of actions and behaviours. The rapidly expanding number of different international actors, combined with the advancement of communication technology, has created tensions that result from misunderstanding or misinterpretation, which is in turn caused by a lack of understanding of the cultural contexts.

All these changes necessitate bolstering traditional diplomacy by introducing innovative instruments capable of addressing contemporary international is-

ssues, particularly in light of the growing importance of culture and intercultural dialogue: two key factors that were once the competitive advantage of the willing and have now become an imperative for the unwilling.

As it has been argued, the issues affecting contemporary diplomacy are “highly interdependent, requiring holistic solutions, international cooperation and, increasingly, collaboration between international civil societies. Diplomats will increasingly function as facilitators and social entrepreneurs between domestic and foreign society groups as they operate in global policy networks”<sup>3</sup>. These changes have left the field open to PD, which is developing the tools to carry out new functions and manage new processes and tendencies.

The purpose of this essay is to show that PD, being a tool through which the diverse actors can acquire intercultural competence, can contribute to inter-

<sup>2</sup> R.S. Zaharna Zaharna, *Mapping out a Spectrum of Public Diplomacy Initiatives. Information and Relational Communication Frameworks*, in N. Show, P.M. Taylor (eds.), *Routledge Handbook of Public Diplomacy*, Routledge, New York 2007, p. 15

<sup>3</sup> Hocking *et al.*, “Futures for diplomacy. Integrative Diplomacy in the 21st Century”, Netherlands Institute of International Relations ‘Clingendael’, The Hague 2012, Raport, No. 1, p. 6.

cultural communication and dialogue, in particular within the relational framework. The COVID-19 pandemic has expanded the context of public diplomacy and intercultural dialogue, strengthening some tendencies while weakening others.

The present chapter is divided into four parts. The first part discusses PD in the context of rapidly changing IR. The second discusses culture as a determinant of IR and its incorporation into intercultural dialogue (ID). The third part focuses on the relational approach to PD which is considered an effective framework for managing ID. The last part analyses the earliest pandemic-related consequences on PD and ID.

## 2. *Public Diplomacy*

In both definitional and practical terms, public diplomacy is a large category. Many of its qualities and traits are highlighted in the literature in an attempt to represent its characteristics and specifics. There are two common definitions of PD<sup>4</sup>. The first,

<sup>4</sup> G. Lee, K.J. Ayhan, “Why Do We Need Non-state Actors in Public Diplomacy? Theoretical Discussion of Relational, Networked and Collaborative Public Diplo-

which can be described as the state-centric definition, emphasises the role of the State as the main actor in PD and sees foreign peoples as the recipients of its communication. The goals of this type of PD are detailed by Michael McClellan, who defines PD as “the strategic planning and execution of informational, cultural and educational programming by an advocate country to create a public opinion environment in a target country or countries that will enable target country political leaders to make decisions that are supportive of advocate country’s foreign policy objectives”<sup>5</sup>.

This variant of PD, frequently labeled as government-to-people PD, aims at influencing the people of foreign countries. Gifford D. Malone straightforwardly describes the goal underlying State actions when he defines PD as “one of direct communication with foreign peoples, with the

macy”, *International Journal of Area Studies*, 22(1), 2015, p. 57-58.

<sup>5</sup> S.B. Rasmussen, “Discourse analysis of EU Public Diplomacy: messages and practices”, Netherlands Institute of International Relations ‘Clingendael’, The Hague 2009, p. 3.

aim of affecting their thinking and, ultimately, that of their governments”. PD is primarily concerned with enhancing, promoting, and developing a country’s image, formulating policy and interests, and explaining the country’s point of view, particularly in times of crisis and conflict. As a result, PD is sometimes misunderstood as an euphemism for propaganda rather than a novel foreign policy tool. However, as indicated by Yelena Osipova and Fevzi Bilgin, contrary to propaganda, PD assumes that “the imparted information is not intended to misinform or mislead, but rather to engage, while the communication flow is mutual, as opposed to the one-way, top-down loudspeaker approach”<sup>6</sup>.

The second definition extends the scope of the actors involved in PD, and recognizes its more ambitious goals and strategies. First, according to this definition, PD actors are not only the States, but also non-state entities, the goals of which may not necessarily coincide with those of governments’. In this second variant, P is be-

ing referred to as a “new public diplomacy” and is defined as “an instrument used by states, associations of states, and some sub-state and non-state actors to understand cultures, attitudes, and behavior; build and manage relationships; and influence thoughts and mobilize actions to advance their interests and values”<sup>7</sup>.

This perspective, interestingly, applies not just to changes in the international arena, but also to strategies for controlling and dealing with such changes. The accomplishment of the various actors’ goals should be founded on mutual understanding and intercultural discussion, which leads to the development of long-term relationships between the parties concerned. This assumption is not based on naive philanthropy or optimistic idealism; rather, it is founded on the rational notion that cultural misunderstandings and misconceptions not only exacerbate but also generate new international tensions. Long-term partnerships built on

<sup>6</sup> Y. Osipova and F. Bilgin, “Revisiting the Armenian-Turkish Reconciliation”, *Rethink Paper*, 08, January, 2013, p. 11-12.

<sup>7</sup> J. Melissen, “Beyond the New Public Diplomacy”, Netherlands Institute of International Relations ‘Clingendael’, The Hague 2011, p. 2.

mutual understanding are increasingly being seen as a tool for preventing conflicts.

As a result, the new PD involves a wide range of actors, including non-state and non-political entities, and promotes forms of engagement such as citizen diplomacy (where citizens are believed to perform important functions in creating a positive image of their country and taking part in intercultural dialogue). Thus, the new PD has evolved into a valuable and widely recognised tool for conflict resolution<sup>8</sup>.

New PD presents a whole range of characteristic features that distinguish it from classic diplomacy. The first fundamental difference concerns their recipients. James Pamment explains: “If diplomacy is the ‘management of change’ in the international environment through engagement with foreign governments, public diplomacy is the management of that changing environment through engagement with public actors. At its core lies the implicit objective of influencing

government-to-government relations in a given area of foreign affairs by engagement with citizens and groups whose opinions, values, activities and interests may help sway another government’s position”<sup>9</sup>. Further substantial differences become apparent when we look at the second part of the definition of PD, with its emphasis on the creators of PD actions. In contrast to classic diplomacy, reserved to governments and foreign affairs officials, PD engages non-governmental actors and social practitioners. As Melissen puts it, “Diplomacy in a traditionalist view is depicted as a game where the roles and responsibilities of actors in international relations are clearly delineated. This picture no longer resembles the much more fuzzy world of postmodern transnational relations – a world, for that matter, in which most actors are not nearly as much in control as they would like to be”<sup>10</sup>. Melissen refers specifically

<sup>8</sup> I. Kirova, “Public Diplomacy and Conflict Resolution. Russia, Georgia and the EU in Abkhazia and South Ossetia”, *CPD Perspectives on Public Diplomacy*, Paper 7, 2012, p. 8.

<sup>9</sup> J. Pamment, *New Public Diplomacy in the 21st Century. A comparative study of policy and practice*, Routledge, London-New York 2013, p. 1.

<sup>10</sup> J. Melissen, *The New Public Diplomacy: between Theory and Practice*, in J. Melissen (ed.), *The New Public*



ly to States that are believed to be losing some of their dominant position in the international arena and are forced to operate under new global circumstances that favour non-state actors.

### 3. *Culture as a Determinant of International Relations*

Along with the dynamic changes in IR, the cultural factor has emerged as a significant determinant. One of the most renowned scholars in Cultural Studies has defined culture as “the collective programming of the mind that distinguishes the members of one category of people (i.e. social groups) from another [...] This ‘programming’ has three elements. First, it is collective rather than individual [...]. Second, it is programming of the mind, which means that is somewhere inside us, but you can’t judge from the outside how a person is programmed. You have see a person acting in order to learn about his or her programming. And, fi-

nally, this programming distinguishes the members of one group or category from another”<sup>11</sup>. Importantly, the concept of culture refers not only to national culture, but also to culture within a profession, an organisation, or even a family<sup>12</sup>. With regard to these characteristics, Wilfried Bolewski<sup>13</sup> argues that culture can be compared to a programme, and cites Raymond Cohen’s opinion according to which such programme “contains information about the society in which individuals find themselves. It provides information about social roles, the structure of relationships, etiquette and how everyday life should be arranged”<sup>14</sup>. Culture defines the actors’ attitudes, behaviours, and actions, and thus serves as a framework for

<sup>11</sup> G. Hofstede, *Diplomats as Cultural Bridge Builders*, in H. Slavik (ed.), *Intercultural Communication and Diplomacy*, DiploFoundation, Malta-Geneva 2004, p. 6.

<sup>12</sup> *Ibidem*.

<sup>13</sup> W. Bolewski, “Diplomatic Processes and Cultural Variations: The Relevance of Culture in Diplomacy”, *The Whitehead Journal of Diplomacy and International Relations*, Winter/Spring, 2008, p. 146.

<sup>14</sup> R. Cohen, “Negotiating Across Cultures, International Communication in an Interdependent World”, United States Institute of Peace, Washington DC 2004, p. 12.

interpretation, which is a critical determinant of the communication among actors. The cultural context defines how each single party involved understands a particular issue and envisions potential solutions, making joint international efforts extremely difficult to harmonise. As a result, developing cultural consciousness, followed by the acquisition of competencies and skills to understand and interpret cultural attitudes, is identified as one of the fundamental tools for resolving disagreements and conflicts.

To fully grasp the significance of the cultural factor, we should recall, if only briefly, those studies aimed at “dimensionalizing culture”. Hofstede described one of the most well-known classifications, pointing out six significant dimensions of culture<sup>15</sup>. All of them account for a significant portion of the cultural diversity of the actors in IR, with individualist and collectivist cultures being the most noticeable.

The first one is characterised by the grand belief that everybody is supposed to

take care of themselves and their immediate family only and that speaking one’s mind is healthy; the others are classified as individuals; education is about learning how to learn; and tasks takes precedence over relationships. In collectivist cultures, instead, there is a strong belief that people are born into extended families or clans which protect them in exchange for loyalty; personal opinions do not matter; the others are classified as “in-group” or “out-group”; education is about learning how to do things; and relationships takes precedence over tasks.

As for intercultural dialogue and communication, Edward T. Hall has distinguished between “low-context communication” and “high-context communication”: in the first, the meaning of the message can be grasped from the message itself, while in the second the meaning of the message is inferred from the context. Low-context favours explicit and detailed messages and emphasises the speaker’s role in message clarity. High-context communication favours implicit messages and detailed contexts and emphasises the

<sup>15</sup> G. Hofstede, “Dimensionalizing Cultures: The Hofstede Models in Context”, online Readings in *Psychology and Culture*, 2011, 2 (1), p. 9.

listener's responsibility in understanding the message<sup>16</sup>.

Another important cultural pattern of communication advanced by Edward T. Hall, distinguishes "monochronic communication" from "polychronic communication": in the first, communication is based on the assumption that time is linear and measurable, with obvious effects in terms of punctuality, scheduling, and planning, while in the second time is seen in its fluid dimension, so there is a loose adherence to punctuality, scheduling, and planning<sup>17</sup>. David Levine distinguishes between "direct communication", objective and emotionally neutral, from "indirect communication", which is ambiguous and intentionally uses emotions. Finally, Florence Kluckhohn has differentiated "doing-oriented pattern of communication", where emphasis is put on deeds and actions, and rewards and recognition follow accomplishments, and there are

also strong ties between words and deeds, and "being-oriented pattern of communication", where emphasis is put on social position regardless of accomplishments<sup>18</sup>.

#### 4. *Public Diplomacy and Intercultural Dialogue*

In the face of the cultural diversity reflected in the aforementioned types of cultures, Kelton Rhoads concludes that "Cultural awareness, cultural intelligence, and cultural sensitivity are often-repeated mantras among cross-cultural influences – as they should be. Cultural tuning increases the likelihood of effective persuasion. It's merely axiomatic to say that it's difficult to be influential without a knowledge of the culture in which one is practicing influence"<sup>19</sup>. So, in order to communicate effectively and exert influence, it is necessary to acquire appropriate methods. Because of its emphasis on commu-

<sup>16</sup> R.S. Zaharna, *Asymmetry of Cultural Styles and the Unintended Consequences of Crisis Public Diplomacy*, in H. Slavik (ed.), *Intercultural Communication and Diplomacy*, DiploFoundation, Malta-Geneva 2004, p. 147.

<sup>17</sup> *Ibidem*.

<sup>18</sup> See Table 1 in Zaharna 2004, 148.

<sup>19</sup> K. Rhoads, *The Culture Variable in the Influence Equation*, in N. Show, P.M. Taylor (eds.), *Routledge Handbook of Public Diplomacy*, Routledge, New York 2009, p. 167.

nication and dialogue, PD appears to be a preferable and recommended option.

PD initiatives serve many fundamental goals that can be achieved by applying relational framework to public diplomacy, which “focuses on relationship-building and the construction of social structures to advance political objectives”<sup>20</sup>. Several assumptions underpin the relational approach to PD. Firstly, it entails collaboration among all actors involved in the initiative at all stages. This means that partners collaborate in defining, designing, implementing, and monitoring the nature, goals, and outcomes of a given initiative – something that requires a reciprocal and trusting relationship. PD here is exercised in accordance with a “paradigm of jointness”, which means “joint planning for joint benefit”<sup>21</sup>. The emphasis is put especially on mutuality. Alan K. Henrikson even claims that “Mutuality broad-

ens, with the increase of numbers and the repetition and accumulation of experience, beyond reciprocity into a more generalized comity – possibly even into community”<sup>22</sup>. Secondly, another assumption on which rests the relational approach to PD concerns the fact that “publics should be regarded as stakeholders and active participants rather than mere target audiences”<sup>23</sup>. Thirdly, the engagement is mostly based on face-to-face contacts between collaborators in order to maintain relations and thus provide continuity and sustainability<sup>24</sup>. The aspect of direct interpersonal relationship-building is particularly highlighted in Leonard et al. (2002)<sup>25</sup>, who indicate that relationships should be

<sup>20</sup> R.S. Zaharna, *Mapping out a Spectrum of Public Diplomacy Initiatives. Information and Relational Communication Frameworks*, in N. Show, P.M. Taylor (eds.), *Routledge Handbook of Public Diplomacy*, Routledge, New York 2009, p. 86.

<sup>21</sup> *Ibidem*, 92.

<sup>22</sup> A.K. Henrikson, “What Can Public Diplomacy Achieve? Discussion Papers in Diplomacy”, Netherlands Institute of International Relations ‘Clingendael’, The Hague 2006, p. 6.

<sup>23</sup> G. Lee and K.J. Ayhan, “Why Do We Need Non-state Actors in Public Diplomacy? Theoretical Discussion of Relational, Networked and Collaborative Public Diplomacy”, *International Journal of Area Studies*, 2006, 22(1), p. 61.

<sup>24</sup> R.S. Zaharna, *Mapping out a Spectrum of Public Diplomacy Initiatives*, cit., p. 92.

<sup>25</sup> Leonard *et al.*, *Public Diplomacy*, The Foreign Policy Centre, London 2002, p. 11-12.

built on a long-term perspective. Last but not least, the same authors also emphasize the significant rise of social media in today's communication.

As observed by Zaharna: "Relational initiatives tend to focus on establishing interactive communication channels, and then enhancing or expanding those channels. [...] Communication channels that allow direct interaction, accord a sense of immediacy and facilitate involvement among participants are favored over mass-media channels"<sup>26</sup>.

The dramatic growth of social media interacts with relationship-building, which also is supported by the phenomenon of "social media diplomacy"<sup>27</sup> based on accessible and quick means of communication for individuals and societies among themselves. In this context, social media provide a direct platform for people-to-people communication, making it easier to build relationships in situations where communication among partici-

pants is limited due to physical, financial, or political barriers. Social media transmit information faster than traditional media. Furthermore, in the public's opinion, information conveyed via social media is far more reliable than that conveyed via traditional media, particularly those controlled by the State. As a result, social media platforms are equipped with features that encourage and facilitate dialogue among parties, for they provide "real-time communication, allowing for on-the-spot clarifications of misunderstanding and a free environment where participants can be the ones to choose the topic and the focus for their discussion"<sup>28</sup>. Social media potentially enable users to acquire practical skills of intercultural dialogue, since they allows the parties "to define their own path to relationship-building and that relationship's nature, bypassing and avoiding the narratives and frames promoted by interest groups and political forces that oppose dialogue at all cost"<sup>29</sup>.

<sup>26</sup> R.S. Zaharna, *Mapping out a Spectrum of Public Diplomacy Initiatives*, cit., p. 92.

<sup>27</sup> Y. Osipova and F. Bilgin, "Revisiting the Armenian-Turkish Reconciliation", cit., p. 13.

<sup>28</sup> *Ibidem*.

<sup>29</sup> *Ibidem*.

PD initiatives within the relational approach framework can take many forms, depending on “the level of participation (individuals, institution, or community), degree of coordination (limited, shared, or negotiated), scope (single-issue or multifaceted), time duration (days, months, or years), and policy objectives (political or non-political)”<sup>30</sup>.

### 5. *Public Diplomacy and Intercultural Dialogue in the face of the pandemic*

At the moment (mid-2021), it is difficult to draw a comprehensive picture of the pandemic-related or post-pandemic landscape of IR in the context of PD and ID. However, it is possible to discuss some of the aspects that the pandemic has had a significant impact on thus far.

#### a) *Pandemic in a dynamic world: causes and/or effects*

In light of the dynamic changes in IR described in the Introduction, it appears

quite clear that a worldwide pandemic fits perfectly (despite it sounds quite tragically from a humanitarian standpoint) into the mechanisms of globalisation. The ubiquitous spread of COVID-19 has demonstrated that globalisation cannot be understood as it once was, namely by focusing almost entirely on its economic, financial, or technological aspects, or on some benefits it has brought about (such as increasing travel possibilities). Globalisation of health has become an issue, as have global environmental problems, but at a faster rate and on a larger scale. Of course, humanity has faced pandemic situations in the past, but the COVID-19 situation has undoubtedly demonstrated that no limits or borders can prevent it from occurring on such a massive scale. We can say it has crossed state borders, becoming a major international issue that has mobilized a wide range of actors, including governments, international organisations, and non-state entities such as pharmaceutical companies and social stakeholders.

<sup>30</sup> R.S. Zaharna, *Mapping out a Spectrum of Public Diplomacy Initiatives*, cit., p. 93.

b) *Public ‘pandemic’ diplomacy*

The pandemic has compelled these actors to employ unconventional and, at times, contentious solutions that would have been questioned in “normal” times but appear to be justified in times of crisis. Governments around the world have imposed restrictions on the social sphere of individuals, which have resulted in social acceptance on the one hand and ostracism and reservation on the other. In order to stem the spread of the pandemic, extensive campaigns were put to place, with governments seeking to persuade people to temporarily live a life “behind a mask” and to “stay at home”. Interestingly, but quite predictably, in fighting the pandemic some social actors have proven to be more trustworthy than political ones, especially with regards to the imposed restrictions. At the same time, the international community was engaged in a “vaccine chase,” which took the form of an interesting political/diplomatic game among governments, international institutions such as WHO or the EU, and pharmaceutical companies, resulting in both social mobilisation

and opposition fuelled by mixed messages from the political arena. Once again, non-state actors have proven to be more effective in convincing that the vaccine is the solution to the pandemic.

c) *The “culture of pandemic”*

The core motto during the COVID-19 pandemic was “Stay at home”, but “staying at home” meant different things in different cultures. As described above, culture determines people’s attitudes, behaviours, and priorities. It is unquestionable that saving lives and preserving health are top priority in many cultures, but when it comes to behaviours and attitudes the situation is rather different, and, if we think to individualism and collectivism as we have described it above, it is clear that different cultures have different priorities. Individualist cultures have seemed to be more resilient in enduring the social consequences of the pandemic (even if this meant to withdraw from all social contacts). Collectivist cultures have sometimes been more affected by the pandemic’s social repercussions than by its medical consequences.

d) *Pandemic intercultural dialogue: the  
“Virtual Revolution”*

The key assumption of the PD applicability to ID is well expressed by the relational approach, which means building relationships among people from different cultures, preferably in person. As I have shown above, this approach has been successfully applied in international conflict resolution and reconciliation. The COVID-19 epidemic has halted numerous international social processes by putting a stop to physical connections and mobility. However, the other side of the coin is that the pandemic situation exposed the limitless potential of communication technologies, particularly social media. With the pandemic, ID shifted from face-to-face to face-on-the-screen-to-face-on-the-screen and extended the scope of international social contacts to an unprecedented extent. It is highly predictable that, in comparison to the pre-COVID-19 period, Virtual Reality will be significantly more prevalent. The future strategies of many of the actors involved in IR now seem to be resting on a “never turning back” assump-

tion. To make but an example, the EU is calling for virtual mobility to contribute to the idea of a “Green Europe”.

## 6. *Conclusions*

In some sense, PD can be understood as “a metaphor for the democratization of diplomacy, with multiple actors playing a role in what was once an area restricted to a few”<sup>31</sup>. As a result, if we are dealing with a large number of different players in contemporary IR, each with their own set of interests, it is necessary to know and understand these players so that ignorance or lack of understanding does not lead to further complications in an already complex international arena. David Bollier has advanced the intriguing thesis that, as communication technologies have grown exponentially, international politics has become a battleground for competing narratives<sup>32</sup>. PD aids stakeholders in gaining the

<sup>31</sup> J. Melissen, “Beyond the New Public Diplomacy”, cit., p. 2.

<sup>32</sup> D. Bollier, “The Rise of Netpolitik. How the Internet Is Changing International Politics and Diplomacy”, A Raport of the Eleventh Annual Aspen Institute Round-



knowledge and skills necessary to interpret these narratives. As a result, PD is useful in communication and ID because it fosters long-term relationships based on mutual acceptance and understanding of the other party, removing barriers and isolating a common denominator that can then be translated into a common goal. In this sense, relational approach PD is more of a process rather than the final result of a specific project<sup>33</sup>. Undoubtedly, the pandemic situation has dramatically changed the IR context, showing that “ready and steady” scenarios have not “worked” as they were expected to. Paraphrasing David Bollier, we can say that the “story of pandemic” has revealed, strengthened, and weakened many tendencies IR and some of pandemic consequences “will be here to stay”.

table on Information Diplomacy, The Aspen Institute, Washington D.C. 2003, p. 27.

<sup>33</sup> R.S. Zaharna, *Mapping out a Spectrum of Public Diplomacy Initiatives*, cit., p. 92.

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## **The right to education during the Italian pandemic. E-learning and inequality before the law**

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*Abstract:* Since the beginning of 2020 Italy have tried to give specific and rapid answers to the pandemic crisis, even if with strong compressions and limitations of constitutional fundamental rights, which has led to a huge debate among scholars about: the legislative instruments applied, the kind of legislation used, and on the merit of the measures enacted, having regard to their content and their compatibility with the constitutional principles and provisions, their legitimacy, their proportionality and the (un)fair balancing with the fundamental rights compressed and limited under their effects. Mostly, the crucial balancing work has involved, on one side, the right to health in its individual (private health) and collective dimension (public health) and, on the other side, many other fundamental rights, such as freedom of movement, freedom of meeting, right to work, right to education, and so on.

Among all these fundamental rights' limitation, this essay focuses on those affecting the bundle of legal situations protected under articles 33 and 34 of the Italian Constitution, which refer to the right to education and teaching in primary and secondary school.

In particular, the analysis briefly focuses on: the pre-existing problems arising from the relevant legislation and the issue of financial resources (§ 2); the measures approved by the Government in the field of schools as well as on online teaching, during the first and the second wave of pandemic (§ 3), with reference to the inequalities highlighted by the digital and socio-economic divide in the territory, also highlighting the problem of the safety of those who use e-learning platforms (§ 4).

*Keywords:* right to school and education; inequality before the law; e-learning; pandemic; fundamental rights.

### *1. Introduction and constitutional framework*

In order to effectively and rapidly address the pandemic crisis, in January 2020 Italy declared the state of emergency un-

der Section 24 of Legislative Decree 2 January 2018, no. 1, which contains the National Civil Protection Code<sup>1</sup>. The declaration of the state of emergency entailed severe limitations to fundamental rights granted by the Constitution.

As a matter of fact, the Government has been exercising the legislative function as never before, encroaching upon the jurisdiction that the Constitution and the law assigns to Parliament. The measures introduced to stem the spread of COVID-19 have sparked off a vast debate among scholars on the legal instruments used by the Government. In particular, from a formal standpoint, the focus has been on the type of legislation enacted and on the merit of the measures adopted, especially with regard to content, constitutional compatibility, legitimacy, proportionality, and the (un)fair balancing with the fundamental rights that their introduction has limited<sup>2</sup>. The most difficult balancing task

has involved, on the one hand, the right to health<sup>3</sup> in both its individual (private health) and collective dimension (public health)<sup>4</sup>, and, on the other, many oth-

e necessaria flessibilità”, *Biolaw Journal*, 2, 2020; S. Stiano, “Né modello né sistema. La produzione del diritto al cospetto della pandemia”, *Rivista AIC*, 2, 2020; M.C. Specchia, “Principio di legalità e stato di necessità al tempo del Covid-19”, *Osservatorio AIC*, 3, 2020; A. Morelli, “Il Re del Piccolo Principe ai tempi del Coronavirus. Qualche riflessione su ordine istituzionale e principio di ragionevolezza nello stato di emergenza”, *Diritti regionali*, 4 aprile 2020, 526; A. Palma, “Libertà e doveri: questioni costituzionali alla luce dell’emergenza Covid-19”, *Biolaw Journal*, 2, 2020.

<sup>3</sup> Art. 32 of the Italian Constitution reads: “The Republic shall safeguard health as a fundamental right of the individual and as a collective interest, and shall ensure free medical care to the indigent. No-one may be obliged to undergo any health treatment except under the provisions of the law. The law may not under any circumstances violate the limits imposed by respect for the human person”. The English translation of the articles of the Italian Constitution are taken from the official text prepared by the Office for International Affairs of the Senate of the Italian Republic (2018 edition).

<sup>4</sup> On the handling of the COVID-19 emergency, between *extra ordinem* sources and *secundum ordinem* sources, see A. Lucarelli, “Costituzione, fonti del diritto ed emergenza sanitaria”, *Rivista dell’Associazione Italiana dei Costituzionalisti*, 2, 2020, pp. 558-583; see also G. Azzariti, “I pieni e solitari poteri del capo del governo *extra ordinem*”, *Libertà e Giustizia*, March 21, 2020. On proportionality and on the concept of state of necessity, see G.V. De Francesco, *La proporzione nello stato di neces-*

<sup>1</sup> The code was amended in 2018 and is available on line at: <https://www.gazzettaufficiale.it/eli/id/2018/1/22/18G00011/sg>.

<sup>2</sup> For the scholarly debate, see A. Lauro, “Urgenza e legalità ai tempi del Covid-19: fra limiti imprescindibili

er fundamental rights<sup>5</sup>, such as freedom of movement, freedom of assemble, right to work, right to education, and so on<sup>6</sup>. The present essay focuses on the fundamental rights limitations affecting the bundle of rights protected under Arts. 33 and 34 of the Italian Constitution, namely the right to education and teaching in primary and secondary schools. For reason the sake of space, I shall not extend our analysis to higher education.

Art. 33 states that “Arts and science shall be free and may be freely taught. The

*sità*, Naples 1978; C.F. Grosso, entry “Necessità”, *Enciclopedia del diritto*, vol. XXVII, Milan 1977.

<sup>5</sup> For the debate on freedom of movement during the pandemic contingency, see P. Carrozzino, “Libertà di circolazione e soggiorno, principio di legalità e gestione dell’emergenza sanitaria da Covid-19”, *Osservatorio AIC*, 3, 2020, p. 10 ff.; V. Baldini, “Riflessioni sparse sul caso (o sul caos) normativo al tempo dell’emergenza costituzionale”, *Diririttifondamentali.it*. According to Baldini, the limitation of fundamental rights and, in particular, of the freedom of movement must be “functional and essential”.

<sup>6</sup> The balancing is more complex and critical in the emergency’s contingency, as observed by Massa Pinto, I. “La tremendissima lezione del Covid-19 (anche) ai giuristi”, *Questione Giustizia*, 4, March 18 2020; B. Caravita, “L’Italia ai tempi del Coronavirus: rileggendo la Costituzione”, *Federalismi.it*, 6, 2020.

Republic shall lay down general rules for education and shall establish State schools of all types and levels. Entities and private persons shall have the right to establish schools and institutions of education, at no cost for the State. The law, when setting out the rights and obligations for non-State schools applying for recognition, shall ensure that such schools enjoy full liberty and offer their pupils an education and qualifications of the same standards as those afforded to pupils in State schools. A State examination shall be required for admission to and graduation from the various types and levels of schools and to acquire qualification to exercise a profession. Higher education institutions, universities and academies, shall have the right to establish their own regulations within the limits established by the law”.

Under Art. 34, “Education shall be open to everyone. Primary education, given for at least eight years, shall be compulsory and free. Capable and deserving pupils, including those lacking financial resources, shall have the right to attain the highest levels of education. The Repub-

lic shall render this right effective through scholarships, allowances to families and other benefits, which shall be assigned through competitive examinations”.

Several other constitutional provisions concern the matter I am examining. Art. 2 states that “The Republic shall recognise and protect the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled”.

Under Art. 3, “All citizens shall have equal social dignity and shall be equal before the law, without distinction of gender, race, language, religion, political opinion, personal and social conditions. It shall be the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country”.

Art. 5 provides that “The Republic shall be one and indivisible. It shall recognise

and promote local autonomies and implement the fullest measure of administrative decentralisation of those services which are provided by the State. The Republic shall adapt the principles and methods of its legislation to the requirements of autonomy and decentralisation”. According to Art. 9, “The Republic shall promote the development of culture and scientific and technical research. It shall safeguard natural landscape and the historical and artistic heritage of the Nation”.

As for general provisions concerning the Public Administration, Art. 97 states that “Public offices shall be organised under the law and so as to ensure smooth and impartial operation. Civil service rules shall establish the jurisdiction, duties and responsibilities of civil servants. Access to the civil service shall be through competitive examinations, except in the cases established by law”.

With regard to the legislative and administrative competences on education and schooling, Art. 117, Para. 1 states that “Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and the constraints

deriving from EU legislation and international obligations. The State shall have exclusive legislative powers in the following fields: [...] g) legal and administrative organisation of the State and national governmental agencies; [...] m) determination of the minimum levels of benefits relating to civil and social entitlements to be ensured throughout the national territory; n) general provisions on education; o) social security”. According to Para. 2, instead, concurring legislation applies to the following matters: “International and EU relations of the Regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and with the exception of vocational education and training; professions; scientific and technological research and innovation in support of productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; regulation of communications; national production, transport and distribution of energy; complementary and supplementary social security; coordination of public fi-

nance and taxation; enhancement of cultural and environmental assets, including the promotion and organisation of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. In the sectors of concurrent legislation, legislative powers shall be vested in the Regions, except for the determination of fundamental principles, which shall be established by State legislation. Regions shall have legislative powers in all fields that are not expressly attributed to the State. The Regions and autonomous provinces of Trento and Bolzano shall take part in the preparatory decision-making process of EU legislative acts in the areas that fall within their responsibilities. They shall also be responsible for the implementation of international agreements and EU measures, subject to the procedural rules set out in State legislation regulating the authority of the State to take over in case of failure to act by Regions or autonomous provinces. The State shall have regulatory powers in its areas of exclusive legislation, subject to any delegations of such powers to the Regions. Reg-



ulatory powers shall be vested in the Regions in all other subject matters. Municipalities, provinces and metropolitan cities shall have regulatory powers as to the organisation and implementation of the functions attributed to them. Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elected offices for men and women. An agreement between a Region and other Regions aiming to improve the performance of regional functions and also envisaging the establishment of joint bodies shall be ratified by regional law. In the areas falling within its responsibilities, a Region may enter into agreements with foreign States and local authorities of other States in the cases and according to the forms laid down by State law”.

Art. 118 concerns administrative functions as well. They are attributed to the Municipalities, “unless they are attributed to provinces, metropolitan cities and regions or the State, pursuant to the principles of subsidiarity, differentiation and proportionality, in order to ensure uniform implementation. Municipalities,

provinces and metropolitan cities shall have own administrative functions in addition to any functions assigned to them by State or regional legislation, according to their respective competences. State legislation shall provide for coordinated action between the State and the Regions in the fields under Article 117, paragraph two, letters b) and h) above and also provide for agreements and co-ordinated action in the field of the preservation of cultural heritage. The State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, on the basis of the principle of subsidiarity”.

What occurred during the pandemic, in terms of the fundamental principles outlined in Arts. 33 and 34, is the exact opposite of the constitutional rationale, which is based on the idea of a “education open to everyone”. The Constitution has designed the school to provide a multifaceted environment. First of all, the school is a material place: a living space where interpersonal relationships

develop individual identity, history, and memory<sup>7</sup>. Also, the school is a space of self-determination, social inclusion, and social mobility, a place where discussion with others leads to the creation of an autonomous identity of the person-student, distinct from that of her/his family. The school is a space for learning and teaching, for transmitting and obtaining knowledge, for personal and communal development, where people develop the tools to know, understand, judge, and make decisions for their lives<sup>8</sup>. Moreover, the school is a place where a critical spirit can be fostered, ensuring the formation of a public opinion capable of confronting current societal issues<sup>9</sup>. Finally, the school is intended as a place for democracy in the Italian Constitution, because

if education plays a critical role in the development of each woman and man's personality, it also becomes a critical factor in the effective and full implementation of the democratic principle, as well as the principle of popular sovereignty<sup>10</sup>, both of which are stated in Art. 1 Const.<sup>11</sup>.

All these provisions should be aligned with the aforementioned Arts. 2, 3, and 9 Const., because democracy is ensured by citizens' effective participation in the State's goals and actions, which presupposes that each citizen can freely and knowingly choose among all of the Government's possible options and policies<sup>12</sup>.

In this framework of reference, because a democratic state's objective is to safeguard freedom of will and thought, as

<sup>7</sup> For the creative relationship between places and memory, see A. Mastromarino, *Stato e memoria. Studi di diritto comparato*, FrancoAngeli, Milan 2018, pp. 97 ff.

<sup>8</sup> See G. Laneve, "La scuola per la Costituzione e la Costituzione per la scuola: qualche riflessione sulla formazione degli insegnanti", *federalismi.it*, 13, 2014, p. 4. On this subject, see A. Liodice, *Informazione (diritto alla)*, *ad vocem*, in *Enciclopedia del diritto*, Giuffrè, Milan 1971.

<sup>9</sup> Recently, on this topic, see R. Calvano, *Scuola e Costituzione, tra autonomie e mercato*, Ediesse, Rome 2019.

<sup>10</sup> See G. Laneve, *I tanti significati del luogo scuola: uno sguardo costituzionale*, in G. Laneve (a cura di), *La scuola nella pandemia. Diaologo multidisciplinare*, EUM Edizioni, Macerata 2020, p. 15

<sup>11</sup> Article 1 of the Italian Constitution states that "Italy is a democratic Republic founded on labour. Sovereignty belongs to the people and is exercised by the people in the forms and within the limits of the Constitution".

<sup>12</sup> E. Spagna Musso, *Lo Stato di cultura nella Costituzione italiana*, Morano, Naples 1961, republished in Id., *Scritti di diritto costituzionale*, I, Giuffrè, Milan 2008, pp. 391 ff., in part. pp. 424-426 e 450.

well as to maintain the existence of places where free-thinking capability can be fostered, the role of schools and educational institutions is of paramount importance<sup>13</sup>. With the shutdown of schools and the practically complete transfer to e-learning, those values and those ideal tensions were put to the test during the pandemic.

Unfortunately, Italy found itself in a pioneering role, as the first country in Europe to be struck by the epidemic – with school closures announced in early March 2020 –, the last to return in September 2020, and the first to close again in autumn 2020, reopening only partially in spring 2021.

The debate about the balancing of rights among stakeholders – the children’s and young people’s right-duty to education and right to socialisation, and the parents’ right to a return to a normal working routine on the one hand, and the right to col-

lective and individual health on the other – is still ongoing in Italy, and it may be therefore useful to look briefly examine at the measures that have been taken in their chronological order.

In a time of pandemic, the decision to reopen the schools must take into account several contextual factors: public transportation, tracing and swabs, the staggering schedules of the various activities in urban centres, etc. In Italy, many of these factors are in jeopardy, especially when it comes to education, where the problems to be addressed are enormous, complex, and deep-rooted.

As a result, the main focus of the education-related actions by the government was the closure of schools and higher-education institutions, so that, immediately after the outbreak of COVID-19 primary and secondary school students, as well as college and university students became distant learners. This situation protracted for months. Although restaurants, bars, gyms, movie-theatres, and music halls reopened in May 2020, e-learning remained the only way for school pupils and university students to get an education.

<sup>13</sup> For the capability approach, even if gender declined, see M. Nussbaum, *Women and human development: the capabilities’ approach*, Cambridge University Press, New York 2000; M. Nussbaum, “Women’s capabilities and social justice, in *Journal of human development*”, *Journal of Human Development*, II, 2000, p. 219.

According to the principle of university autonomy, which in this situation was as extensively applied as never before, the Ministry of University and Research granted each higher-education institution the authority to set their own teaching methods, norms, and schedules, allowing them to continue teaching in a “mixed” fashion, defined as “blended” – an expression often simply describing traditional frontal lectures to be broadcast in streaming. The Ministry of Education, on the other hand, had to face enormous difficulties in establishing the operating procedures for reopening in September 2020 with a safe start of the school year: due to the pandemic’s second wave, secondary schools were closed again in autumn 2020, to reopen partially in spring 2021.

But now, as announced above, let us focus on the primary and secondary school system.

Probably due to the more complex and articulated nature of this school system, the organisation of online school instruction was more challenging and inconsistent across the country. Only a semester into the pandemic, the Ministry of Education’s

public pronouncements on the distribution of pupils from the same class-groups into alternating groups, partly connected from home and partly in presence, or on the frequency of lessons to be repeated by teachers at different times of the week, or on plexiglass-screened desks and wheeled chairs, were harshly criticised by the media and gave the impression of insufficient preparation for the start of the school year.

The impact of the pandemic on schooling caused parents to become more responsible for their children’s education than ever before, with the obvious educational disparities that arise from diverse socioeconomic situations. In the following pages, I shall look at a number of crucial concerns that have arisen in several sectors of education. The analysis shall concentrate on the pre-existing issues stemming from applicable legislation and the issue of financial resources, which exploded like “forgotten mines on an former battlefield” during the management of the COVID-19 situation in Italy (Section 2). I shall focus in particular on the actions adopted by the government in the sector of education (Section 3) as

well as on online teaching, taking into account the inequities exposed by the digital and socio-economic gap in the territory. Finally, I shall address safety concerns for e-learning platforms users (Section 4).

## 2. *The pre-pandemic china shop: economic crisis, policy choices, and legal framework of reference*

The pandemic hit the educational system in Italy as an elephant in a china shop. Public school administration has always been precarious, riven by internal strife. A complex world ridden with financial and organisational problems.

Concerning the first set of problems, the public funding of school education has been progressively reduced since 2003. Then, at the dawn of the international economic crisis<sup>14</sup>, the L. 6 August 2008, no.

<sup>14</sup> For a in-depth and accurate analysis of EU's austerity policies and its negative effects on welfare, see A. Somma, *Quando l'Europa tradì se stessa e come continua a tradirsi nonostante la pandemia*, Laterza, Rome-Bari 2021, pp. 60-65; F. Losurdo, *L'Unione Europea e il declino dell'ordine neoliberale*, *Federalismi.it*, (2018), 18, p. 7; A. Barba, M. Pivetti, *La scomparsa della sinistra in Europa*, Imprimatur, Reggio Emilia 2016, p. 25 ff.

133 introduced massive cuts<sup>15</sup>. Following that, since 2011 the EU's financial situation has led to the imposition of severe austerity measures enacted by the Italian Parliament. These measures have been affecting educational facilities in the form of insufficient resources allocated to various items, including building upkeep and safety, as well as the recruitment and salaries of teachers and other education workers. Clearly this situation has had negative effects on the students' right to education pursuant Art 14 of the Charter of Fundamental Rights of the European Union<sup>16</sup>, and Art. 2 of the European Convention on Human Rights<sup>17</sup>. It is also worth noting that public spending, which is already insufficient, is not allocated in such a way

<sup>15</sup> The full text is available on line at <https://www.gazzettaufficiale.it/eli/id/2008/08/21/008G0155/sg>.

<sup>16</sup> Under article 14, "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions". Available online at: [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf).

<sup>17</sup> The text is on line at [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

as to compensate for territorial imbalances, and is destined in part to finance the private sector<sup>18</sup>.

Furthermore, with the constitutional revision and the introduction of Art. 117, as noted above, education now falls

A) under the exclusive competence of the State, for what concerns “[...] g) legal and administrative organisation of the State and national governmental agencies; [...] m) determination of the minimum levels of benefits relating to civil and social entitlements to be ensured throughout the national territory; n) general provisions on education; o) social security” (Arts. 33 and 117, Para. 2);

B) under the concurring competences of both State and Regions, for they have concurring competences on “[...] education, subject to the autonomy of educational institutions and with the exception of vocational education and training; pro-

fessions; scientific and technological research and innovation in support of productive sectors [...]” (Art. 117, Para. 3);

C) under regional competences for what not expressly included in A) and B);

D) under the competences of the single schools and institutions.

As a result, the distribution and dividing of competences, legislative and administrative responsibilities at many levels has made governing the school system extremely difficult<sup>19</sup>.

The rationale underpinning the school’s autonomy rests on the principle of subsidiarity, according to which the more efficient answer to an individual or collective need should be given at the administrative level which is as “close” as possible to the individual or group expressing that need. Unfortunately, in the light of a misinterpreted the principle of subsidiarity, the school autonomy has turned out to be a sort of “Trojan horse” for the education system,

<sup>18</sup> A. Giannola, G. Stornaiuolo, “Un’analisi delle proposte avanzate sul federalismo differenziato”, *Rivista economica del mezzogiorno*, 2, 2018, p. 555; G. Viesti, *Verso la secessione dei ricchi?*, *Laterza.it* (2019); R. Calvano, “La scuola, gli insegnanti e l’art. 116, comma 3, Cost. L’istruzione al tempo del regionalismo differenziato”, *Questione giustizia*, 4, 2019, p. 71 ff.

<sup>19</sup> See also the principle of scholastic autonomy, first enriched in the ordinary legislation with art. 21 of the L. n. 59 1997, and finally transposed also at constitutional level, through the reform of Titolo V of the Constitution in 2001.

for it has not brought efficiency, modernisation and flexibility to the needs expressed locally. In fact, it has acted as a prelude to – and justification of – the State’s abdication of its constitutional responsibility under Arts. 33, 34, and 117, Para. 2: the public function of education<sup>20</sup>.

The statistical data also confirm a depressing outlook: low public funding (spending on educational institutions as a percentage of GDP in 2019 was 3.6%, while the OECD average is 5%); generalised school dropout (14.5%, with a 21% peak in Sardinia); cuts between 9-10 billion Euros since 2003; a low number of graduates per year, 28% of whom between the ages of 25-34; teachers with entry salaries still below the OECD average<sup>21</sup>.

### 3. *Emergency education measures in Italy*

The first – and most important – decision taken by the Government concerned the suspension of all teaching activities

<sup>20</sup> M. Baldacci, *La scuola al bivio. Mercato o democrazia?*, FrancoAngeli, Milan 2019, *passim*.

<sup>21</sup> OECD, *Education at a glance 2019, Italia, scheda paese*, and Id., 2020.

starting from March 2020. This measure, with an obvious impact on all levels of the education system, from kindergarten to university, was prepared by D.Lgs. 23 February 2020 no. 6 (Section 1, Para. 2, Letter d, which ordered the suspension “with the exception of distance learning activities”), and eventually adopted with the Decreto del Presidente del Consiglio del Ministri (DPCM) of 4 March 2020, which came into force on 10 March. The DPCM was intended to be in effect until 3 April, but it was renewed every fifteen days after that date by succeeding DPCMs, resulting in all teaching being done online for the rest of the year.

In the meantime, DPCM 25 February 2020 (Section 1, Para. 1, Letter d) provided that “In schools where teaching activities have been suspended due to the health emergency, heads of school may activate distance teaching methods for the duration of the suspension, after consulting the competent collective bodies and taking into account the special needs of students with disabilities”. In Section 1, Letter g) of the subsequent DPCM of 4 March, it was clarified that e-learning was

established as the normal teaching method to which teachers must comply during the emergency.

The reference to disabilities shows that the school is considered a social and inclusive place, “open to everybody” and for everybody, deprived of obstacles and barriers. In particular, Italy’s Constitutional Court, in the famous ruling of 3-8 June 1987, no. 215<sup>22</sup> recognised that the “participation in the educational process together with teachers and classmates” is a “major socialisation factor”, which “can contribute decisively to stimulating the potential of the disadvantaged student, that is, to the unfolding of those psychological mechanisms aimed at improving the learning, communication, and socialisation processes by gradually reducing the conditioning created by the impairment. In another leading case – of 4-6 July 2001, no. 226 –<sup>23</sup> the same Court

ruled that attendance “is indeed the fundamental tool” for achieving schooling goals, which include learning, communication, relationships, and socialisation<sup>24</sup>. Of course, these goals are common to all pupils, therefore the principles outlined by the Court should be applied a fortiori to the disabled students, who have experienced the problems caused by the COVID-19 pandemic with greater severity because of the required physical separation from the school environment<sup>25</sup>.

mero=226; reported in *Giurisprudenza Costituzionale* (2001), 4; and *Foro Italiano*, I, 2001, 3041.

<sup>24</sup> Article 12, Para. 3, L. 5 February 1992, no. 104, available on line at <https://www.gazzettaufficiale.it/eli/id/1992/02/17/092G0108/sg>.

<sup>25</sup> See L. 6 June 2020, no. 41, which converted the D.L. 8 April 2020, n. 22 (so called “Decreto scuola”), available on line in a coordinated and systematised version at [https://www.gazzettaufficiale.it/eli/id/2020/06/06/20A03081/SG#:~:text=22%20\(in%20Gazzetta%20Ufficiale%20%2D%20Serie,stessa%20Gazzetta%20Ufficiale%20%2D%20alla%20pag.&text=143%20del%2006%2D06%2D2020\)](https://www.gazzettaufficiale.it/eli/id/2020/06/06/20A03081/SG#:~:text=22%20(in%20Gazzetta%20Ufficiale%20%2D%20Serie,stessa%20Gazzetta%20Ufficiale%20%2D%20alla%20pag.&text=143%20del%2006%2D06%2D2020)).

Art. 1 has been updated to include paragraph 4-ter, which outlines specific actions for disabled pupils who have been adversely impacted by the pandemic. For an in-depth analysis of this specific matter, see M. D’Amico, *L’emergenza sanitaria e i diritti dimenticati*, in De Minico, Villone (ed.), *Stato di diritto*, cit., pp. 100-102.

<sup>22</sup> Available on line at <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=1987&numero=215>; reported in *Giustizia Civile* (1988), I, p. 354; and in *Giurisprudenza Italiana* (1988), I, 1, p. 148.

<sup>23</sup> Available on line at <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2001&nu>



To the several issues that we have mentioned so far, we must add the perennial problem of teacher recruitment, which the pandemic has worsened since, due to small classrooms and inadequate infrastructures, it was necessary to divide each class into two groups to ensure physical separation between students, especially in primary schools. As a result, it has become critical to hire new teachers and, where possible, to make architectural adaptations of the school premises to the situation – of course in an emergency mode.

Furthermore, bridging the technological and logistical gap, as well as the computer and digital skilling of teachers, students, and families, has been, is, and will continue to be a critical issue. All the measures aimed at filling those gaps were delegated to local levels of government, resulting in the aforementioned distortions of the principle of school autonomy.

The Decree of the Ministry of Education of 26 June 2020, no. 39 stated in its introduction that “We can only respond adequately and promptly to the extremely diverse educational needs of families, students, and the entire local communi-

ty by making choices that are tailored to the needs of the reference context and are made directly by the people who live in and govern a specific area.

Innovative tools should also be envisaged to assist schools in identifying specific spaces to address deficiencies that cannot be solved by organisational measures within the specific school or neighbouring schools through appropriate agreements, provided that the necessary resources are indicated”.

The delegation of functions from the State to local governments in the name of subsidiarity has amounted to educational non-governing during the pandemic emergency, exacerbating social and economic disparities across the country.

In Italy, public education is part of the welfare state, so the Government is responsible for taking positive actions to foster the right to education: the school is the ideal setting for this. Here lies the deeper meaning of Art. 33, Para. 2 of the Constitution: “The Republic shall lay down general rules for education and shall establish State schools of all types and levels”. This provision involves the setting up of a sys-

tem for a public, universally accessible service, which can help remove all the obstacles to substantial equality<sup>26</sup> and social mobility. The Constitutional Court intervened on this point with the ruling of 2-8 July 2009, no. 200<sup>27</sup>. With this decision,

<sup>26</sup> The Italian Constitution, in particular, establishes the principle of vertical solidarity as a means of achieving substantial equality among citizens, which goes beyond the concept of formal equality before the law. Accordingly, the State has the institutional function “to remove those obstacles of an economic or social nature” that impede the full development of individuals in the various social contexts in which their personality is expressed (family, school, work, and so on), and to guarantee “the effective participation of all workers in the political, economic and social organisation of the country” (Art. 3, Para 2.). Therefore, the vertical dimension of solidarity has an emancipatory function, being aimed at the full exercise of political, economic and social rights, in conditions of equality among citizens. For the vast and ongoing debate on this issue, see L. Ferrajoli, *Principia Juris, Teoria del diritto e della democrazia*, Laterza, Rome-Bari 2007; N. Bobbio, *L'età dei diritti*, Einaudi, Turin 1990; the studies collected in D. Zolo, (ed.), *La cittadinanza. Appartenenza, identità, diritti*, Laterza, Rome-Bari 1994; more recently, S. Rodotà, *Solidarietà. Un'utopia necessaria*, Laterza, Rome-Bari 2014; C. Tripodina, *Il diritto a un'esistenza libera e dignitosa*, Giappichelli, Turin 2013; A. Somma, *Economia di razza. Dal fascismo alla cittadinanza Europea*, ombrecorte, Verona 2009.

<sup>27</sup> Available on line at <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2009&numero=200>; reported in *Giurisprudenza Costituzionale*

the Court clarified the various legislative levels that are involved in the matter, focusing on those general rules that define the backbone of the national education system and must be applied in a necessarily unitary and uniform manner throughout the national territory, ensuring substantial equality of treatment among users through a homogeneous training offer. Now, since the “determination of the minimum levels of benefits relating to civil and social entitlements” is “to be ensured throughout the national territory” (Art. 117, Para 2., Letter m, Const.), there is no doubt that those “civil and social entitlements” also include those pertaining to education. As a result, the users of the school must be guaranteed an adequate level of services by the State on the basis of uniform standards that apply throughout the national territory<sup>28</sup>. In other words, the State competence on education is well rooted in the Constitution

(2009), 4, p. 2316, with a commentary by L. Carlassare; in *Foro Italiano*, 12, I, 2009, p. 3285, with a commentary by S. Ceconi.

<sup>28</sup> G. Laneve, op. cit, 2020, p. 24.

and, even if it has lost its character of exclusivity, has retained that of necessity<sup>29</sup>.

The critical importance of uniformity in service and educational standards has become more evident in the case of e-learning, which we will now discuss.

#### 4. *E-learning as a tool for inequality*

Online teaching involves fundamental rights to privacy and health, in addition to the right to education and the freedom of teaching referred to in Arts. 33 and 34 Const. Furthermore, It should be noted that e-learning raises issues concerning both sides of the teacher-student relation-

<sup>29</sup> P. Ridola, *Sussidiarietà e democrazia*, in G.C. De Martin (ed.), *Sussidiarietà e democrazia. Esperienze a confronto*, Cedam, Padua 2009, p. 9, claims that the Constitution does not appear to require the state to build schools of all types and levels as a supplementary or subsidiary role to educational tasks performed by private subjects, but rather to establish competition between public and private education. As for case law, see the Constitutional Court ruling no. 195 of 1972, where it has been pointed out that, under Art. 33 Const., the State has the obligation to provide public education, establishing the laws and providing the required resources (creating schools at all levels, etc.), but it is not entitled to the monopoly of education and teaching.

ship that are also relevant on a pedagogical level, with repercussions on the effectiveness of the right to education guarantee. Finally, the selection and nature of the platforms chosen pose a challenge to the conceptual development of the public function of education.

It is difficult to determine which set of rules has been established to protect those fundamental rights and to provide guidelines that would allow online schools to be considered useful as well as harmless, especially given the large number of minors involved. Leafing through pages and pages of ordinances illustrating the various types of measures adopted, it appears that nothing was decided regarding the choice of a specific ICT platform, as apparently there was no public e-learning network already shared and available for use by schools and universities<sup>30</sup>.

Until the end of June 2020, no maximum hourly limit appears to have been defined regarding the duration of the

<sup>30</sup> See M.C. Pievatolo, “Teledidattica: proprietaria e privata o libera e pubblica?”, *Roars – Return on academic research*, 8 June 2020; R. Calvano, cit., in <http://www.cosituzionalismo.it>, 3, 2020, p. 74.

connection with video devices, even in primary schools. Similarly, the issue of protecting the copyright on recorded lessons went unnoticed, as did the preferability of streaming teaching over recorded teaching, or even the protection of schoolchildren's data privacy on commercial platforms.

During the first semester of the pandemic, the Ministry of Education's department head issued a note (7 March 2020, no. 388)<sup>31</sup> illustrating the general concepts of e-learning, clearly not considering crucial details such as the maximum allowed online hour limit or which commercial platform, among those made available by Google, Microsoft, and others, should be preferred by schools. The Ministry of Education then issued a mini-guide for distance learning<sup>32</sup> on April 6, which could be found on official government websites and provided a definition

of distance learning as well as some common sense advice to teachers.

The lack of further guidance leads us to believe that the Ministry's decision to avoid taking a position on a pressing issue is the result of an "extreme" interpretation of the school autonomy referred to in Art. 117, Paragraph 3 Const. In other words, the concept of autonomy has been interpreted as the legal basis for the State's abstention from a guiding role in the regulation of some salient aspects of pandemic (and emergency) management in the public school system.

Once again, it appears that school autonomy, at least in part, creates problems rather than solves them, and the consequences appear to be quite concerning in this case. Refusing to regulate e-learning in the first phase of the emergency meant leaving school administrators and staff in limbo while fundamental rights of pupils, as well as rights to privacy and health of pupils and their teachers were challenged.

Only later, when schools closed for the summer, with the publishing of the Guidelines for Integrated Digital Education, attached to Ministerial Decree of 26

<sup>31</sup> The full text of the note is available online at <https://www.miur.gov.it/documents/20182/0/Nota+prot.+388+del+17+marzo+2020.pdf/d6acc6a2-1505-9439-a9b4-735942369994?version=1.0>.

<sup>32</sup> The mini-guide is available online at [https://www.istruzione.it/coronavirus/allegati/miniguide\\_mi\\_AGIA\\_6\\_4\\_2020\\_.pdf](https://www.istruzione.it/coronavirus/allegati/miniguide_mi_AGIA_6_4_2020_.pdf).

June 2020, no. 39<sup>33</sup>, was the matter regulated, and it is still.

The debate over the lack of regulatory and decision-making action, as well as over the effectiveness of the Ministry's indications provided only at the end of the second wave, is still ongoing. It should also be noted that without this forgetfulness, it would have been much easier to overcome some teachers' reluctance towards the pedagogical use of ICT. Furthermore, as the contagion curve increased in October 2020, DPCM 18 October 2020<sup>34</sup> ordered partial and gradual school closures, based on the age of the students.

The measures adopted, combined with the Ministry's erratic management of public discourse and the media's and Italian politics' proclivity for stoking controversy over minor issues, did not favour a careful management of all the dif-

ficulties and of the effects of those measures on students, teachers, and families. The partial reopening of schools that were closed during the pandemic's second wave caused a feeling of great uncertainty among all the actors involved. The schools eventually reopened, but not fully, between February and March 2021.

Actually, forms of e-teaching and e-learning have been under discussion since many years and even outside the pandemic scenario. But, if we refer to the constitutional framework outlined above, centred on Art 33. Para 1, according to which "Arts and science shall be free and may be freely taught", we cannot but take into account the teacher's individual freedom, which cannot be conditioned by the State in any way, especially when it comes to methodological issues; and, at the same time, the public function of the school in the general interest in the pupils' personal development, autonomy, and cultural growth (Art. 3, Para. 2, Const.).

In this specific institutional goal of public education, freedom of teaching differs from freedom of thought, opinion, and will.

<sup>33</sup> The Decree is named "Piano Scuola 2020-2021" and is available online at <https://www.istruzioneer.gov.it/2020/06/26/decreto-ministeriale-adozione-piano-scuola-a-s-2020-2021/>.

<sup>34</sup> The DPCM 18 October 2020, is available on line at <https://www.gazzettaufficiale.it/eli/gu/2020/10/18/258/sg/pdf>.

In terms of the use of e-teaching and, more broadly, ICT, we must remember that digitisation is also capable of proposing a new articulation of the school form, one that is open to a variety of learning environments. All of this, however, places teachers in a position of great responsibility in terms of teaching methodologies, and poses a significant challenge in positioning themselves at the centre of delicate mediation process between students and technology. After all, this is a critical aspect in the relationship between school and technology: even those scholars in favour of Media Education agree that before teaching through the use of media and digital technology, the issue of educating to the media and digital devices must be addressed. As a result, the emphasis shifts from the mere use of digital tools to the level of developing a critical approach to the world and technological paradigms<sup>35</sup>.

From the perspective of a legal scholar, several questions arise: how and to what extent can access to the internet and digital technologies profoundly affect access

to social rights? In light of technological progress, how might classic fundamental rights guarantee instruments such as freedom of expression, thought, and access to social rights evolve?

COVID-19 has changed the lives of billions of people around the world, highlighting inequalities more than ever before. In the field of education, a lack of internet access can jeopardize the future of large groups of people all over the world, especially since the pandemic appears to be just one of the phenomena that will continue to challenge our normal way of life. Emergencies may arise in the future in a variety of areas, including health, climate, and war. In addition to these bleak scenarios, which are unfortunately no longer unimaginable today, it is important to note that even in 'normal' times, e-learning can be very useful for lifelong learning, student-workers, or for reaching those who live in areas where circulation is extremely difficult, also due to climatic or geographical reasons.

However, it is clear and widely acknowledged that learning processes are significantly connected to the interaction

<sup>35</sup> R. Calvano, op. cit., in *Costituzionalismo.it*, 3, 2020, p. 75.

that is established between two individuals, the teacher and the learner, and thus face-to-face teaching shall always be preferred and fundamental for the development of the students' personality as a result of their interactions with the teacher and other students, necessary to their psychological and cognitive development<sup>36</sup>.

The need to ensure the right to education and the freedom of teaching, through activities carried out on a daily basis and for many hours a day online, requires an urgent reflection on the adjustment of the teachers' job performance and students' level of attention and attendance to the changed context. There is also a pedagogical need to adapt teaching to the communication tool being used. Leaving to the school administrators' goodwill or to their greater or lesser level of awareness the task of providing warning signs for the possible consequences on health (neurological, or even sight damage) of using e-learning tools, has meant to take a potentially harmful decision. Also, it has resulted in the exacerbation of inequalities already present

<sup>36</sup> See G. Laneve, op. cit., 2020, p. 23.

at the local level among schools, as well as an imbalance, both in the service offered to pupils and in the treatment of teachers.

Another critical factor that has highlighted disparities among students is their access to the Internet and IT devices: those who do not have access to IT simply disappear from the sight of their teachers. During the 2020 pandemic, it was observed in Italy that many schoolchildren aged 6 to 17 do not have access to adequate computer equipment. The figures are concerning: 12.3% do not have a computer or tablet at home. In this case, the territorial gap is also significant: 7.5% in the North vs 19% in the South – a percentage that increases based on family demographics<sup>37</sup>.

In recent months, the lack of broadband Internet access in large areas of the country has become more and more evident. The Ministry of Education has recently announced that the so called "School Plan"<sup>38</sup>

<sup>37</sup> *Rapporto SVIMEZ 2020 sull'economia e la società del Mezzogiorno, Note di sintesi: L'Italia diseguale di fronte all'emergenza pandemica*, cit, p. 46.

<sup>38</sup> For some comments on the proposed innovations and policies, see <https://www.leggioggi.it/2021/05/18/recovery-fund-scuola/>.

shall allocate massive funding to address this critical issue, also thanks to the Next Generation UE Plan<sup>39</sup> and the “Piano Nazionale di Ripresa e Resilienza”<sup>40</sup>.

The analysis that I have conducted so far suggests that the multiplicity of government levels involved in education makes the situation extremely difficult to manage. There is arduous work in progress, made more difficult than expected by the difficulty of filling gaps caused by previous underfunding and, in some cases, by previous shortcomings and delays in the State’s management of the education system. The substantial efforts made with D.L. 8 April 2020, n. 22<sup>41</sup>, and D.L. 19 May 2020 n. 34<sup>42</sup> will almost certainly not

be able to compensate for a decades-long delay, but they can at least represent a significant positive step forward.

The debate concerning the extent of the right to education under Arts. 33 and 34 Const. still continues to elicit important reflections today, particularly when linked to the need to protect the right to health under Article 32 of the Constitution.

Several EU countries that reopened schools much faster than Italy now do not have to deal with a problem as serious as the one caused by the prolonged closure of schools in Italy over the last year and a half, which has caused serious harm, particularly to younger students. Having said that, it should be noted that no overall strategy has been implemented that considers the impact of the school’s reopening on the local public transportation system, nor that prepares the reopening with the organisation of tracing and systematic epidemiological screening among teachers and students, so that they can be ready for the next school year.

Today, At the end of the second wave of the pandemic, and with vaccination campaigns well underway in many EU coun-

<sup>39</sup> Available on line at [https://ec.europa.eu/info/strategy/recovery-plan-europe\\_en](https://ec.europa.eu/info/strategy/recovery-plan-europe_en).

<sup>40</sup> Available on line at <https://www.governo.it/sites/governo.it/files/PNRR.pdf>.

<sup>41</sup> Available on line at <https://www.gazzettaufficiale.it/eli/id/2020/04/08/20G00042/sg>, eventually converted into the L. 6 June 2020, n. 41, available on line at <https://www.gazzettaufficiale.it/eli/id/2020/06/06/20G00059/sg>.

<sup>42</sup> Available on line at <https://www.gazzettaufficiale.it/eli/id/2020/06/06/20G00059/sg>, eventually converted into the L. 17 July 2020, n. 77, available on line at <https://www.gazzettaufficiale.it/eli/gu/2020/07/18/180/so/25/sg/pdf>.



tries, it seems appropriate for scholars and educators to look more closely at the decisions that legislators and political actors are making in Italy regarding education. On what assumptions shall these decisions be taken? What vision of the school shall the various political actors advance to promote the right to education as it has been designed by the Constitution? When answering these questions, we should keep in mind that the school is a place for cultural growth and personal formation. It is also a place to plan and build one's own life experience, to pursue that level of awareness that allows you to fully exercise your freedom of choice (which can also

happen through digital skills). The school is a space for establishing relationships with the others and for embracing diversity; a place where freedom is exercised and breathed in the air; a place where you feel like you belong<sup>43</sup>. As a result, addressing educational difficulties provides us with an opportunity that should not be squandered, especially now that the pandemic has reminded us of how and to what degree our individual actions affect the entire community<sup>44</sup>.

<sup>43</sup> G. Laneve, *op. cit.*, 2020, p. 25.

<sup>44</sup> G. Laneve, "La scuola per la Costituzione", *cit.*, pp. 17-20.

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## **Unilateral responses to Covid-19 and freedom of movement in the European Union. “Only cooperation will save us”**

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*Abstract:* When the COVID-19 pandemic broke out, the European Union’s institutions had to deal with the threat the epidemic posed to the spirit of fraternal cooperation among Member States, which is one of our core values and principles. Citizens of the European Union have witnessed unilateral closures and nationalization of medical supplies, which are drastically different from what they are accustomed to. In reaction to the Member States’ isolated actions, European institutions reintroduced the spirit of cooperation, strengthening coordination among Member States and established an emergency European fund to aid the continent’s recovery.

In light of this shift in perspective, I propose to compare the responses of several European Member States to internal border closures and restrictions on freedom of movement im-

posed by the Treaty of the European Union at the start of the pandemic. I shall also discuss the scope of European collaboration in the fight against the pandemic, as well as its implications for freedom of movement.

*Keywords:* COVID-19; national response; unilateral closures; Schengen space; freedom of movement.

### *1. Introduction*

If there is one thing that defines the process of European integration, it is the freedom of movement in all of its ramifications (movement of capital, people, and workers) that has been incorporated into the *Acquis Communautaire* since the founding of the first Community.<sup>1</sup> This freedom is critical to the functioning of the single market, but it requires smooth cooperation policies among Member States in a variety of sectors to be effective.

<sup>1</sup> The European Coal and Steel Community was established with the Treaty of Paris on April 18, available at: <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:11951K/TXT&from=EN>. Last visited: 14/07/2021.

The pandemic of COVID-19 posed a significant challenge to this coordination. Initially, each Member State attempted to respond on its own, undermining the spirit of mutual solidarity among Member States through unilateral closures of internal borders and nationalisation of medical supply. However, after a brief period of “panic”, the EU reacted by encouraging cooperation among its members and establishing an emergency fund for the recovery of the continent and its neighbours.

This chapter will examine how European Member States, with the Kingdom of Spain as the primary example<sup>2</sup>, addressed movement restrictions within and outside the EU, and to what extent European cooperation was able to combat the pandemic and its consequences.

<sup>2</sup> For a general view of the restrictions introduced in Spain, see: L. Ortiz, M.L., “Restrictions on freedom of movement and residence in the European Union due to Covid-19”, *Journal of Modern Science*, 45, 2020, 2, pp. 105-120.

## 2. *The spread of the pandemic throughout the EU and the introduction of the first restrictions*

On December 31, 2019, the World Health Organization (WHO) was informed of cases of pneumonia of unknown cause in Wuhan City, China. At that time, nothing was known about this new type of coronavirus. On January 7, 2020, the Chinese authorities identified it as the cause of those cases of pneumonia, baptizing it “COVID-19 virus”<sup>3</sup>.

The situation escalated rapidly<sup>4</sup>, and on January 30, 2020, WHO Director General, Dr. Tedros Adhanom Ghebreyesus, declared the level of “public health emergency of international concern” (PHEIC)<sup>5</sup>. Of

<sup>3</sup> Visit WHO website at: <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19>. Last visited: 06/07/2021.

<sup>4</sup> For a timeline of events, visit: <https://www.who.int/news/item/29-06-2020-covidtimeline>. Last visited: 06/07/2021.

<sup>5</sup> According to WHO documentation, since the introduction of PHEIC regulation in 2009, the declaration had only been issued on five other occasions: the 2009 H1N1 pandemic, the 2014 Polio declaration, the 2014 outbreak of Ebola in Western Africa, the 2015-16 Zika virus epidemic, and the 2018-20 Kivu Ebola epidemic.

course, this declaration did not stop the virus from spreading, and a pandemic state of emergency was declared in early March 2020,<sup>6</sup> with the European region becoming the epicentre of the health crisis<sup>7</sup>.

The first WHO recommendations of January 10, 2020, concerning international travel and entry control to States, did not call for any restrictions with the affected area of China<sup>8</sup>. However, by January 20, WHO changed these recommendations, endorsing “measures to limit the risk of exportation or importation of the disease [...] without unnecessary restrictions of international traffic”, demanding the adoption of other measures such as temperature control and data collection, and urging the States to collaborate and share the results of their analysis of

the matter<sup>9</sup>. The first case in the European region was isolated in France on January 25, 2020<sup>10</sup>.

On February 11, 2020, in view of the actions taken by many States, WHO once again updated its recommendations, allowing the viability of “travel measures that significantly interfere with international traffic for more than 24 hours” for the sake of public health, while at the same time reminding the States that, “in accordance with their obligations under the Article 43 of the International Health Regulations (2005), States Parties must inform WHO about additional health measures that significantly interfere with international traffic”<sup>11</sup>.

<sup>6</sup> The WHO Director General issued the “pandemic” declaration on March 11, 2020.

<sup>7</sup> As reported by WHO, in mid-March 2020, 40% of global cases were confirmed in the European region, which at the end of April displayed 63% of global mortality rate due to COVID-19.

<sup>8</sup> <https://www.who.int/news-room/articles-detail/who-advice-for-international-travel-and-trade-in-relation-to-the-outbreak-of-pneumonia-caused-by-a-new-coronavirus-in-china/>.

<sup>9</sup> <https://www.who.int/news-room/articles-detail/updated-who-advice-for-international-traffic-in-relation-to-the-outbreak-of-the-novel-coronavirus-2019-ncov-24-jan/>.

<sup>10</sup> For more information, visit: <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/news/news/2020/01/2019-ncov-outbreak-first-cases-confirmed-in-europe>. Last visited: 07/07/2021. In fact, it is suspected that the virus was already circulating on European territory before that date.

<sup>11</sup> <https://www.who.int/news-room/articles-detail/key-considerations-for-repatriation-and-quaran>

The situation, however, continued to escalate, with more and more States introducing travel restrictions. On February 27, 2020, WHO reported that “since WHO declaration of a public health emergency of international concern in relation to COVID-19, and as of February 27, 38 countries have reported to WHO additional health measures that significantly interfere with international traffic in relation to travel to and from China or other countries, ranging from denial of entry of passengers, visa restrictions or quarantine for returning travelers”<sup>12</sup>. A situation that continues to this day.

On the European continent, 26 States have implemented the Schengen Agreement<sup>13</sup> that provides for the gradual appli-

tine-of-travellers-in-relation-to-the-outbreak-of-novel-coronavirus-2019-ncov.

<sup>12</sup> <https://www.who.int/news-room/articles-detail/updated-who-recommendations-for-international-traffic-in-relation-to-covid-19-outbreak>.

<sup>13</sup> Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany, and the French Republic on the gradual abolition of checks at their common borders, of June 4, 1985 (available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A42000A0922%2801%29>), and Convention Implementing the Schengen Agreement of

cation of the freedom to cross internal borders for all Member States nationals and the free movement of goods and services. And since the freedom of movement in the EU context intrinsically linked to this space, its limitations have to meet the requirements established by European regulations<sup>14</sup> as well as by the Schengen Acquis.

June 14, 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, of June 19, 1990 (available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42000A0922%2802%29>). On May 1, 1999, with the coming into force of the Schengen Protocol to the Treaty of Amsterdam of October 2, 1997, the EU assumed responsibility for large parts of the Schengen Acquis (that is, the Schengen Agreement and associated body of regulations) and its further development. The information regarding the Area can be found at [https://ec.europa.eu/home-affairs/what-we-do/policies/schengen-borders-and-visa\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/schengen-borders-and-visa_en). Last visited: 14/07/2021.

<sup>14</sup> In particular, the Treaty of the European Union (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, December 13, 2007) and the Free movement Directive (Directive 2004/38/EC) of the European Parliament and of the Council of April, 29, 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/

Owing to public policy or national security, the Schengen Agreement provides for the possibility of communicating and reintroducing temporary border controls in internal areas<sup>15</sup>. In addition to that, the EU has already two different legal tools in place to deal with cross-border threats to public health: Decision No. 1082/2013/EU on serious cross-border threats to health<sup>16</sup>, and Decision No. 1313/2013/EU on a Union Civil Protection Mechanism (UCPM) in the field of health emergencies<sup>17</sup>. These two tools emphasize that,

EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance).

<sup>15</sup> Art. 2.2 of the Convention Implementing the Schengen Agreement.

<sup>16</sup> Decision No 1082/2013/EU of the European Parliament and of the Council, of October 22, 2013, on serious cross-border threats to health and repealing Decision No 2119/98/EC. OJ L 293/1, of November 5, 2013 (available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1082>). Last visited: 12/07/2021.

<sup>17</sup> Decision No 1313/2013/EU of the European Parliament and of the Council, of 17 December 2013 on a Union Civil Protection Mechanism. OJ L347/924, of 20 December 2013 (available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:347:0924:0947:EN:PDF>). Last visited: 13/07/2021.

while State Members bear primary responsibility for managing public health crises on a national level, uncoordinated measures may harm not only the interests of other State Members, but also those of the Union as a whole. The EU's coordinated response has to be given with the main goal of "seeking to ensure, inter alia, that measures taken at national level are proportionate and limited to public health risks related to serious crossborder threats to health, and do not conflict with obligations and rights laid down in the TFEU such as those related to the restrictions on travel and trade"<sup>18</sup>.

But this predicament was new to the Continent and, faced with the disturbing numbers of the pandemic and the rush to take a public stand, the governments of Member States began taking decisions autonomously. The Italian government decreed the isolation of several municipalities<sup>19</sup>, a provision that was later expand-

<sup>18</sup> See note 12, par. 21 (adapted text).

<sup>19</sup> Decreto-Legge 23 febbraio 2020, n. 6 Misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19 (20G00020) (GU Serie Generale n.45 del 23-02-2020). (Available at: <https://>

ed to the whole national territory<sup>20</sup>. At the beginning of March 2020, France ordered the closure of all internal borders<sup>21</sup>, Austria closed its land border with Italy, and the rest of the European countries followed suit. Many other States started introducing various restrictions to the freedom of movement on their national territory. On March 14, Spain declared a “state of alarm”<sup>22</sup> that not only contained pro-

[www.gazzettaufficiale.it/eli/id/2020/02/23/20G00020/sg](http://www.gazzettaufficiale.it/eli/id/2020/02/23/20G00020/sg)). Last visited: 15/07/2021.

<sup>20</sup> Decreto-Legge 9 marzo 2020, n. 14 Disposizioni urgenti per il potenziamento del Servizio sanitario nazionale in relazione all'emergenza COVID-19 (20G00030) (GU Serie Generale n.62 del 09-03-2020). Available at: <https://www.gazzettaufficiale.it/eli/id/2020/03/09/20G00030/sg>). Last visited: 15/07/2021.

<sup>21</sup> The complete list of Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28ff. of the Schengen Borders Code is available at: [https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms\\_notifications\\_-\\_reintroduction\\_of\\_border\\_control.pdf](https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control.pdf). Last visited: 15/07/2021.

<sup>22</sup> Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19 (RD 463/2020). BOE, Núm. 67, de 14 de marzo de 2020. About the RD and its legality in relation to ECHR regulations, see: J. Bonet Pérez, “El estado de alarma en

visions limiting the freedom of circulation,<sup>23</sup> but also adopted measures to ensure the supply of goods and services to grant public health, allowing local authorities “the government decided to intervene and temporarily occupy industries, factories, laboratories, farms or premises of any kind, including health centres, services and private health facilities, as well as those (services) working in the pharmaceutical sector”<sup>24</sup>.

As national governments appeared to be fighting alone, EU institutions began to address the need for a unified response to the virus in all areas where unity and coordination were possible. And, as of to-

España y la cláusula derogatoria del Convenio Europeo para la Protección de los Derechos Humanos y las Libertades Fundamentales”, *Revista de Derecho Comunitario Europeo* (2020), 67, pp. 873-919. As late as July 14, 2021, the Constitutional Court of Spain declared the unconstitutionality of the restrictions to the freedom of circulation under the RD 463/2020. See: [https://www.tribunalconstitucional.es/NotasDePrensaDocumentos/NP\\_2021\\_072/NOTA%20INFORMATIVA%20N%C2%BA%2072-2021.pdf](https://www.tribunalconstitucional.es/NotasDePrensaDocumentos/NP_2021_072/NOTA%20INFORMATIVA%20N%C2%BA%2072-2021.pdf).

<sup>23</sup> Art. 7 RD 463/2020. This is one of the provisions affected by the July 14 constitutional ruling mentioned above.

<sup>24</sup> *Ibidem*, art. 13 b).

day, the return to such a cooperative paradigm has yielded the best results in dealing with the COVID-19 crisis.

### 3. *The EU's response: guidelines and some common understanding*

However, as the early response to restraining the spread of the COVID-19 pandemic has shown, limited coordinated action undertaken in countries which included curtailing travel and closing borders, negatively impacted the globalised world. As the United Nations System has declared “(b)y this action all transport operations have been affected which has led to disruption of supply chains and trade flows. As a result, the delivery and availability of essential products such as food or medicines became a common challenge undermining countries capacity to respond to COVID-19 and begin to sustainably recover”<sup>25</sup>.

<sup>25</sup> Joint Statement by UN system entities on the Contribution of international trade and supply chains to a sustainable socio-economic recovery in COVID-19 times, September 16, 2020.

The EU managed to mobilise early<sup>26</sup> as the Croatian presidency activated the EU's integrated political crisis response mechanism (IPCR) in “information sharing mode” on January 28, 2020, which changed to “full mode” on March 2. On such basis, the first coordinated action was taken on January 31 and February 2, 2020, namely the return of the European nationals kept in Wuhan City, orchestrated in accordance with the activation of the EU civil protection mechanism<sup>27</sup>.

On February 13, a meeting of the European Council was organised. The Conclusions of the Council called for continued and increased cooperation at the European level, stating that “the EU and its Member States should continue to act decisively in coordination to tackle the threat caused by COVID-19 and to prevent further transmission of the 2019-nCoV virus”. Member States were re-

<sup>26</sup> <https://www.consilium.europa.eu/en/policies/coronavirus/timeline/>.

<sup>27</sup> <https://www.diplomatie.gouv.fr/fr/le-ministere-et-son-reseau/actualites-du-ministere/informations-coronavirus-covid-19/coronavirus-declarations-et-communiqués/article/coronavirus-2019-ncov-operations-de-retour-par-voie-aerienne-directe-organisees>.



minded that “the EU and its Member States coordinate and cooperate closely in the field of health security, by implementing planning and response measures and preparedness planning, as well as by addressing activities concerning business continuity planning”<sup>28</sup>, following the procedures and regulations set out in Decision No 1082/2013/EU and Decision No 1313/2013/EU.

In the Conclusions, the Council urged Member States not only to act together, and cooperate with the European institutions, but also to “take the necessary and appropriate measures to ensure the protection of public health taking into account the particular attention to be paid to all forms of international travel [...] and to develop close and enhanced coordination between Member States to ensure effectiveness of all measures, including, if necessary, measures regarding travel, while safeguarding the free movement within the EU, to ensure optimal protection

<sup>28</sup> Council Conclusions on COVID-19, adopted by the Council at its 3751st meeting held on February 13, 2020, Council Conclusions on COVID-19, 6038/20, Brussels, February 13, 2020.

of public health and increase the general public’s awareness of COVID-2019”<sup>29</sup>.

On March 16, 2020, the European Commission issued a set of Guidelines for border management,<sup>30</sup> emphasising the need to establish an integrated approach to an effective border management to protect health while preserving the integrity of the Single Market. In application of these Guidelines, State Members were call to:

- Prioritise emergency transport services within the transport system.
- Guarantee an unobstructed transportation system of goods, in particular essential goods (e.g., food supplies, livestock, vital medical and protective equipment and supplies).
- Enable professional travel to ensure transport of goods and services, facilitating the movement for transport workers, across internal and external borders.

<sup>29</sup> *Ibidem*, Par. 15 a) and b).

<sup>30</sup> Guidelines for border management measures to protect health and ensure the availability of goods and essential services, 2020/C 86 I/01, OJ C86 I/01, of 16 March 2020. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0316%2803%29>. Last visited: 15/07/2021.

Under these Guidelines, restrictions to transportation of goods could be imposed but only under certain conditions, so to assure their proportionality<sup>31</sup>. In a similar fashion, the World Trade Organization (WTO) received communication of the trade and trade-related measures taken at the EU level<sup>32</sup>.

The Guidelines established a series of rules applicable to external and internal borders. For external borders, they called for systematic checks at border-crossing points of all persons, EU, and non-EU nationals, allowing member States to refuse entry of non-residents of third country nationals, but respecting in any case the rules of proportionality and non-discrimination<sup>33</sup>. For internal borders, the Union allowed the reintroduction of temporary border controls justified for reasons of public policy or internal security, noti-

fying such restrictions in accordance with the Schengen Borders Code and complying with the rules of proportionality and non-discrimination, as well as with the Free Movement Directive<sup>34</sup>. The Guidelines highlighted that any Member State should not deny entry to EU citizens or third-country nationals residing on its territory and should facilitate transit of other EU citizens and residents that are returning home. Member States could, however, take appropriate measures such as requiring persons entering their territory to undergo self-isolation or similar measures upon return from an area affected by COVID-19 provided they impose the same requirements on their own nationals. This call was particular for neighbouring Member States, remembering the Union that they should closely cooperate and coordinate at EU level to ensure the effectiveness and proportionality of the measures taken<sup>35</sup>.

The Guidelines were quickly implemented, but the restrictions were inter-

<sup>31</sup> The restrictions permitted under the Guidelines should, in any case be: a) transparent; b) duly motivated by science-based conclusions supported by the WHO and the ECDC; c) proportionate; d) relevant and mode specific; and e) non-discriminatory by any ground.

<sup>32</sup> See [https://www.wto.org/english/tratop\\_e/covid19\\_e/covid\\_measures\\_e.pdf](https://www.wto.org/english/tratop_e/covid19_e/covid_measures_e.pdf). Last visited: 14/07/2021

<sup>33</sup> Op. cit., note 29, par. 14-17.

<sup>34</sup> Op. cit., note 13.

<sup>35</sup> Op. cit., note 29, par. 18-25.

preted differently by each Member State. As a result, citizens perceived a lack of coordination, as some States reintroduced internal borders and prohibited flights from certain European countries, while others preferred to prohibit all non-essential travel outside their borders.<sup>36</sup> The Commission issued another set of Recommendations applicable to the free movement of workers<sup>37</sup>, but the prevailing feeling among EU citizens was a sense of lack of coordination.

The Union kept encouraging teamwork among its members. After the April 2020 Declaration, the President of the European Commission together with the President of the European Council, issued

a Joint European Roadmap towards lifting COVID-19 containment measures<sup>38</sup>. In May, the Commission released a Communication entitled “Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls – COVID-19”<sup>39</sup>, the main purpose of which was to invite the Member States to engage in the re-opening of unrestricted cross-border movement within the Union.

The coordinated reopening had to take into account the following issues: (1) epidemiological criteria; (2) health system capacity; and (3) appropriate monitoring capacity. During the months of June and July 2020, much effort was spent to pro-

<sup>36</sup> For an overview of the measures implemented by Member States until May 2020, visit [https://webcache.googleusercontent.com/search?q=cache:Hnd\\_8O9Z0SM-J:https://www.sepe.es/gl/SiteSepe/contenidos/personas/encontrar\\_empleo/encontrar\\_empleo\\_europa/pdf/2020/mayo/Overview\\_table\\_COVID-19\\_measures\\_MS.pdf+%26chl=es&ct=clnk&gl=es](https://webcache.googleusercontent.com/search?q=cache:Hnd_8O9Z0SM-J:https://www.sepe.es/gl/SiteSepe/contenidos/personas/encontrar_empleo/encontrar_empleo_europa/pdf/2020/mayo/Overview_table_COVID-19_measures_MS.pdf+%26chl=es&ct=clnk&gl=es).

<sup>37</sup> Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak (2020/C 102 I/03). OJ C I 102/12, of March 30, 2020 (available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0330%2803%29>). Last visited: 15/07/2021.

<sup>38</sup> Joint European Roadmap towards lifting COVID-19 containment measures 2020/C 126/01. OJ C 126/1, of April 17, 2020 (available at: <https://op.europa.eu/es/publication-detail/-/publication/14188cd6-809f-11ea-bf12-01aa75ed71a1/language-en>). Last visited: 17/7/2021.

<sup>39</sup> Communication from the Commission: Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls – COVID-19 (2020/C 169/03). OJ C 169/30, of May 15, 2020 (available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0515%2805%29>). Last visited: 18/7/2021.

vide citizens with a clear picture of the situation, and on June 15, 2020, the European Commission launched the Re-Open EU initiative to offer EU travellers updated information on border regulations, transport, travel restrictions, and public health and safety measures tips for the individual Member States<sup>40</sup>.

The final phase of general lifting of restrictions and controls at internal borders had not yet been enacted by the first “pandemic summer” of 2020. Once again, EU Member States reinforced internal border closures and restrictions on freedom of movement on their national territories. As the Civil Liberties Committee Chair and rapporteur Juan Fernando López Aguilar affirms: “While it is good news that more and more internal border restrictions are being lifted, the way in which it has been done leaves a lot to be desired. Without the return to a fully functional Schengen Area, we are still missing an essential stepping-stone on our way to recovery. A complete return to free movement, no discrimination, mutual trust and solidari-

ty are of utmost importance and core values of the EU”<sup>41</sup>.

On October 13, 2020, EU Member States adopted a Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic<sup>42</sup>. The Recommendation was updated on February 1<sup>43</sup> and June 14 2021<sup>44</sup>, following changes in

<sup>41</sup> European Union Agency for Fundamental Rights, “The Coronavirus Pandemic and Fundamental Rights: a Year in Review”, 2021, 44 p. (available at: <https://op.europa.eu/en/publication-detail/-/publication/c203efef-c995-11eb-84ce-01aa75ed71a1>). Last visited: 18/07/2021.

<sup>42</sup> Council Recommendation (EU) 2020/1475, of October 13, 2020, on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic (Text with EEA relevance). OJ L 337/3, of October 14, 2020 (available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32020H1475>). Last visited: 12/07/2021.

<sup>43</sup> Council Recommendation (EU) 2021/119 amending Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic. OJ L 361, of February 2, 2021 (available at: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32021H0119>). Last visited: 17/07/2021.

<sup>44</sup> Council Recommendation (EU) 2021/961 of June 14, 2021 amending Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic.

<sup>40</sup> See <https://reopen.europa.eu/en>. Last visited: 17/07/2021.

the epidemiological status in the various countries and considering the vaccination campaign started in January 2021.

The October Recommendation (Council Recommendation 2020/1475) acknowledged that “unilateral measures in this area have the potential to cause significant disruptions as businesses and citizens are confronted with a wide array of diverging and rapidly changing measures”, and defended the need to ensure increased coordination between States to provide that the restrictions introduced were limited to those strictly necessary and were not discriminatory.

In order to achieve the sought-after coordination, the EU decided to outline a set of general principles and common criteria that would inform States willing to reintroduce limitations to the freedom of movement in their territories. As established in the Council’s Recommendation, this decision remains the responsibility of the Member States, which must nonetheless comply with Union law.

Five were the general principles concerning the limitation of movement<sup>45</sup>:

- (i) The principle of protection of public health in accordance with the general principles of Union law, in particular proportionality and non-discrimination.
- (ii) The principle of regular assessment of the epidemiological situation.
- (iii) The obligation on Member States to always admit their own nationals and Union citizens and their family members resident in their territory.
- (iv) The obligation on Member States to pay particular attention to the specificities of cross-border regions, outermost regions, exclaves and geographically isolated areas and the need to cooperate at local and regional level.
- (v) The obligation on Member States to regularly exchange information on the matters covered by the October Recommendation.

OJ L 213 I/1, of June 16, 2021 (available at: <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:32021H0961>). Last visited: 12/07/2021.

<sup>45</sup> See document cited at fn. 42, pars. 1-7.

The restriction of the freedom of movement was subject to several scientific criteria<sup>46</sup> allowing for the assessment of the situation in each Member State, and for the classification, by the European Center for Disease Prevention and Control, of the European regions into four different categories: green<sup>47</sup>, orange<sup>48</sup>, red<sup>49</sup>, and grey regions<sup>50</sup>. The Recommendation did not establish restrictions of movement between green regions and to consider other options

<sup>46</sup> *Ibidem*, par. 8: (i) the “14-day cumulative COVID-19 case notification rate”; (ii) the “test positivity rate”; and (iii) the “testing rate”.

<sup>47</sup> Areas where the 14-day cumulative COVID-19 case notification rate is less than 25 and the test positivity rate of tests for COVID-19 infection is less than 4%.

<sup>48</sup> Areas where the 14-day cumulative COVID-19 case notification rate is less than 50 but the test positivity rate of tests for COVID-19 infection is 4% or more, or, if the 14-day cumulative COVID-19 case notification rate ranges from 25 to 150 but the test positivity rate of tests for COVID-19 infection is less than 4%.

<sup>49</sup> Areas where the 14-day cumulative COVID-19 case notification rate is 50 or more and the test positivity rate of tests for COVID-19 infection is 4% or more, or if the 14-day cumulative COVID-19 case notification rate is more than 150 per-100 000 population.

<sup>50</sup> Areas where not sufficient information is available to assess the criteria or if the testing rate is 300 or less COVID-19 tests for infection per-100000 population.

(self-quarantine or COVID-19 testing) for people coming from the other regions.

Following the Recommendation, the coordination efforts continued throughout autumn of 2020. Still, the benefits obtained with the vaccination on the one hand, and the spread of the virus new variants on the other, called for updated regulations. As mentioned before, the first update was published on February 1, 2021<sup>51</sup>. Council Recommendation (EU) 2021/119 confirmed the limitations on non-essential travel and maintained the travel restrictions for those infected, introducing testing and quarantining for travellers from areas with a higher incidence of the new variants. At the same time, the general reintroduction of internal border controls and blanket travel bans was discouraged. Also, the classification system of regions was updated concerning the red regions<sup>52</sup>, and a

<sup>51</sup> See the document cited at fn. 43.

<sup>52</sup> For Recommendation (EU) 2021/119, “red regions” would be areas where the 14-day cumulative COVID-19 case notification rate ranged from 50 to 150 and the test positivity rate of tests for COVID-19 infection was 4 % or more, or if the 14-day cumulative COVID-19 case notification rate was more than 150 but less than 500.

new category was added: the “dark red” regions<sup>53</sup>.

The Council Recommendation was updated a second time in June 2021<sup>54</sup>, after a large share of EU citizens had been vaccinated, and the epidemiological situation had improved worldwide. Recommendation 2021/961 put into context the new set of rules highlighting that the efforts to ensure a coordinated approach should continue ahead of the summer 2021. The rapid implementation of the new EU Digital COVID Certificate<sup>55</sup> and the vaccination campaign required that an update should address not only the situations at a local level, but also the scientific criteria underlying the new regulations. With regard to the latter, were added two new criteria, which took into account the

vaccination rate and the prevalence of COVID-19 variants in specific areas.

This last Recommendation concerns green<sup>56</sup>, orange<sup>57</sup>, and red regions<sup>58</sup>. With the introduction of new thresholds, the Recommendation established what has been called an “emergency brake” mechanism that allows Member States to require holders of vaccination certificates or recovery certificates for this matter to undergo measures such as test, quarantines, or self-isolation periods when the epidemiological situation in a Member State

<sup>53</sup> Areas where the 14-day cumulative COVID-19 case notification rate was 500 or more.

<sup>54</sup> See the document cited at fn. 44.

<sup>55</sup> Regulation (EU) 2021/953 of the European Parliament and of the Council of June 14, 2021 on a framework for the issuance, verification, and acceptance of interoperable COVID 19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID 19 pandemic. OJ L 211, of June 14, 2021.

<sup>56</sup> Areas where the 14-day cumulative COVID-19 case notification rate is less than 50 and the test positivity rate of tests for COVID-19 infection is less than 4 %; or if the 14-day cumulative COVID-19 case notification rate is less than 75 and the test positivity rate of tests for COVID-19 infection is less than 1 %.

<sup>57</sup> Areas where the 14-day cumulative COVID-19 case notification rate is less than 50 and the test positivity rate of tests for COVID-19 infection is 4 % or more; if the 14-day cumulative COVID-19 case notification rate is 50 or more but less than 75 and the test positivity rate of tests for COVID-19 infection is 1 % or more; or if the 14-day cumulative COVID-19 case notification rate ranges from 75 to 200 and the test positivity rate of tests for COVID-19 infection is less than 4%.

<sup>58</sup> Areas where the 14-day cumulative COVID-19 case notification rate ranges from 75 to 200 and the test positivity rate of tests for COVID-19 infection is 4 % or more, or if the 14-day cumulative COVID-19 case notification rate is more than 200 but less than 500.

or in a region deteriorates rapidly. Finally, the same Recommendation also invites Member States to refrain from imposing testing and quarantine requirements to holders of vaccination passports.

#### 4. *Conclusions: Solidarity among States remains the key to success*

As of August 2021, all Member States are complying with the set of rules specified in the Recommendation 2021/961, which not only encourages vaccination but also fosters a common approach to risk management and assessment policy during the pandemic<sup>59</sup>. The coordinated approach has instilled more confidence in the European citizens, who have positively valued the implementation in their own countries of the new measures adopted, aimed at restoring the damage suffered during the first months of the pandemic, when European citizens felt like islands in the ocean.

The work done by the European institutions has once again demonstrat-

ed the effectiveness and usefulness of the common approach to crisis management by a Union that has seen its standing as a global player strengthened during the COVID-19 crisis<sup>60</sup>.

If anything has become clearer, it is that each Member State must contribute to the decisions that concern the core of what the Union stands for or one of its most fundamental values. Only in this way the European Union shall remain a Union.

<sup>59</sup> For more information, visit: <https://www.consilium.europa.eu/en/infographics/covid19-travel-measures-within-the-eu/>

<sup>60</sup> R.A. Montenegro, “Viral Pandemic in Solidarity: The need for a convention on emergencies and a single UN agency to face disasters”, *GC Human Rights Preparedness*, 28 June 2021, <https://gchumanrights.org/preparedness/article-on/viral-pandemic-in-solidarity-the-need-for-a-convention-on-emergencies-and-a-single-un-agency-to-face-disasters.html>.



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## **COVID-19 pandemic in the eyes of deaf people: sign language translation in Italy**

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*Abstract:* The current health crisis caused by COVID-19 requires collaboration on the part of all citizens in order to limit contagion. In all countries there are deaf people, who constitute a minority community. How do governments across the world commit to making deaf people aware of the pandemic? Is access to information guaranteed everywhere? Different scenarios worldwide are considered. In order to understand how the pandemic appears in the eyes of the deaf people, we shall focus in particular on the Italian situation. We consider the word “eyes” from two different perspectives: on the one hand, the importance of the visual channel and more broadly the question of the “visibility” of the interpreter; on the other hand, how Italian deaf people “see” the pandemic, taking into account the information they receive through translation into sign language. We delve into the narrative of the pandem-

ic examining in particular war metaphors, which have occurred repeatedly in many speeches and conferences.

*Keywords:* sign language; pandemic; translation; metaphor; minority.

### *1. Introduction*

Everybody has to contribute to stemming the spread of the virus. This simple statement summarises the task that has been entrusted to all of us for more than a year now, that is, taking personal responsibility and adopting a series of measures aimed at prevention. In December 2019, the health authorities of Wuhan City, China, detected a particular form of pneumonia of unknown aetiology, which would later be called SARS-CoV-2 (COVID-19 or, more commonly, “coronavirus”). Soon the virus crossed the Chinese borders and spread to other countries, including Italy<sup>1</sup>. Owing to the

<sup>1</sup> In the first phase of the epidemic, Italy was among the most affected countries. The first two cases were recorded on January 30, 2020, when two tourists from China tested positive for the virus. Later, in February, a Covid out-

worldwide spread of the virus, on March 11, 2020 the World Health Organization (WHO) established that the COVID-19 epidemic could be officially considered a pandemic.

These very first months, and especially those to come, were particularly difficult for Italy, where many people died to the coronavirus. In order to stem the contagion, a number of restrictions were introduced in February/March, the most significant of which was the lockdown phase. In a very short time, the daily life of the Italians changed completely: most of us found ourselves confined at home, with minimal social contacts, limited to the strictly necessary (especially for reasons of work or health).

Many Italians expressed difficulty in adapting to a reality that was completely new to them, in which old certainties were collapsing. Ever-changing regulations, opinions of experts (physicians, virologists, immunologists) expressed in scientific language and following one another, forms to be filled in to get around... A massive amount of information that was

break occurred in Codogno (Lombardy), which eventually led to the first deaths.

crucial to finding one's way through an unexplored path. Everybody has to contribute to stemming the spread of the virus, as we said before. But, in order to do so, people need updated information. How can that mantra-like maxim be valid for those who could not have access to information?

Here we would like to address the situation experienced by deaf people during the pandemic, and in particular to their essential need of accessing information through translation into sign language. Translation/interpreting<sup>2</sup> services clearly serve as the necessary bridge between

<sup>2</sup> We specify that, within this contribution, we do not propose a distinction between translation and interpreting in sign language. Usually, a clear distinction is made concerning vocal languages, which can be summarised in that the interpreter works with spoken discourse, while the translator works with written texts (see M. Baker, *Routledge Encyclopedia of Translation Studies*, Routledge, London-New York 1998). In the case of sign languages, this distinction is not made and we often refer to the profession of interpreter / translator (see V. Buonomo, P. Celo, *L'interprete di lingua dei segni italiana. Problemi linguistici, aspetti emotivi, formazione professionale*, Hoepli, Milano 2010; P. Celo [ed.], *I segni del tradurre. Riflessioni sulla traduzione in Lingua dei Segni Italiana*, Aracne, Roma 2015.) because "the translation process takes place exclusively at the level of orality" (see S. Fontana, *Tradurre lingue dei segni. Un'analisi multidimensionale*, Mucchi, Modena 2013, p. 68, our translation).

the deaf people and the information they need. In the predicament brought about by the pandemic, accessibility to information is tantamount to being able to be active citizens, to complying with the regulations, to playing a role in society, and even to avoiding contagion. The deaf community, which is a minority community, has been fighting for its accessibility rights, and during the pandemic finally achieved a goal it had been pursuing for years: on May 19, 2021, Italy recognised the Italian Sign Language (LIS), as well as the professions of LIS interpreter and tactile LIS interpreter.

In this chapter, we shall focus in particular on the issues experienced by the deaf people as a minority, considering translation into sign language as a human right and examining how the various governments have addressed this fundamental question. We shall also ask ourselves how deaf people have seen and see the pandemic, through a metaphor-based analysis of some translations. In the concluding remarks, we shall take into account how the pandemic has affected the translation into sign language.

## 2. *Translating for a minority community*

“Languages save lives! We urge governments to make sure that #COVID19 information, guidance and care is available in minority languages, including sign languages, and is age-, disability- and gender-appropriate”. This is one of the top-line messages released by the United Nations Network on Racial Discrimination and the Protection of Minorities<sup>3</sup>: the organisation clearly states the absolute importance of making all messages accessible to deaf people through sign languages. In fact, giving information to the deaf people in their language has the potential to affect their own lives.

One might ask: why can't deaf people just read written press releases? They know Italian, don't they? Aren't captions enough? Is it really necessary to provide a constant interpreting service just for a few people? People with no hearing im-

<sup>3</sup> “Leave No One Behind. Racial Discrimination and the Protection of Minorities in the COVID-19 Crisis”, statement, 2020, p. 1 (available online at: [https://www.ohchr.org/Documents/Issues/Minorities/UN\\_Network\\_Racial\\_Discrimination\\_Minorities\\_COVID.pdf](https://www.ohchr.org/Documents/Issues/Minorities/UN_Network_Racial_Discrimination_Minorities_COVID.pdf)). Accessed June 29, 2021.

pairment often ask such questions. Of course, we know that just a few minutes after the authorities have issued new measures or regulations, these can be wholly or partially found online, accompanied by clarifications, comments, references, and much more. Deaf people can obviously access this material. However, before we proceed, it is necessary to make a digression on their attitude toward the vocal language. In Italy, from a linguistic perspective, the situation of the deaf people is extremely varied: there are people who use only Italian, just as there are bilinguals who use both sign language and vocal language (bimodal bilingualism)<sup>4</sup>, showing very uneven skills in the two languages. In

<sup>4</sup> When bilingualism includes a sign language and a vocal language, it is called bimodal bilingualism. It is defined so because the two languages use two different modalities (sign language using the visual-gestural channel, vocal language the acoustic-auditive channel). It is a particular form of bilingualism that presents specificities and, compared to unimodal bilingualism, requires a special approach (see M.A. Pinto, V. Volterra (eds.), “Bilinguismo lingue dei segni/lingue vocali: aspetti educativi e psicolinguistici”, in *Rivista di Psicolinguistica Applicata* (numero monotematico), VIII, 3, 2008, pp. 93-107; P. Rinaldi et al., “Language Acquisition by Bilingual Deaf Preschoolers: Theoretical and Methodological Issues and Empirical Data”, in *Bilingualism and Bilingual Deaf*

general, the deaf people’s vocal language skills are often quite weak: “in the literature there is general agreement that deaf children and adults hardly ever reach a linguistic competence similar to that of a native speaker, either in spoken or in written language”<sup>5</sup>. Given that deaf people often have difficulties in understanding the content of a text written in Italian, there is a high possibility that they may misunderstand its message. We should not forget that, in the specific case of the pandemic, to perfectly understand the information provided is an essential precondition to following rules, so that everybody can protect their health and that of others’.

In addition to the reasons we have just listed, there is another one on which we would like to focus, which we consider equally if not more important. To ac-

*Education*, M. Marschark, H. Knoors, G. Tang [eds.], Oxford University Press, Oxford 2014, pp. 54-73.).

<sup>5</sup> M.C. Caselli et al., *Linguaggio e sordità. Gesti, segni e parole nello sviluppo e nell’educazione*, il Mulino, Bologna 2006, p. 235, our translation. Difficulties with vocal language were found regardless of the use of sign language: data show that deaf people who do not know sign language make the same type of errors in Italian as LIS signers (see *ibid.*).



cess information in one's mother tongue is a right of people, deaf people included. Sign language is considered part and parcel of the value system of people who affirm their overall deaf cultural identity, and consequently "the use of sign language in society in general [...] is considered a human right"<sup>6</sup>. One may object that in our country the deaf people constitute a minority community, therefore linguistic issues concerning a relatively small group<sup>7</sup> would not constitute a priority, especially during a pandemic. Still, we argue that neither a numerical objection nor a pandemic, albeit severe, should make us forget the paramount importance of human rights and the daily struggles that people all over the world are facing. In fact, the pandemic may represent a concrete opportunity to give more visibility to the needs of minorities such as the deaf people's:

Above all, crises such as COVID-19 create opportunities to heighten solidarity and inclusion. International human rights law places positive obligations and duties on States and other actors to eliminate all forms of discrimination, and to ensure the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity. Crises such as COVID-19 create opportunities to strengthen the inclusion of those potentially left behind, as well as to heighten social solidarity. Provided adequate support, communities respond vibrantly and positively to this crisis. We urge human rights-based action on these obligations and opportunities, public messages of solidarity and inclusion, and support for community-based solidarity programmes<sup>8</sup>.

In the specific case of sign language, we could say that Italy's government has shown some awareness on this matter: LIS was recognised precisely within a pandemic-related legal provision (the so called "Decreto Sostegni"). The example of sign language can encourage other communi-

<sup>6</sup> M. Marschark et al., "Bilingualism and Bilingual Deaf Education. Time to Take Stock", in *Bilingualism and Bilingual Deaf Education*, M. Marschark, H. Knoors, G. Tang (eds.), Oxford University Press, Oxford 2014, p. 2.

<sup>7</sup> In the western area, deaf people represent 1 in 1000 of the population (see S. Maragna, *La sordità. Educazione, scuola, lavoro e integrazione sociale*, Hoepli, Milano 2000).

<sup>8</sup> United Nations Network on Racial Discrimination and the Protection of Minorities, "Leave No One Behind. Racial Discrimination and the Protection of Minorities in the COVID-19 Crisis", statement, 2020, pp. 6-7. (Available online at: [https://www.ohchr.org/Documents/Issues/Minorities/UN\\_Network\\_Racial\\_Discrimination\\_Minorities\\_COVID.pdf](https://www.ohchr.org/Documents/Issues/Minorities/UN_Network_Racial_Discrimination_Minorities_COVID.pdf)) Accessed June 29, 2021.

ties to fight for their rights, even if, and especially when, we are confronting with a pandemic.

### 3. *The pandemic, the translation: different international scenarios*

All deaf communities have felt the need to access information. Governments from across the world, however, have offered vastly different responses. What happened in the various countries? What measures were adopted?

Let us begin by considering the case of Italy and its main information channels. Starting from February 25, 2020, RAI – the national public service media company – began broadcasting the National Civil Protection’s press conferences twice a day, which always saw the presence of a LIS interpreter, appointed by ENS (National Deaf Organisation)<sup>9</sup>. As for Prime

<sup>9</sup> More or less around the same time (more precisely, starting from February 26, 2020), a video announcement made by Rai for the Ministry of Health, in collaboration with the Presidency of the Council of Ministers, also aired. The video showed the good daily habits that help limit the contagion. The announcement included the translation into LIS. (Available online at: [Minister Giuseppe Conte’s press conferences, at first they were captioned, and no interpreting service was provided. A few weeks and many complaints later, translation services were eventually arranged<sup>10</sup>. We should also add that in order to make up for the lack of interpreting services, associations and individual interpreters have been offering live translations of the most relevant news on their personal Facebook pages – like the Facebook page “LISnonsiferma”<sup>11</sup> – the YouTube channel “Dirette Lis Tv”<sup>12</sup>, and the ENS website \(“Dirette](http://www.</a></p></div><div data-bbox=)

[salute.gov.it/portale/nuovocoronavirus/dettaglioVideoNuovoCoronavirus.jsp?lingua=italiano&menu=multimedia&tp=video&id=2042](http://salute.gov.it/portale/nuovocoronavirus/dettaglioVideoNuovoCoronavirus.jsp?lingua=italiano&menu=multimedia&tp=video&id=2042)) Accessed June 30, 2021.

<sup>10</sup> For an overview of the various phases, see T. Gulli, V. Volterra, “La comunità sorda segnante italiana all’epoca del coronavirus: lingua dei segni e accessibilità”, in *Micromega* online, 2020. Available online at: <https://www.istc.cnr.it/sites/default/files/micromegagullivolterra.pdf>. Accessed June 26, 2021, and E. Tomasuolo et al., “The Italian Deaf Community at the Time of Coronavirus”, in *Frontiers in Sociology*, 14 January 2021, <https://doi.org/10.3389/fsoc.2020.612559>. Available online at: <https://www.frontiersin.org/articles/10.3389/fsoc.2020.612559/full>. Accessed June 27, 2021.

<sup>11</sup> Available online at: <https://www.facebook.com/search/top?q=lisnonsiferma>. Accessed June 30, 2021.

<sup>12</sup> Available online at: <https://www.youtube.com/channel/UCdPqVGnQ0aa-sTSeC5FF0KA>. Accessed June 30, 2021.

e traduzioni in LIS” web page)<sup>13</sup>. In fact, as has been pointed out<sup>14</sup>, we should acknowledge the great effort by the members of the deaf community who have personally taken action to guarantee their rights: for example, several members (including deaf parents) have made a large amount of material accessible to support deaf children who could not attend school<sup>15</sup>.

And what about the situation in rest of the world? To keep on talking about Europe, we could cite the case of France, an example of excellent accessibility, in which an interpreter joined President Emmanuel Macron since the very first moments. The interpreter appeared on the screen not in a small box (as it happened in Italy, causing

many complaints)<sup>16</sup>, but next to the President, as a life-size figure. France has obviously shown a clear awareness of the importance of accessible information in LSF. In this regard, it is worth reporting the testimony of a sign language interpreter.

Delphine Thomas, member of the AFILS board, specifies that “when the AIDS epidemic appeared in the 1980s, some deaf people who received the results of their blood tests and saw a positive mark, said to themselves that they were therefore safe from the disease... At the time the information that was circulating was so minimal that many people contracted the virus because of ignorance, and lack of LSF accessibility to awareness-raising opportunities that could be created”<sup>17</sup>.

<sup>13</sup> Available online at: <https://ens.it/coronavirus/193-dirette-e-traduzioni-in-lis/>. Accessed June 25, 2021.

<sup>14</sup> Tomasuolo et al., “The Italian Deaf Community at the Time of Coronavirus”, cit.

<sup>15</sup> During these months of pandemic, the deaf community has become accustomed to widely exploiting technological tools in order to have access to information. Consequently, the deaf people have learned to make an increasingly flexible use of visual technologies (see T. Gulli and V. Volterra, “La comunità sorda segnante italiana all’epoca del coronavirus: lingua dei segni e accessibilità”, cit.).

<sup>16</sup> In this regard, we suggest reading the letter that ENS President Giuseppe Petrucci sent to Prime Minister Giuseppe Conte. The protest concerns the impossibility of seeing the interpreter clearly because the dedicated box on the screen is too small. In the letter, Petrucci refers to the WFD (World Federation of the Deaf) guidelines, according to which the interpreter must be placed in a box that occupies 25% of the screen. (Available online at: [https://ens.it/images/Prot.\\_2475.pdf](https://ens.it/images/Prot._2475.pdf)) Accessed June 20, 2021.

<sup>17</sup> Available online at: <https://france3-regions.francetvinfo.fr/pays-de-la-loire/maine-et-loire/angers/coronavirus-langue-signes-visible-tousenfin-1816480.html>. Accessed June 29, 2021.

Words that clearly show that providing translation into sign language have life-saving potential.

The United Kingdom is an opposite case to that of France, for Boris Johnson's speeches have not been translated into BSL. For purposes of protest, the Twitter page “#WhereIsTheInterpreter?”<sup>18</sup> was created and legal action taken against the government.

It would certainly be interesting to investigate other cases worldwide, but for the sake of space we cannot delve into that here. However, we would like to stress that governments should be aware that denying an interpretation service means putting the health and even the lives of the citizens at risk.

#### 4. *Metaphors at the time of the pandemic: an analysis of translations*

The interpreting service, where present, constitutes a concrete opportunity for deaf people to access the narratives of the pandemic. However, we would like to ask our-

<sup>18</sup> Available online at: <https://twitter.com/search?q=%23whereIsTheInterpreter>. Accessed June 24, 2021.

elves: what does the pandemic look like in the eyes of the deaf? How does the interpreting process help shape the image of the pandemic? We would like to try to answer this question by analysing a specific aspect of the process: the translation of metaphors. Linguistic approaches to the study of the pandemic<sup>19</sup> have highlighted the absolute pervasiveness of war metaphors: the language of war very frequently recurs in the narratives of the pandemic. Hence our focus on the war metaphors and our attempt of describing how they have been translated, how they have reached the deaf people, and whether the pervasiveness of war images has also reached the deaf community.

First of all, a few considerations on the question of war metaphors: what has made them so common in this historical conjuncture? As highlighted in the insightful *Metaphors we live by* by Lakoff

<sup>19</sup> F. Farruggia, “C'era una volta un virus. Metafore e narrazioni della pandemia”, in *Democrazia e Sicurezza – Democracy and Security Review*, year X, n. 2, 2020, pp. 231-247. Available online at: <https://romatrepress.uniroma3.it/wp-content/uploads/2020/10/08.cera-farr.pdf>. Accessed June 21, 2021; F. Panzeri et al., “Does the COVID-19 war metaphor influence reasoning?”, in *Plos One*, 2021. Available online at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0250651>. Accessed June 21, 2021.

and Johnson (1980), the metaphor represents the cognitive strategy human beings use to understand an abstract, complex concept, associating it with another concrete and known concept. Examples of such kind are “time is money” or “love is a journey”. The authors identify a series of concepts, including war, which are employed in metaphorical expressions in order to define other concepts. These notions provide the right type of conceptual structure that allows to grasp less concrete and less delineated experiences.

The complex reality of the pandemic has soon been imbued with war rhetoric: as such, it has been possible to understand it starting from a notorious reality, that of war. Words and expressions that refer to the world of war have therefore become extremely frequent: examples are “medici eroi” (“hero doctors”), “guerra contro il virus” (“war against the virus”), “nemico invisibile” (“invisible enemy”), and so forth. In this chapter, we would like to ask ourselves how these expressions have been translated into sign language, how they reach deaf people.

To analyse translations in the perspective we have just described, we can start by ex-

amining one of Giuseppe Conte’s first press conferences on the coronavirus issue, dated March 5, 2020<sup>20</sup>. The metaphor of war is evident in the following passage at 00:07<sup>21</sup>:

Italian: Non è la prima volta che il nostro paese si trova ad affrontare emergenze nazionali. Ma siamo un paese forte, un paese che non si arrende, è nel nostro DNA. Stiamo affrontando la sfida al coronavirus.

English translation: This is not the first time our country has faced a national emergency. Still, we are a strong country, a country that does not give up. It is in our DNA. We are facing the coronavirus challenge.

In particular, the words that are most indicative of the metaphorical strategy ad-

<sup>20</sup> Press Conference Conte – March 5, 2020 (Available online at: <https://ens.it/coronavirus/193-dirette-e-traduzioni-in-lis/9011-emergenza-coronavirus-il-discorso-del-presidente-conte-in-lis>) Accessed June 17, 2021.

<sup>21</sup> In the various examples proposed, in addition to reporting portions of the speeches in the Italian version accompanied by the English translation, we have transcribed the translations into LIS using glosses; according to convention, we use small caps. We feel the need to specify that the transcription in glosses is not a highly valid strategy, as it does not allow us to take note of the various details of the signs concerning, for example, the body components or the use of space. However, we have opted for this type of transcription, as it enables us to annotate the contents in paper form and is understandable even to those who do not know sign languages. For the sake of clarity, we have also included images when possible.

opted are: “affrontare” (“to face”), “forte” (“strong”), “non si arrende” (“does not give up”), “sfida” (“challenge”). Of each of these we find the translation into LIS by the interpreter:



1: Translation into LIS: AFFRONTARE (to face) – Press Conference, March 5, 2020



2: Translation into LIS: FORTE (strong) – Press Conference, March 5, 2020



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3: Translation into LIS: ARRENDE+NO (does not give up) – Press Conference, March 5, 2020



4: Translation into LIS: SFIDA (challenge) – Press Conference, March 5, 2020

We now come to a further segment of the same speech (00.21). Let us take a look at its translation into LIS:

Italian: [una sfida che] deve chiamare a raccolta l'intera nazione.

English translation: [a challenge that] must rally the whole nation.

LIS translation: ITALIA PER-INTERO GRUPPO INSIEME

Word-by word LIS translation into English: Italy in-its-entirety group together

Below are the images of the translation:



5: Translation into LIS: ITALIA PER-INTERO GRUPPO INSIEME (Italy in-its-entirety group together) – Press Conference, March 5, 2020

This second case is very different from the previous one: here the President uses an idiomatic expression, “chiamare a raccolta” (to rally), which in Italian refers to war scenarios. The interpreter’s signs convey the meaning of needing to act as a united group (implicitly: avoiding internal conflict). The translation choice is certainly effective, but the metaphor gets lost.

Let us now consider another example: President Conte’s press conference of April 26, 2020<sup>22</sup>. In Italy, this date marked the beginning of the so-called “Phase 2”, considered as the commencement of the phase of coexistence with the virus.

Italian: Potremmo prendercela con chiunque ci capiti a tiro (04:12)

English: We could blame anyone who comes within range

LIS translation: PUÒ QUALSIASI PERSONA DICE COLPA TUA

Word-by word LIS translation into English: can any person say fault yours

Italian: Ci battiamo, ci siamo già battuti e continueremo a batterci (05:21)

English: We fight, we have already fought and we will keep on fighting

LIS translation: BATTERE CONTINUA BATTERE

Word-by word LIS translation into English: fight continue fight

<sup>22</sup> Press Conference Conte – April 26, 2020. (Available online at: <https://fb.watch/6lo1SnwRkG/>) Accessed June 25, 2021.



6: Translation into LIS: *battere* (to fight) – Press Conference, April 26, 2020

Similarly to the situation that we observed previously, these two examples here are actually quite different: the first displays an idiomatic expression that includes a war metaphor, while the verb used in the second example belongs to the language of war.

In the first case, since the equivalent of the idiomatic expression in LIS does not exist, the translation has lost the martial nuance. The war metaphor, on the other hand, is maintained in the second case, in which the verb *BATTERE* (“to fight”) is used.

Here is another example from RAI News 24, aired on October 17, 2020<sup>23</sup>:

<sup>23</sup> Television news in Rai News 24 – October 17, 2020 (available online at: <https://www.rainews.it/dl/rainews/media/tg1-lis-ore-9-30-sabato-17-ottobre-42e2a876-7b4e-487e-bc30-6525430ed8d5.html>). Accessed June 28, 2021.



Italian: Tra le ipotesi un coprifuoco dalle 22:00 (00:53)

English: Among the hypotheses a curfew since 10 pm

LIS translation: IPOTESI USCIRE VIETATO ORE IO SERA IN-POI

Word-by word LIS translation into English: hypothesis go-out forbidden hours 10 evening onwards

The point we would like to make here concerns the word “curfew”. Curfew has become a familiar word among the Italian population since the last months of 2020, when the government imposed the obligation not to leave one’s home after a certain time, a measure that lasted for months. When the piece of TV news reported above was broadcast, the interpreter choose not to use the sign that stands for curfew, and used, instead, a periphrasis that also included the latest return time permitted. As the curfew was a novelty, in our opinion the interpreter’s choice was effective in making the concept as clear as possible.

In another segment of news, aired on April 20, 2021<sup>24</sup>, that is, when the concept

<sup>24</sup> Television news in Rai News 24 – April 20, 2021 (available online at: <https://www.rainews.it/dl/rainews/media/Le-notizie-del-giorno-il-Tg1-Lis-per-non-udenti-del-20-aprile-83079a10-848e-4049-87cf-823624a64b1e.html>) Accessed June 15, 2021.

of curfew had become familiar to most citizens, the word curfew was translated into LIS (at 01.41). The translation merged together



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7: Translation into LIS: coprifuoco, composed of ORA + USCIRE + LIMITE (curfew, composed of hour + go-out + limit) – Rai News 24, April 20, 2021

three signs into a single, compound one: ORA + USCIRE + LIMITE (hour + go-out + limit).



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8: COPRIFUOCO, composed of ORA + LIMITE (curfew, composed of hour + limit) – *Spread The Sign*

Consulting the dictionary *Spread The Sign*<sup>25</sup>, we found this sign standing for the term curfew:

Compared to the dictionary entry for curfew, the sign proposed by the interpreter has an extra element. We could say that a standardised version of the sign was utilised, but with an addition that specifically clarifies the details of the government's imposed measure.

In none of the translations examined the war metaphor associated to the term curfew is present. So we argue that, although the message is clearly communicated and the goal of the translation is fully achieved, the metaphor is lost. However, this is due to a difference in vocabulary, for the Italian language includes a semantic nuance not present in LIS.

From the data examined so far we learn that, on a general level, the war metaphor gets translated when it is embedded in a single word. On the contrary, when it is contained within idiomatic expressions, then it often gets lost in translation, for those

<sup>25</sup> *Spread The Sign dictionary* (available online at: <https://www.spreadthesign.com/it.it/search/>). Accessed June 18, 2021.

expressions seldom have their exact equivalent in LIS. Of course, there are exceptions: a term such as curfew, even if it constitutes a single word, loses its metaphorical value because the corresponding sign in LIS does not include the same nuance.

But before coming to the conclusion, we would like to emphasise that, in associating the language of pandemic with that of war, it is necessary to distinguish between a conscious level and a (probably) unconscious level. We specify that while the recourse to (war) metaphors can be conscious or unconscious, during these past months it has been quite common to notice explicit comparisons between the pandemic times and wartime.

Let us take a quote taken from the April 18, 2020 press conference by Commissioner Arcuri: “In WWII, between 11 June 1940 and 1 May 1945, that is, over five years, 2,000 civilians lost their lives in the bombing of Milan. In just two months, from the first case [of COVID-19] in Codogno until today, in Lombardy 11,851 civilians died to coronavirus: five more times” (our translation)<sup>26</sup>.

Here, the juxtaposition with war is explicit and the speaker draws a clear comparison with the victims of war. This press conference, like all the others arranged by Italy’s National Civil Protection, was translated in its entirety, and therefore its message was fully accessible to the deaf.

We have decided to report this example to underline that, although some war metaphors probably did not reach deaf people, especially because of the discrepancy between idiomatic expressions, the comparison with war was certainly grasped in communications such as the one we have just accounted for. However, deaf people probably have perceived them a lesser extent than the hearing people. In general, we believe that war metaphors have been effectively communicated in translations, and that the COVID-19 pandemic times have appeared as comparable to wartime even in the eyes of the deaf people.

<sup>26</sup> Arcuri: «In Lombardia 5 volte i morti civili della guerra» - April 18, 2020 (available online at: [https://m.facebook.com/SkyTG24/videos/217328586228936/?refsrc=https%3A%2F%2Fm.facebook.com%2Fwatch%2F&\\_rdr](https://m.facebook.com/SkyTG24/videos/217328586228936/?refsrc=https%3A%2F%2Fm.facebook.com%2Fwatch%2F&_rdr)). Accessed June 20, 2021.

## 5. *Conclusions*

In Italy, before the state of emergency was declared, LIS interpreters would appear on national TV only on short newscasts: the pandemic, instead, has made them a constant presence. Sign language interpreters are “by nature” professional figures carrying out their job by making themselves visible. As a matter of fact, the signed languages are visual-gestural languages, and in order for the message to be transmitted, interpreters must show themselves, “go on stage”. Thanks to their characteristic visibility, in these months people have gotten used to their presence. As Fontana stated<sup>27</sup>, the sign language interpreter, who stands in-between the hearing people’s majority group and the deaf minority community, is in a very delicate position, since he/she has the task of defining certain limits and, at the same time, of contributing to their assertion of rights. What has happened in recent months has corroborated this point: the interpreter’s visibility has become that of the deaf mi-

nority community’s, and the constant presence of the LIS interpreters may have contributed to the recognition of the LIS and of the profession itself.

During these months, the interpreters have played the delicate role of narrators of the pandemic, a new reality in which deaf people have learned to orient themselves only thanks to information accessibility. The deaf people have been exposed to scenes of hospitals on the brink of collapse, to tanks carrying corpses, to the auspicious images of the vaccination campaign: it has been only thanks to the work of the interpreters that these images finally made sense. The analysis of the war metaphor here conducted has allowed to take on the role of deaf people, to look at the pandemic with their eyes, with the awareness that it is only the accessibility to information that allows us, each of us, to help limit contagions. Everybody has to play a part.

<sup>27</sup> S. Fontana, *Tradurre lingue dei segni. Un’analisi multidimensionale*, cit.

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## Images of the health emergency in contemporary poetry

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*Abstract:* Pictures portraying the health emergency around the world, such as those of the potter's field in Hart Island, of the field hospitals in New York or of the column of military trucks transporting the coffins of COVID-19 victims in Bergamo, had worldwide resonance. This research investigates their metaphorical value in two recent poems: *Plaguey Hill* by Paul Muldoon and *Requiem per una casa di riposo lombarda (Requiem for a Lombard Rest Home)* by Fabio Pusterla. The preliminary aim is a complete analysis of the two poems. Thereafter, I will focus on the metaphorical function of the aforementioned pictures. In Muldoon, they convey a new sense of community, and also work on a meta-literary level, deconstructing older representations. Pusterla recurs to the literary device of estrangement to put forward a social criticism. Texts that are very different from each other turn the emergency we are facing today into metaphors for the human condition.

Metaphors of illness (and illness as metaphor) can be toxic. In poetry, however, they convey complex messages that we may still need to hear.

*Keywords:* Poetry, Comparative literature, Metaphors, COVID-19 pandemic.

Certain images of the health crisis will go down in history as epochal. In this chapter, I shall look at the metaphorical reuse of world-famous images from the current pandemic's emergency, such as the mass graves and field hospitals of New York, or the line of military trucks in Bergamo, Italy, in two contemporary poems: *Plaguey Hill* by Paul Muldoon and *Requiem* by Fabio Pusterla. I shall also investigate into the poetic exploitation of technical and bureaucratic words, as well as sanitary regulations and current events. Certain themes running across both *Plaguey Hill* and *Requiem* have frequently been at the centre of public debates and of the institutional discourse. The two poems, however, approach them in such a unique way that the reader is invited to their reappraisal.



*The unclaimed bodies must be claimed*

*Plaguey Hill*, published in the July 10<sup>th</sup> issue of the «Times Literary Supplement», is a sonnet corona – a rather telling name –, that is, a sequence of fifteen sonnets, where the last line of the preceding sonnet is identical or very similar to the first line of the succeeding one. *Plaguey Hill* depicts the poet and his wife quarantining in Sharon Springs, a village in the State of New York. The poet's daily routine is disrupted by a variety of news about the spread of COVID, as well as political and news reports from America, Europe, and China. The overlapping of different facts and reflections may be puzzling for the reader, as it happens in all of Muldoon's long poems. Thematically, the poem does not rely only on conventional subject matter (e.g., the chaotic nature of reality), but also on a contemporary matter: infodemics, i.e. the chaotic spread of information in times of crisis – a topic that, in a sense, is performed by the work's style and structure. For the sake of clarity, I shall divide my analysis of the poem into thematic "levels". It is important to bear in mind that recurring

words and phrases create unexpected links across the various levels, a common characteristic in Muldoon's poems.<sup>1</sup>

The first level is concerned with reflections on politics and current affairs: we find references to lockdown measures and scientific study, charges against the Chinese government (the disappearance of Dr. Ai Fen), Donald Trump (his attitude towards the pandemic, the firing of Captain Crozier), and Viktor Orbán.

The impressionistic account of the "new habits" often pops up unexpectedly, and overlaps with various other facts: the poet binge watching western movies and TV series, his wife taking ballet classes on Zoom. Some of these daily life's scenes mark the poet's engagement with the outside world. The poem's first lines read:

At the end of our driveway, the yellow recycling bin  
will be picked up this morning by Vlad,  
our Superintendent of Public Works. I certainly  
don't want to impugn  
the motives of the village elders who, after the big  
flood  
washed it out, closed our road to through traffic.  
(*PH*, son. 1, vv. 1-5)

<sup>1</sup> C. Wills, *Reading Paul Muldoon*, Bloodaxe, Newcastle 1998, p. 13.

And further in the text, in sonnet 8:

Today's the day our Superintendent of Public Works comes down the hill to pick up both our recycling and our trash (*PH*, son. 8, vv. 1-2)

Elsewhere in the same sonnet, the poet affirms he went through “two weeks of dry cough / and general aches and pains” (vv. 7-8). It is therefore clear that Vlad helped the poet in a difficult moment. Actually, it can be argued that the poet understands Vlad's gestures as acts of kindness, for they seem to trigger a logic of mutual benefit:

One of our village elders, Doug, is undergoing chemo at the hospital in Cooperstown. In my effort to be a better person I'll drop off a little tiffin for his husband, Garth (*PH*, son. 13, vv. 1-3) I'll write a thank you note to Vlad and leave him a little care package. (*PH*, son. 14, vv. 4-5)

The memory of the ancient epidemics in Northern Ireland also occupies a significant part:

In 1832, there was a widespread belief that straw-tapers or straw-spills might dispel cholera from the Irish air. (*PH*, son. 4, vv. 7-8)

In sonnet 9, the poet mentions Friar's Bush cemetery for the first time, and informs the reader about its origins:

What Friar's Bush graveyard stands for in Belfast is a cholera pit from 1832 and, from 1847, a famine pit. (*PH*, son. 9, vv. 1-2)

There is a strong connection between this image and the contemporary events. In sonnet 6, Muldoon mentions that an Elton John concert has been canceled due to the pandemic. He imagines a worst-case scenario in which all of the thousands of people who would have attended perish:

as for those 19000 fans, their mouth agape when I think of them I think of a burial mound (*PH*, son. 6, vv. 13-14)

In the final sonnet Friar's Bush is also referred to as “burial mound”:

[...] the burial mound once known as Plaguey Hill (*PH*, son. 15, vv. 6-8)

New York's public cemetery makes its first appearance only in son. 14 (vv. 1-3): “the Potter's Field / of Hart Island”. In 1868, the City of New York purchased

Hart Island and turned it into a public cemetery. According to recent reports, the spread of COVID-19 resulted in a significant increase in burials on Hart Island in 2020<sup>2</sup>: “the poor and the unclaimed, the homeless and stillborn babies”<sup>3</sup>. Photos and drone-footages of great visual impact were taken<sup>4</sup>. Recently, City Councilman Mark Levine introduced legislation to make the public cemetery the site of a memorial for the victims of COVID-19<sup>5</sup>; a decision that reflects the symbolic significance of this location. As the poet mentions the COVID-19 victims on Hart Island, it becomes clear that it was this other “burial mound” that sparked his imagination from the start. Thus, the term “burial

mound” refers to a mental image that underpins two distinct stories.

However, another kind of symbolism may be detected here. Rachel Buxton argues that the image of the grave, in Muldoon’s poetry, conveys “the idea of excavation, of digging through the layers of Irish cultural, political and literary subsoil in search of roots, identity”<sup>6</sup>. In my opinion, this connection is also at work in *Plaguey Hill*, as one of the aforementioned lexical connections seems to prove. In sons. 2 (v. 14) and 3 (v. 1), the word “pine” occurs as “pine wood” in the expression “boxes made of pine” – coffins, that is. In son. 15 (v. 3) it occurs as “To be consumed with longing; to languish with intense desire” (OED) in the expression “I pine for a past”. Although often under layers of irony, the “preoccupation with origins” and the “mythologization of those origins”<sup>7</sup> is typical of Muldoon’s poetry. A verse in

<sup>2</sup> D. Slotnik, “Up to a tenth of N.Y.C.’s coronavirus dead may be buried in a Potter’s Field”, *New York Times*, May 25, 2021.

<sup>3</sup> R. Sanchez, “NY’s Hart Island and coronavirus”, CNN, 12/04/2020.

<sup>4</sup> “La fossa comune di New York”, *Il Post*, 10/04/2020; “The defining photos of the pandemic”, CNN, 12/03/2021.

<sup>5</sup> K. Honan, “New York City Councilmember to Propose Memorial for COVID-19 Members”, *The Wall Street Journal*, 27/06/2020.

<sup>6</sup> R. Buxton, *Never Quite Showing his Hand. Robert Frost and Paul Muldoon*, in T. Kendal, P. McDonald, (eds.), *Paul Muldoon, Critical Essays*, Liverpool University Press, Liverpool 2004, pp. 26-44, p. 37.

<sup>7</sup> F. Brearton, *For Father Read Mother. Muldoon’s Antecedents*, in T. Kendal, P. McDonald, (eds.), *Paul Muldoon, Critical Essays*, cit., pp. 45-61, p. 47.

son. 7 thematises the poet's indecision between "my devotion to Times Square and my umbilical attachment to Tamlaght and Tamnamore", where a symbol of modernity contrasts the ancestral places the origin of which he explains:

The Gaelic term *tamblacht* specifically refers to a burial mound  
for victims of bubonic plague

[...]

I'm pretty sure P.W. Joyce  
renders Tamnamore as "the great plague hill" (*PH*,  
son. 7, vv. 1-2 e 13-4)

Etymology or pseudo-etymology is another distinctive feature of Muldoon's poetry, and marks a connection with Robert Graves, "gaily constructing flamboyant fictional anthropology, rewriting ancient history, flourishing erroneous or irrelevant etymology"<sup>8</sup>; here again we find (fictional) excavation at play.

Once we have identified some of the most important elements, we can go over the last two sonnets in depth. Sonnet 14 opens with the mass grave in New York:

The previously unclaimed bodies of the victims of coronavirus  
buried in the Potter's Field of Hart Island  
must be claimed by all of us (*PH*, son. 14, vv. 1-3)

The standard phrases "unclaimed body" and "to claim the body" are metaphorically being reused by Muldoon in order to call for collective responsibility. The following image

We must each be an Orpheus  
compulsively checking our facts (*PH*, son. 14, vv. 4-5)

invites to a deeper understanding of Orphic figure mentioned in the poem's very beginning. As the "village elders" decide to close the driveway, the poet remarks:

That's proved to be largely a godsend;  
it's now only once or twice a day an Orphic  
figure passes, glancing back for whatever has his scent

And will, somewhat soonish, tear him limb from limb (*PH*, son. 1, vv. 6-9)

And then in sonnet 7:

One of my heroes, Robert Graves, came to believe  
the Maenads  
would get totally blocked

<sup>8</sup> *Ibidem*, p. 46.

not on booze but fly agaric. I'm on leave this semester but today must read applications for "How to Write a Sonnet,"

a course I'll teach in the fall. Those who pass muster will find themselves glancing back at whatever has their scent

and will, somewhat soonish, tear them limb from limb. (*PH*, son. 7, vv. 3-9)

The first section is a literal quotation from the preface to Graves' revised edition of *The Greek Myths*<sup>9</sup> and serves as a hint to the reader that the Orphic theme is being revisited. Despite the sudden switch at v. 5, the identity of the second half of line 9 in both sons. 1 and 7 evokes Orpheus once again. Being torn apart from "whatever has their scent" is the strange reward for passing muster, the fate awaiting those who understand "how to write a sonnet". Orpheus represents every poet, and the Orphic figure referred to as at son. 1 is likely to be Muldoon himself walking about the deserted driveway. The call for "being an Orpheus" at son. 14 comes at the end of a discussion on this mythical figure, and marks a new crucial position.

<sup>9</sup> R. Graves, *Foreword*, in *The Greek Myths*, revised edition, Penguin, Harmondsworth 1960.

"To check one's facts" is another common phrase, but in this context it takes on a broader meaning, serving as a rallying cry for a universal sense of responsibility. It is not from Graves' mythological studies that Muldoon draws inspiration here, but from Seamus Heaney's *North and South*:

The poet Orpheus sings to the creatures and entrances them, and everybody goes 'ooooh'; they just go into trance. That's one kind of writing, the write as entrance. But that is not enough when it comes to the writer as an inhabitant of reality. [...] Now, the fully empowered artist, and the fully living response to art, goes beyond entrancement into what Yeats called 'the desolation of reality'. And there you have Orpheus, not the puller of the harp's string that puts everybody to sleep, but Orpheus *confronting the facts* of dead and love, going to the underworld, always defiant but failing to overcome death, always failing to absolutely make the perfection cohere<sup>10</sup>. (My emphasis.)

Poets must not only perform an enchantment: they must check, even confront facts, engage with the world, and

<sup>10</sup> S. Heaney, R. Kearney, *Between North and South. Poetic Detours*, in R. Kearney (ed.), *States of Mind, Dialogues with Contemporary Thinker of the European Mind*, Manchester University Press, Manchester 1995, pp. 101-109, p. 108.

question themselves in order to gain a broader understanding of life.

At the end of the sonnet the poet says:

I myself need no further for an emblem  
than the end of the drive way and that recycling bin  
(*PH*, son. 14, vv. 13-14)

confirming the emblematic nature of Vlad's charitable gestures. The value of compassion and empathy was earlier emphasized in a description of a well-known social practice during quarantine:

at 7 o'clock each evening we serenade with pots and  
pans the forgotten  
now classed as essentials. People who get their  
hands dirty.  
The incessant handwashing practiced by the Pharisees  
was enough to give Christ kittens. (*PH*, son. 13,  
vv. 9-12)

The sanitary prescription of hand-washing is turned into a Biblical metaphor of indifference, in contrast with the act of "getting [...] hands dirty".

The octave in the last sonnet reads:

At the end of our drive way, a standard yellow recycling bin  
brings back the idea of a future  
to which we once subscribed. Even as I pine  
for a past in which the use of straw for cattle fodder

was a topic of interest for the serious mind,  
it's a past in which one constant is some form of  
pestilence. At present all  
I can think of is the burial mound  
once known as Plaguey Hill (*PH*, son. 15, vv. 1-8)

The poet "pines for a past" and yet that past cannot communicate anything but "some form of pestilence". It is not the first time Muldoon criticises his own poetry, take the famous verses of *Lunch with Pancho Villa*:

Look, son, just look around you,  
People are getting themselves killed  
Left, right and centre  
While you do what? Write rondeaux?  
There's more to living in this country  
Than stars and horses, pigs and trees,  
Not that you'd guess it from your poems<sup>11</sup>.

The fictional persona of the Mexican revolutionary general accuses Muldoon of making up a fairy-tale picture of his homeland while it is afflicted by the Troubles. In *Plaguey Hill*, the poet realises that looking back on a mythical past is simply pointless. On the contrary, the yellow bin

<sup>11</sup> P. Muldoon, *Mules*, Wake Forest University Press, Winston-Salem 1977, p. 11.

conveys the idea of a future based on empathy and mutual care which now seems much more convenient to imagine. The last lines («at present [...] Plaguey Hill») seem to question the poet's ability to do so "at present". The truth of an idea, however, cannot be disproved by the incapacity to put it into practice.

The final image is that of the field hospitals in New York:

In New York they've worked hand over fist  
to set up a system of field hospitals  
Now there's been a flattening of the death toll from  
the novel coronavirus (*PH*, son. 15, vv. 12-14)

"Hand over fist" already appeared to describe the activity of the virus in the words of Dr. Fauci: "it's working hand over fist" (*PH*, son. 11, v. 14). The community's effort is both equal and diametrically opposed to a destructive, never-ending force. The burial mound, with its quantity of victims, appears to be an impenetrable mystery that can be solved if we claim the bodies and work "hand over fist" to find a solution for everybody.

### *The last revolt*

In recent months, the Swiss-Italian poet Fabio Pusterla published along with *Requiem* also *Tre inediti* [*Three unpublished poems*] for *Piccola antologia della peste* [*Small Anthology of the Plague*]. Surprisingly, two of these three are about Amazon deforestation rather than the pandemic. In the final notes to his poems, Pusterla remarks:

sono collegate, queste vicende, con tutto ciò che ci assilla in questo 2020? Se ne può forse dubitare?<sup>12</sup>

[aren't these events related to everything that is afflicting us in 2020? Of course they are.]

It is not the first attempt in contemporary poetry to correlate the health crisis with the environmental catastrophe. Take another poem written during the lockdown and gone viral on Italian social media: *9 marzo 2020* [*March 9 2020*] by Mariangela Gualtieri. COVID-19 is depicted in her poem as the result of human

<sup>12</sup> F. Pusterla, *Tre inediti*, in F. Permunian (ed.), *Piccola antologia della peste*, Ronzani, Dueville 2020, pp. 293-299, p. 299.

action: a natural intelligence appears to be operating behind the scenes, re-balancing the ecosystem by keeping humans at home for a while. Pusterla's *Requiem*, on the other hand, bears no resemblance to the concept and draws on "ecopoetry" in a much more subtle manner.

*Requiem per una casa di riposo lombarda* [*Requiem for a retirement home in Lombardy*] has recently come out as a plaque, and is inspired by the painful events of March and April in Lombardy. At the beginning of March, the local government authorised the transfer of many elderly people from hospitals to RSA (rest homes). According to some reports (and a large portion of public opinion), this decision, combined with poor emergency management by rest homes, resulted in a significant increase in infections and deaths<sup>13</sup>. It should be noticed that Lombardy was also the region most dramatically hit by the disease during the pan-

demic's first wave in Italy. The "RSA scandal" elicited a strong reaction from the public, and both the press and television reporters conducted investigations, interviewing rest home employees and victims' relatives. Whatever the truth is about this incident, it can be interpreted as a sign of our society's disregard for the elderly and vulnerable, which is what struck the poet's sensibility.

*Requiem* is divided into five numbered parts, the first consisting of four stanzas in free verse with occasional rhymes and assonances. An anonymous character recounts his and his companions' experience of segregation and suffering. Parts 2, 3, and 4 are all made of one long stanza in free verses. In Part 2 the character presents himself in a very particular way:

Nomi, se ho avuto un nome  
 adesso è naufragato,  
 chiamatemi Ismaele  
 chiamatemi Magellano devastato.

[A name? If I ever had a name now it is wrecked,  
 call me Ishmael, call me devastated Magellan.]

<sup>13</sup> A. Gallone, C. Vecchio, "Lo scandalo", *La Repubblica*, 04/06/2020; G. Ruggiero, "Coronavirus: perquisizioni al Pio Albergo Trivulzio e altre RSA lombarde", *Open*, 04/14/2020; O. Bibus, "Coronavirus, si allarga l'inchiesta sulle RSA", *Open*, 04/21/2020; A. Corica, "La mappa dei contagi nelle RSA", *La Repubblica*, 05/11/2020.



The metaphorical frame of ships and wrecks probably alludes to memory loss and senile dementia. This is followed by a direct accusation against society and affectless relatives:

Cari parenti partenti impazienti  
Cari serpenti alacri e indaffarati

[Dear relatives, impatiently leaving, dear snakes<sup>14</sup>  
hardworking and ever-busy]

[...]

Merce avariata obsoleta  
ingombri, questo siamo  
per voi merci più fresche (*R*, part 2, vv. 29-31)

[Obsolete, rotten goods, an encumbrance, that's  
what we are to you fresher goods.]

It is worth noting that the word “merce” (“goods”) occurs twice: both victims and oppressors are in fact victims of a restless machine. In Part 3, the main character offers another gloomy description of the situation inside the rest home as in Part 1. There are no allusions to the current health crisis in the poem until Part 4, so

<sup>14</sup> “Parenti serpenti” (“relatives (are) snakes”) is an old Italian saying.

that the reader is led to wonder how terrible these people's lives must have been even before the advent of COVID-19. Current events are described through an image that, as the Potter's Field in *Plaguey Hill*, has become truly emblematic:

Autocarri nel posteggio  
stanno scaldando i motori:  
teli verdi sul cassone  
guidatori attoniti [...]  
Alzano gli occhi i soldati tormentosi  
seguono le picchiate dei merli  
la ruota vertiginosa delle rondini. (*R*, parte 4, vv.  
1-4 e 26-28)

[Trucks in the parking lot start the engine: green cloths on the cargo beds, astonished drivers [...] the tormented soldiers lift the gaze, follow the dive of blackbirds, the vortex of swallows.]

COVID-19 has had a significant impact on Bergamo, making it one of the most affected cities in Italy. The situation became more serious than usual on the night of March 18, 2020, when the number of dead bodies exceeded the mortuary's available capacity. The army intervened and transported the bodies to a suitable location in military trucks. A photo taken from above, destined to be a “sym-

bolic picture”<sup>15</sup>, shows a line of military trucks. In July, Italy’s House of Representatives unanimously approved a decree designating 18 March as a national day in memory of the victims of the new coronavirus<sup>16</sup>. The poem’s main character continues to tell the story in the lines quoted above: perhaps he is still alive while someone else is being taken away, or he speaks to us as a dead person waiting to be loaded onto one of the trucks.

Part 5 is made up of nineteen rhymed triplets. Each verse roughly corresponds to a traditional verse of Italian poetry, the septenary, short and cadenced. Therefore, as one can infer from my brief description, an abrupt acceleration of rhythm, metrics and rhyme leads the reader to a faster, more paced reading experience. The stylistic features of Part 5 conveys the main character’s rage, who launches a fierce invective against the world.

<sup>15</sup> D. De Luca, “Le bare di Bergamo: storia della foto che ha commosso l’Italia”, *Domani*, 29/12/2020.

<sup>16</sup> M. Rubino, “Coronavirus, la camera approva la giornata in memoria delle vittime”, *La Repubblica*, 23/07/2020.

In a May interview, Pusterla stated that ecopoetry methods and themes are important for his own poetry for one reason in particular, the “vastness of the matter”:

La vastità della materia nel suo contenere un ritmo diverso e più ampio rispetto a quello umano e storico [...] una stratificazione antichissima e umanamente insensata e incomprensibile<sup>17</sup>.

[The vastness of the matter, containing a different, larger pace than the human and historical pace [...] an ancestral stratification, humanly senseless and incomprehensible]

And further:

Il mio sguardo è istintivamente attratto, infatti, proprio dai fenomeni naturali, dai paesaggi, dallo scorere delle acque, dalla vegetazione, dalle pietre e dagli animali; o per converso da quelle forme dell’essere umano (l’infanzia, la vecchiaia, l’alienazione) che sembrano poter contenere un germe di alterità.

[I am instinctively attracted by natural phenomena, landscape, the flow of water, flora, rocks, animals; or, on the contrary, by those forms of human being (infancy, old age, alienation) that seem to contain a seed of otherness.]

<sup>17</sup> F. Pusterla, S. Modeo, “Poesia e ecologia, conversazioni con Fabio Pusterla”, in *Nazione Indiana*, 9/05/2020.

According to Pusterla, different subjects are capable of embodying the otherness, and thus informing an ecological discourse. Some core points for an ecological discourse have been set by Niccolò Scaffai in *Letteratura e ecologia (Literature and Ecology)*, an essay quoted by Pusterla in the interview. For Scaffai, the topic of “nature”, that is the outside reality untouched by human history, is not a sufficient condition for a proper ecological discourse, not even a necessary one. Scaffai is also very critical of dichotomous ideas like man vs. nature, dirty vs. clean, and clean environment vs. waste. All these superficial approaches have inherited a core of “violent and discriminatory acts, deeply anti-natural and anti-ecological”, since “an environment made up only of homologous elements, in which diversity is considered abnormal, is an abstraction that does not correspond to the spontaneous arrangement of a system”<sup>18</sup>. This is why,

<sup>18</sup> [Azioni violente e discriminatorie, profondamente antinaturali e antiecologiche [...] un ambiente formato solo da elementi omologhi, in cui la diversità è considerata abnorme, è un’astrazione che non corrisponde all’assetto spontaneo di un sistema] N. Scaffai, *Letteratura e ecologia*, Carocci, Rome 2019, p. 146.

in a recent webinar, the scholar harshly criticized narratives that depict a natural intelligence restoring harmony in what had previously been compromised environments<sup>19</sup>. As we read in *Literature and Ecology*, for Scaffai the true core of ecological literature is the environment itself, or *Umwelt*, the arena of conflict between different interests, where each side considers its own interest to be normal and views everything else through its own lens. Although, in normal circumstances, mutual ignorance may even aid in overall development, the harmony may be disrupted. A fundamental technique of ecological literature is *straniamento* [estrangement, de-familiarisation]: telling a story through the lens of a different being. In *L’amico dell’uomo* (“Man’s Friend”), a short-story by Primo Levi, a pinworm describes the environment from an estranged perspective and “affirms, paradoxically, that the outcast belongs to the same society of the

<sup>19</sup> N. Scaffai, S. Givone, *Sergio Givone e Niccolò Scaffai*, 22 aprile 2020, Quarto incontro del ciclo “Extremaratio. Dialoghi di questo tempo”, organizzato dal Dipartimento di Filologia e critica delle letterature antiche e moderne dell’Università di Siena, 2020; in particular from minute 3.00 to minute 6.00.

elect”, in order “to represent the dynamics of oppression and the indifference of the dominant over the weak, implying a judgment on human behaviour and reminding man of his responsibilities”<sup>20</sup>. Pusterla’s speaker, and the whole poem, is constructed in such a way that it can be read as an estranging narrative.

The speaker is anonymous and sometimes the voice sounds choral rather than monodic. The speaker’s current mental state is conveyed through the use of numerous natural metaphors:

[...] mente atlantica e affollata,  
larga putrefazione dove le anguille vengono  
sfiancate a morire e riprodursi  
e da neuroni algosi guizzano frenetici  
leptocefali o impulsi di pensieri  
che vanno negli abissi o si trasformano  
in branchi di cieche idee buone da friggere.  
La mia mente! Un palazzo di smemoria  
inghiottito dall’ombra forestale,  
una vasta ricchezza perduta.

<sup>20</sup> [Segno che esprime e rivendica paradossalmente l’appartenenza del reietto alla medesima civiltà dell’eletto [...] illustrare le dinamiche di sopraffazione e l’indifferenza del forte sul debole, lasciando emergere un implicito giudizio sul comportamento umano, richiamando l’uomo alle sue responsabilità] N. Scaffai, *Letteratura e ecologia*, cit., pp. 62 and 63.

O un grumo secco di case abbandonate  
dopo una pestilenza e adesso avvolte  
dai rovi. (*R*, parte 2, vv. 7-19)

[Atlantic, crowded mind, a large putrefaction where eels, exhausted, come to mate and die, and frenzied leptocephals and impulses of thoughts leap from seaweed-covered neurons swimming down the abyss or turn into herds of blind ideas fit to be fried. My mind! A palace of un-memory, swallowed by the forest shade, a vast lost treasure. Or a dry clump of abandoned houses after a plague, now enveloped in brambles.]

The old man speaks indeed from a liminal space:

Io veglio  
insonne alla mia riva. Veglio e spenso,  
e spensando proteggo queste miti  
figure della notte e del dolore (part 5, vv. 15-18)

[I keep vigil on my riverbank. I keep vigil and unthink, and unthinking I guard these quiet figures of night and pain.]

Oppiacei non placano  
cinghie non bastano  
i vecchi non scordano

[...]

La lucidità del dolore (vv. 7-9 and 15)

[Opiates won’t calm us, constraining belts won’t suffice, old men don’t forget [...] lucidity of pain.]

On the one hand, the old man is no longer capable of rational thought, as the reader can infer from the literary “spenso” (“to unthink”) and the mentioning of constricting belts and opiates. On the other hand, he can “vegliare”, a verb which means “to be awake” (the character is also sleepless), but also “to keep vigil” or “to watch over somebody”. Also, the feeling of pain seems to give him a new, different “lucidità” (lucidity, clarity of mind). It is this liminal, ambiguous space that enables the speaker to enjoy a different vision of things:

Dottore, se ne stia  
zitto qui accanto, adesso, devo reggere  
bene la barra in queste scure acque  
ostili e sconosciute; e voi badanti,  
infermieri: orzate i cuori, ammainate la bontà.  
Cerco il passaggio, dottore, il canale  
che unisce i due emisferi cerebrali,  
una chiarezza d’incubo o visione.  
Cerco nel ghiaccio e nel fuoco, nella mente  
bicamerale o nella merda,  
cerco e spero  
che ogni rotta si perda, che il tempo  
esca dal ritmo collassi nell’eterno  
indistinto. (*R*, parte 2, vv. 32-45)

[Doctor, please, be quiet now, I must take the wheel steady in these dark, hostile, unknown waters; and you, caregivers, nurses, luff your hearts, furl your goodness. Doctor, I am looking for the passage, for the channel connecting the two cerebral hemispheres, the clarity of the nightmare or of the vision. I am searching through ice or fire, through the bicameral mind or through shit, and I hope that each course drifts off, that time leaves its rhythm collapsing into blurred eternity.]

The reference to Julian Jaynes’ book, *The Origin of Consciousness in the Breakdown of the Bicameral Mind*, is intended to theorize the possibility of a consciousness other than the ordinary one.

In the passage quoted from the interview, Pusterla argues that nature and history have different rhythms. The old men of the poem together sing a few lines from *The Internationale*, the Communist hymn, in the version by Franco Fortini:

cantiamo:  
*chi ha compagni  
non morirà.* Un’antica aria  
nella storia dei paria  
un’antica canzone (*R*, parte 2, vv. 51-54)

[We sing: “who has comrades shall not die”. An old aria of the history of Pariahs, an old song.]

The quotation not only introduces a critique of capitalistic society, but it also connects this poem to another by the same author, taken from the collection *Variazioni sulla cenere* (2018), the practical occasion of which is a funeral during which the attendees sing *The Internationale*. The first lines of reads:

Caro Giovanni, non so se tu sia stato  
sulle coste del Sulcis, dove il mare  
può andarsene col sole, ritrovata eternità  
ma la terra è scavata di miniere  
piombo, carbone e zinco,  
e la roccia conserva il suo sapore di cenere

[...]

l'antico capitale  
ha scelto da tempo altri luoghi  
per produrre ricchezza e miserie, le eterne  
non eterne disparità, il suo impuro moto<sup>21</sup>.

[Dear Giovanni, I don't know if you have ever been on the shores of Sulcis, where the sea can leave together with the sun, newly found eternity, but the land is mined, lead, coal, zinc, and the rock still keeps its ashy flavour [...] long ago the ancient capital chose a different place to create wealth and poverty, the eternal – non eternal disparity, its impure movement.]

<sup>21</sup> F. Pusterla, *Variazioni sulla cenere*, Amos, Venice 2018, p. 21.

Natural rhythms can be soothing (the seascape) or disturbing (the depths of the earth), but they are always “eternal,” that is, they cannot be measured with human instruments. On the contrary, the capital is “eternal – non eternal,” which means that it may appear to be eternal but is not. Scaffai discussed the conceptualisation of time in *eco-fiction* with particular regard to Mario Rigoni Stern's novels:

Nel processo di decentramento dell'io, ha un rilievo importante l'idea del tempo; alla cronologia degli eventi storici – il tempo umano – si sovrappone il tempo ciclico della natura [...] gli avvenimenti naturali osservati e descritti si connotano come contro-eventi rispetto a quelli storici [...] la natura, in questo senso, è una memoria materiale di un tempo che eccede quello umano<sup>22</sup>.

[In the process of decentralization of the “I”, the conceptualisation of time plays an important role; the cyclical time of nature overlaps with historical, that is, human, chronology [...] the natural events observed and described are counter-events to the historical ones [...] thus, nature is the material memory of a time that precedes human time.]

<sup>22</sup> N. Scaffai, *Letteratura e ecologia*, cit., 2019, p. 185.

It seems to me, however, that in Pusterla's work this conceptualisation of a natural counter-temporality takes on more distinctly political overtones. The time of the "machine" is linear, and in this perverse linearity the goods ("merci") are continuously replacing each other. The natural time of which the old men hope to be part ("that time leaves its rhythm collapsing into blurred eternity") turns instead to be invested with positive value. This also accounts for the final invocation:

Questa è l'ultima rivolta  
L'ultima festa l'ultima svolta  
L'ultima giornata di gloria

Verso il tempo che si perde  
Fuori dal ritmo fuori dalla storia  
Dentro il verde con il verde in mezzo al verde. (*R*,  
parte 5, vv. 55-60)

[This is the last revolt, the last feast, the last turn, the last day of glory, towards the collapse of time out of rhythm out of history, into the green with the green amidst the green.]

The opening "towards the collapse of time" is not to be interpreted metaphysically; rather, it represents a temporality that does not conform to that of the ma-

chine that exploits humans. What strikes me the most is how the poem, through its stylistic and structural features, performs a temporal otherness. The speaker gradually loses authority; he no longer has a name or a memory, and his first person singular ("*I* keep vigil") voice is replaced by a choral voice ("dear life *we* love"). Instead of a linear progression, the poem shows an overlap of different times and spaces, to the point where the final strophe (5) can refer to two different scenarios. The first lines of the final strophe seem to take us back to the rest home:

Ripugnante camomilla  
Calda orina che sfavilla  
Ribellione che scintilla  
[...]  
Se innalzo il pannolone  
E nudo sul piumone  
Impugno il mio bastone (*R*, parte 5, vv. 1-3 e 7-9)

[Disgusting camomile, warm sparkling urine, bright rebellion [...]] If I lift my diaper, and naked on the duvet I hold my walking stick.]

The "revolt" / "feast" at the end can be thus a metaphor for the behaviour of the elderly people in the rest home. Yet, since

the world “verde” repeated three times in the last verse may refer to the green of the clothes and the outdoor in Part 4, the reader is led to think that “revolt” and “feast” are also metaphors for the line of trucks carrying the coffins.

The word “feast” suggests that Pusterla may refer to the studies on cultural apocalypses by the Italian anthropologist Ernesto De Martino. In Chapter 4 of *Letteratura e ecologia*, Scaffai discusses the apocalyptic topic in the ecofiction using De Martino’s categories, arguing that this subgenre draws on the key concept of “revelation”:

L’apocalisse a sfondo ecologico, raccontata dalla letteratura e poi dal cinema, è infatti la conseguenza di una rivelazione che rende l’uomo cosciente di ciò con cui, fino a quel momento, ha convissuto inconsapevolmente<sup>23</sup>.

[The ecological apocalypse, as described in literature and later in film, is the result of a revelation that awakens man to what he has been living with unconsciously up to that point.]

However, it is important to focus more on the concept of “feast” (which Scaffai

<sup>23</sup> N. Scaffai, *Letteratura e ecologia*, cit., p. 102.

does not mention) as it is the only link joining together Pusterla’s poem, De Martino’s anthropological studies, and the topic of apocalypse. In *La fine del mondo* [*The End of the World*], De Martino argues that many ancient cultural apocalypses are actually feasts, in particular those that celebrate the beginning of the new year. The function of the feast was the reset, the “absolute restart”: the year gone by, “with its load of death, is brought back and annihilated”<sup>24</sup>. In a recent essay, *L’apocalisse è una festa* [*The Apocalypse is a Feast*], Ludovico Cantisani uses De Martino’s categories to analyse some apocalyptic movies, but he also discusses some literary works (by Italo Svevo, in particular). The scholar’s final argument is that a part of apocalyptic cinema manages to recover a more innocent function of the Apocalypse, still linked to the mythological categories studied by De Martino: palingenesis, ritual sacrifice, (total or partial) salvation. In more refined cinema and literature, however, the

<sup>24</sup> [ricominciamento assoluto [...] col suo carico di morte, è fatto tornare e annientato] E. De Martino, *La fine del mondo. Contributo all’analisi delle apocalissi culturali*, Einaudi, Turin 2002, pp. 248 and 250.



“apocalypse as a feast” seems to be more likened to a negative epiphany:

La festa si consuma, si decompone, svela le sue istanze di morte, il suo sadismo intrinseco, la sua falsità... fa luce sulla reale essenza delle cose<sup>25</sup>.

[The feast is consumed, decomposes, reveals its deadly aim, its intrinsic sadism, its falsehood ... it casts a light on the real essence of things.]

In Pusterla’s poetry, the funeral line becomes almost a parade, a Triumph of Death or a *danse macabre*, the dead (or the not-yet-dead) laugh at the hypocrisy that surrounds them, and their feast leaves echoes in a petty world that, once the emergency is over, must reckon with its own actions.

### Conclusions

The themes and goals of the two poems are quite different. Pusterla, unlike Muldoon, focuses on a single event. Muldoon emphasises the possibility of future

<sup>25</sup> L. Cantisani, *L’Apocalisse è una festa. Il cinema della fine del mondo e l’antropologia di Ernesto De Martino*, Artdigiland, Dublin 2020, p. 224.

mutual recognition and solidarity. Pusterla’s critique, on the other hand, is more in line with the forms and methods of ecocriticism, as he is more concerned with the issue of the interconnection between pandemic and environment as described in the IPBES<sup>26</sup> report.

This being said, I shall attempt at isolating some common traits between the two poems.

Both poems stand out as imaginative responses to facts, words, and news from the current health crisis, particularly with regard to two images that have become iconic: Potter’s Field in New York and the line of trucks in Bergamo. These images have a common theme in that they both depict a type of entombment. The inability to ritualise death was a particularly painful aspect of the COVID-19 pandemic: the sick could not be cared for by their loved ones, dead people were immediately wrapped in plastic, and funerals could only be attended by a few close intimates. Both *Plaguey Hill*’s pit and *Requiem*’s line of trucks may allude to this

<sup>26</sup> The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.

structural lack, and loneliness and anonymity play important roles in both representations. Despite some parallels, the two poets make very different choices. Muldoon's lexical and semantic pun "to claim the unclaimed" calls for a sense of universal responsibility. He also employs the grave as a *trait d'union* between past and present, as well as a meta-literary sign. Pusterla transforms the negative sign of anonymity into a step toward character naturalisation; finally, he transmutes images of death into a final revolt and a feast. Another characteristic that is shared is the attempt to push the structural, formal, metrical, and syntactic levels to a conflation of spatial and temporal planes. Muldoon's overlaps, in addition to being his stylistic signature, serve as a thematisation of infodemics, as well as a prelude to the poem's complex discourse on the future and the past at the end. Pusterla's overlaps aim to create a temporality that deviates from the dominant order. The two poets are both fascinated by the concept of time. During the COVID-19 era, time has been a critical factor in institutional speech and other forms of communication. The mar-

tial metaphorical frame implies, in addition to an aggressive attitude, a desire for a quick return to normalcy, i.e. to the pre-pandemic recent past<sup>27</sup>. On the contrary, a different type of rhetoric has been used to conceptualise the crisis: the present has been isolated and compressed it into a series of emergency "nows"<sup>28</sup>. Both poets address this core aspect of the rhetorics of pandemic, but in different ways. Muldoon conflates multiple time planes and eventually invites the reader to imagine the future rather than regretting the past. Pusterla envisions the collapse of the world's "eternal-non-eternal" rhythm. Finally, I would like to add a few remarks about the connection between literature and illness. When we talk about metaphors of illness and illness as a metaphor, we cannot help but think of Susan Son-

<sup>27</sup> C. Osswick, D. Grant, R. Osswick, "Categories, Crossroads, Control, Connectedness, Continuity, and Change: A Metaphorical Exploration of COVID-19", *The Journal of Applied Behavioural Science*, 56-3, 2020, pp. 284-288, p. 284.

<sup>28</sup> L. McCormick, "Marking time in lockdown: heroization and ritualization in the UK during the coronavirus pandemic", *American Journal of Cultural Sociology*, 8, 2020, pp. 324-351, p. 328.

tag's two major books, *Illness as Metaphor* and *AIDS and its Metaphors*. These two works have proved to be essential reading for anybody with scholarly interests in the language of sickness, and in recent literature there have been some attempts at updating Sontag's metaphorical frame to COVID-19 period<sup>29</sup>. Sontag's works are also very important in order to take on illness with a rational, non-emotional approach. Nevertheless, in my opinion, Sontag's point of departure for her argument is very radical:

My point is that illness is not a metaphor, and that the most truthful way of regarding illness – and the healthiest way of being ill – is one most purified of, most resistant to, metaphoric thinking [...] It is toward an elucidation of those metaphors, and a liberation from them, that I dedicate this inquiry<sup>30</sup>.

These words certainly apply to the cases studied by Sontag: illness is romanticised, considered ineluctable as a flaw or a stigma, or even elevated to a positive charac-

teristic in the literary works she examines. According to Sontag, these are all destructive or toxic attitudes that are not helpful in dealing with the problem. Poetry, on the other hand, is always more nuanced than any basic discussion of poetry.

Poets who are particularly aware of their tools and skills can develop a literary discourse that is metaphoric without being toxic, rational but still capable of expressing themes of empathy, solidarity, and decentralisation that we still need to hear.

<sup>29</sup> D. Craig, "Pandemic and its Metaphors. Sontag Revisited in the COVID-19 Era", *European Journal of Cultural Studies*, 23-6, 2020, pp. 1025-1032.

<sup>30</sup> S. Sontag, *Illness as Metaphor*, Farrar Straus and Giroux, New York 1978, pp. 3-4.

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## ***Behind Words: a short film***

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This short film is focused on an examination of Palermo's context during the several waves of the COVID-19 pandemic, since we felt it was crucial to emphasise the progress of the emergency framework.

The pandemic altered the social system dramatically, causing several issues at the political, social, and legal levels. The short film's goal is to provide people of all nationalities and social positions a voice in order to convey how the epidemic affected their daily lives in many ways.

As of our *modus operandi*, for our interviews we opted to use mobile phones for both technical and theoretical reasons. This decision was very successful because it not only made the short film easier to make, but it also allowed us to have a more casual, open, and straightforward interaction. Be-

cause we did not approach the interviewees in a formal and complicated manner, but rather with a more colloquial style to make them more comfortable with the camera, the short film has turned out more authentic and fluid. We conducted face-to-face recorded interviews in order to capture as much empathy, feelings, and details from the participants as possible in order to produce a good-quality short film.

The project was successful in recognising the power of words in the tumultuous environment created by the global pandemic, in which the introduction of each single new notion significantly altered social relations between people from the same communities.

The project's major goal is to analyse the pandemic's ramifications, with a focus on three key dimensions: the homeless, the situations in the family, and the war metaphors. We chose to interview as many diverse people as possible in order to provide a variety of experiences.

In terms of the "stay at home" situation, we noticed that one of the most redundant phrases during the first lockdown was "stay at home". But many people were unaware

of a major problem: the large number of homeless people who do not have a permanent residence and thus has suffered greatly during this time. The outcast were even deemed “criminals” by the law as a result of the lockdowns, and they had to fight harder than ever for survival. Many of them stayed in Palermo during the lockdown, and we studied their accounts. Interviews with numerous Palermo outcasts living in Palermo, all of whom were foreigners (Ghana, Germany, Romania, Bangladesh) were conducted primarily in English.

All of those interviewed were affected by the consequences of the first wave of the pandemic: they were completely abandoned by both the state and society, with no one to look after them. One of the most important issues was the lack of places for quarantine, which resulted in protracted legal battles with the Italian authorities. Furthermore, there was no way to make money until many of the people interviewed took on irregular and infrequent occupations. Still, there irregular jobs could not be used as valid work-related exemptions to the COVID-19 measures adopted by the Italian authorities. This made life particu-

larly difficult for most of the interviewees. In fact, the Italian government had refused to provide any prospects to the weakest segments of society even before the emergency, so the situation remained unchanged.

Another issue to mention is that, in the midst of the pandemic crisis, individuals found themselves at the mercy of unforeseen circumstances: it was impossible to go out or return home to our loved ones, especially if they lived in high-risk locations.

In light of these considerations, the goal of our project appears to be clear: to account for the emotions that people felt and the experiences that they enjoyed during an emergency scenario. The main question we would like to address concerns the notion of “relative” in Italy, taken in both its legal and social components. It is particularly crucial to examine this word because it clearly refers to the traditional, even stereotypical concept of family, at a time when there is a variety of unconventional types of families who were unable to meet during the lockdown.

The crucial question we are asking is: are to be considered “relatives” our only stable

and immediate relationships? The importance of going beyond the simple concept of the conventional family emerges without a doubt from the interviews, because its historical and religious conception, which also influences the legal dimension in Italy, has made the situation even more complex and stressful. Obviously, all those interviewed experienced the frustration and demotivation associated with this predicament, which has had a significant impact on their psycho-physic well-being. Considering all of these serious issues, it is reasonable to speculate that the closeness of loved ones and families may have alleviated the general malaise, and that having a shoulder to lean on or one hand to hold is always a plus that makes people much more serene and comfortable, regardless of external difficulties. Several interviews revealed how the announcement of the second semi-lockdown was received with apprehension. People were a little resigned to the notion that they had to follow COVID-19-related behaviour rules during the first wave. In addition, the energy that underpinned the first wave's narrative unity ("doctors are our heroes!" etc.) was gone in the second wave.

This time, one knew exactly what they were getting themselves into and did not want to start over.

We believe that, in order to avoid another difficult situation like the one we have been in for the past year, public opinion must address the "relatives" issue: it seems insane that, in 2021, we still have to call for going beyond the traditional conception of family, given the dimension of diversity in which we are immersed daily. Given the rule of law that has historically characterised our country, it is critical that Italian law adapts to a dynamic social context that is evolving on a daily basis, emphasising the need to involve people in the protection of their rights in order to oppose, in the end, discrimination within society.

Another issue that arose during the pandemic was that the national and international media referred to the situation as a "war" and the virus as a "invisible enemy," or as the "China virus" or the "Wuhan virus".

From a linguistic perspective, the interviews sought to examine the performative capacity of words – in the sense that through words, people can create a reali-



ty that did not previously exist – as well as the systematic and instrumental repetition, in this case of terms such as war, national unity, and return to normalcy, which have justified the extraordinary sacrifice demanded of everyone as a result of the fear of the unknown. We examined how the media and government influenced and shaped public perception of the crisis by officially declaring a state of emergency.

Finally, *Behind Words* depicts the true face of the COVID-19 pandemic and its consequences, which have forever changed our world, through the eyes of ordinary people whose lives have been drastically altered as a result of it in one way or another. We can say that the power of words had a more permanent destructive effect than the medical emergency itself. As a matter of fact, the pandemic has created paranoia, social problems, insecurities, social-alienation, and so on, which will take even longer to recover than the economic-crisis and widespread unemployment.

We learned from the interviewees' stories how the power of media has a strong impact on our daily lives and how the use

of the same specific terms in unexpected contexts can have a powerful influence on social behaviour. We present various examples, such as the virus designation as a "invisible enemy", which sparked unprecedented social fear due to the fact that the enemy was unidentifiable and, as a result, appeared impossible to defeat. Or think to the situation involving the inability to meet with loved ones because the identification of who was worthy of being counted as having a stable emotional relationship was ambiguous, confusing, and deceptive. All of this created difficulties for the most sensitive individuals in maintaining a stable social life. For another example, consider the paradoxical situation of requiring people to stay at home when not everyone has a stable residence.

These are just a few examples of how a state of emergency can cause serious problems to society, and how the government's solutions can be vague, misleading, erroneous, and sometimes even counterproductive. We saw how the use of a few words in national media can shape our lives and behaviours. That is what we have attempted to do: to look behind the words.

**FOR THEM**  
**BEHIND WORDS**

*Voices from the Pandemic*

Watch the short film



## The editors

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Creata nel 2016, la Società italiana di Traduttologia – con sede legale presso l'Institut français Palermo –, pur partendo da un campo specifico, quello degli studi di teoria, storia e critica delle traduzioni, intende aprirsi, in un più ampio quadro europeo ed extraeuropeo, verso altre aree affini e complementari del sapere (letteratura comparata, linguistica teorica e applicata, antropologia e filosofia del linguaggio, estetica, epistemologia delle scienze umane e sociali, storia delle idee), così come intende giovare di qualificati studiosi stranieri, in modo da arricchire la sua azione culturale. La Società, inoltre, intende operare per la visibilità degli studi traduttologici di tradizione italiana in ambito scientifico internazionale, e per il riconoscimento della traduttologia come area disciplinare specifica in seno alla comunità scientifica italiana (ART. 2 dello Statuto).

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“*Imparare a convivere con la provvisorietà non è una rinuncia, ma una conquista, significa infatti riconoscere alla traduzione una partecipazione profonda e una funzione nell'ambito della vita dell'arte e aprirsi ad una comprensione non pregiudicata di questa attività, la cui centralità è fortemente presente nella coscienza culturale del nostro tempo tanto da configurarsi come un punto di riferimento per il riassetamento in atto dei saperi.*”

[Emilio Mattioli]

This volume, resulting from the training and research activities of the “Pandemic in translation” project – Forthem’s *Experiencing Europe* Lab, University of Palermo –, deals with central issues related to COVID-19 pandemic, and aims to contribute to a comparative understanding of European (mainly, but not only) values which are in charge during this contingency. Interdisciplinary in approach, it mobilizes a multicultural and multilingual debate about norms and beliefs, cultural identities and societal values, public policies and emotional communities. Using methodologies drawn from Comparative and International Law to Comparative Literature, from discourse analysis to Translation Studies, this book clarifies the socially constructed nature of the pandemic reality and calls for a redefinition of some long-assumed categories.

The contributions show not just a mixed bag of cutting-edge views and perspectives: the symbolic impact of COVID-19 is critically examined in its multiple trajectories, addressing the new world pandemic as a way of translating (and reconfiguring) cultural difference and social experience.

Among the contents of this volume, the short film *Behind Words: Voices from the Pandemic* (2021).

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