



GLOBAL CITIZENSHIP FOR THE 21ST CENTURY*

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I

When Professor Umberto Campagnolo and other intellectuals of his time founded the European Society of Culture, their aim was to encourage constructive dialogue among the protagonists of European culture. They wanted to overcome the division produced by the world conflagration and its lingering consequences during the Cold War. Almost sixty years later, we can affirm that the Society's efforts have been fruitful. Europe has regained peace mainly due to its federative structure, as Campagnolo predicted in his enlightened doctoral thesis, *Nations et droit*, published in 1937.

One of the most enthusiastic members this Society has had, the unforgettable Leopoldo Zea, once argued that the European Society of Culture really is an Ecumenical Society of Culture.¹ In turn, Vice-president Arrigo Levi has underlined that this institution is a *European society of culture*, and not a *society of European culture*.² This distinctive characteristic of the society complements the perspective of horizontal global presence, as Zea also sustained.

The cosmopolitan essence of culture and the unsolved problems of peace, development and equity have found echo in this forum, as Michelle Campagnolo-Bouvier³ observed ten years ago in Mexico, when the society met outside continental Europe for the first time.

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¹ See Leopoldo Zea, *Presentación*, in *LATINOAMÉRICA EN LA CONCIENCIA EUROPEA. EUROPA EN LA CONCIENCIA LATINOAMERICANA* 14 (Patricia Galeana ed., Fondo de Cultura Económica, 1999).

² See Arrigo Levi, *La política de la cultura y el universalismo frente a la globalización imperfecta* in *CUADERNOS AMERICANOS*, New Epoch, 69 (Universidad Nacional Autónoma de México, 1999).

³ See Michelle Campagnolo-Bouvier, *América Latina sobre la fragmentación y globalización*

The cosmopolitan purpose of politics and culture must be highlighted when discussing dialogue between national and world citizens. The idea of citizen is what justifies collective life. J. J. Rousseau saw this with greater insight than any other thinker. In his time, he stated that most mistook *inhabitant* for *citizen*. Citizens, he stressed, “are participants of the sovereign authority” whose vote expresses “their unity, their common self, their life and will.”⁴ Based on this thesis, he developed the concept of the social contract and his radical idea of popular sovereignty, which has been incorporated into all constitutional systems since the 19th century.

The concept of citizen preoccupied Plato and Aristotle in classical times, French Encyclopedists in the modern era, and is still a matter of interest for juridical doctrines in the 21st century. Any constitutional system is explained by power relationships, which are in turn expressed by citizens’ levels of liberty, equality and equity.

In the social order, T. H. Marshall⁵ drew a theoretical framework to identify the relationships between the concept of class, citizen rights and the process of social development. From this sociological perspective he observed three aspects of citizenship: civil, political and social. According to Marshall, the *civil element* of citizenship is the set of components necessary for individual liberty. Among these are the freedoms of thought, of belief and of expression, as well as the right of transit, to work, access to justice, security and property.

The *political element* of citizenship is each person’s right to participate in the exercise of power, be it by electing representatives or by being elected themselves. The *social element* of citizenship is the set of economic rights pertaining to wellbeing and the redistribution of wealth. Thus, citizenship involves political, cultural and economic elements.

One of the great modern achievements of citizenship is equality. Initially a privilege, it has become a universal right. Citizenship has always meant a form of liberty, but not all the members of a community have had this right. For instance, *Civis romanus sum* (“I am a Roman citizen”) was an expression used in the Roman Empire⁶ which denoted having the privilege of liberty and equality.

Citizenship implies a wide range of political liberties and without them citizenship would lose all significance. This was the original meaning of citizenship in classical times. Equality, independence and responsibility are modern contributions to the concept. Equality is a product of the English,

in CUADERNOS AMERICANOS, New Epoch, 69 (Universidad Nacional Autónoma de México, 1998).

⁴ THE SOCIAL CONTRACT, I, 6 (Jean-Jacques Rousseau).

⁵ THOMAS HUMPHREY MARSHALL, CLASS, CITIZENSHIP AND SOCIAL DEVELOPMENT, Doubleday and Company, New York 71 (1964).

⁶ Acts 22:28 (The King James Bible).

American and French Revolutions. Independence is based on methods of suffrage that guarantee voting secrecy first adopted in the 19th century. Responsibility derives from the representative system, a central element of modern constitutionalism. In recent times, a fourth element has begun to emerge: dignity, which denotes the progressive development of fundamental rights and makes equality an imperative.

Citizenship would be a futile construct if the most acute problems of our time, poverty and migration, were not addressed. Overlooking these issues would suppose a serious conceptual decline: the rights of citizens would run the risk of being reduced to their political meaning again while excluding cultural advancement based on modern political revolutions, as well as contemporary social revolutions. There is no better opportunity to enrich the concept of citizenship than the present. Despair among the poor, fear among the wealthy, uncertainty among political leaders, together leave some vulnerable parts of the world on the verge of an authoritarian resurgence. It is our duty to point out these dangers, as well as to provide realistic solutions.

II

If we understand politics in its classical meaning, a human activity aimed at promoting the cohesion and development of the *polis* (or later, the *civitas*), we also have to assume, like Bobbio and Campagnolo, that culture and politics form part of a complementary pair. In its classical sense, *citizen* is a concept that maintains a more direct relationship with politics because it links the community (*civitas*) with each of its components. Moreover, we must now implement a *civitas maxima*, as Campagnolo proposed seven decades ago.

At its inception, globalism only had mercantile motivations. Let us recall, for example, that in 1800, J. G. Fichte's work entitled *The Commercial Closed State*⁷ implied there already existed an open market, which he opposed. But the globalization of our time has other ingredients: means of communication, cultural interaction, the irradiation of fundamental rights, the interweaving of political and juridical institutions, and the autonomous formation of cultural, civic and aid organizations. These are but some examples of our reality that make transversal globalism possible, which Zea held to be a central characteristic of open societies, and not a planetary version of authoritarian verticality, observed in closed societies.

To promote and consolidate *transversal globalism*, we must solve the challenges posed by poverty and migration. The magnitude of the concentration

⁷ See generally JOHANN GOTTLIEB FICHTE, *DER GESCHLOSSENE HANDELSSTAAT* (1800).

of wealth and the displacement of large groups of people has risen.⁸ The flow of migrants is higher than ever, as they flee from misery in their own lands, but will inevitably encounter unfairness in the countries of their destination. This is a paradox because some of those countries embrace the principles of constitutionalism for their native citizens and deny that same sense of equality for recently arriving residents.

Broadly speaking, half of the world's population is made up of citizens who enjoy the benefits of goods and services offered by growth, while citizens who suffer the lack of distributive policies make up the other half.⁹ The international community is so busy trying to avoid a catastrophe for the affluent that it scarcely pays attention to the increasing adversity the poor face. We are all answerable for the enormous burden of human beings living below any acceptable standards of justice. Unfortunately, in light of the intensity of the current financial and economic crisis, this ominous panorama is about to get even worse.

III

Migration has been closely linked to curiosity and satisfaction of human needs. Man has not slackened his pace of movement since he left his homeland alongside Lake Victoria. But today this pilgrimage is, to a greater extent, brought about by unfair motives, such as famine, labor scarcity, political seclusion and religious and racial constraints. The most common reasons are unemployment and hunger, but dramas of political and religious prosecution and the tragedy of ethnic cleansing are also present. The solution to the problem is in the end "cultural", understanding culture as the framework of knowledge, values, perceptions, beliefs, customs and institutions that guide human activity and govern coexistence.

Umberto Eco¹⁰ makes a clear distinction: he identifies *immigration* as the legal process through which a foreigner is admitted into a national community different from his own, and he calls *migration* the social process through which the people arriving transform the culture of the receiving country. What interests us, in particular, is the second phenomenon because of its complexity and consequences.

The task of defining a new concept of *global citizen* requires adopting instruments of equality and justice to surmount problems of economic exclusion, social discrimination and religious intolerance. This means a global

⁸ See generally Phillippe Bernard, *Tous les migrants ne sont pas libres et égaux*, in L'ATLAS DES MIGRATIONS, Le Monde, 2008, at 116.

⁹ See Gini index in U. N. Human Development Reports Web page, available at: <http://hdrstats.undp.org/indicators/147.html>.

¹⁰ UMBERTO ECO, CINQUE SCRITTI MORALI, chapter 5 (Biompiani, 1997).

cultural transformation to solve the causes that compel great human contingents to migrate.

But that is not enough. It will also be necessary to modify the cultural patterns that beget the rejection of *migrants*, according to Eco's definition, and mitigate the effects of institutional distortions caused by their arrival. The right to justice is frequently denied to migrants and many times also to their descendants, who were born in the new land. The conservative political discourse which grounds these actions contradicts the very nature of the Constitutional State, whose essence is freedom and pluralism.

Voltaire, with his sense of cultural cosmopolitanism, stated that "whoever should wish his native land might never be greater or smaller, richer or poorer than it is, would be a citizen of the world."¹¹ The French Constitution of 1791 included an integrating formula (Title II, article 1.3) that confers citizenship to foreigners after five years of uninterrupted residence in France, if they acquired real estate, married a French national, or formed a commercial or agricultural establishment. Today Jürgen Habermas¹² alludes to the *cosmopolitan State* and points out that "only a democratic citizenship that does not close itself off in a particularistic fashion can pave the way for a *world citizenship*, which is taking shape today in worldwide political communications."

IV

In his autobiography and in an early essay, Norberto Bobbio brought to our attention the theoretical work of Umberto Campagnolo,¹³ whose fortunate rescue from undeserved oblivion, was possible thanks to Mario Losano.¹⁴ I am convinced that Campagnolo's idea of law will encourage fresh and fructiferous reflection in the years to come. It is fortunate that in the early 21st century, Campagnolo's debate with Hans Kelsen is now published, as well as his remarkable *Verso una costituzione federale per l'Europa: una proposta inedita dal 1943*.¹⁵ These works, though written seventy years ago, will prove useful in solving contemporary issues.

¹¹ FRANCOIS VOLTAIRE, *PHILOSOPHICAL DICTIONARY* (Theodore Besterman trans., Penguin Classics 1984) (1764).

¹² JÜRGEN HABERMAS, *BETWEEN FACTS AND NORMS*, 514 (William Rehg trans., MIT Press 1996).

¹³ See Norberto Bobbio, *Nazioni e diritto: Umberto Campagnolo allievo e critico di Hans Kelsen*, in *DIRITTO INTERNAZIONALE E STATO SOVRANO* (Mario G. Losano ed., 1997).

¹⁴ *Diritto internazionale e Stato sovrano*, Milan, Giuffrè, 1999.

¹⁵ Almost prophetically, he proposes: "La cittadinanza europea è automaticamente acquisita con la cittadinanza di una particolare collettività membro. Ogni cittadino europeo ha il diritto di stabilire la sua residenza in qualsiasi punto del territorio della Repubblica Federativa Europea, salvo disposizione restrittive decretate delle collettività partico-

One of the greatest constitutionalists of our time, Peter Häberle, has given vigorous impetus to relations between culture and legal institutions. In the same direction, although from a different starting point, Campagnolo postulates a logical sequence that comprehends three successive elements: law, international law and the development of international law.

First, according to Campagnolo's suggestive concept, law is "the reaction of the political society with respect to the action of each of its members, and in virtue of its regularity, it can be known with enough opportunity for directing that action at the same time."¹⁶ The five elements of this concept are: *a*) a normative act, *b*) taken by a legitimate entity, *c*) to regulate behavior, *d*) systematically and *e*) publicly. According to its nature, the norm implies stability, abstraction and generality, and it is the result of human will and interaction.

Second, international law, whose conventional definitions Campagnolo opposed, is "the part of State law that regulates the behavior of citizens in relation to foreigners."¹⁷ Finally, the third stage of this dynamic relationship is the development of international law expressed as the *progressive assimilation of the foreign person as a citizen*. Once synthesized, these three processes culminate in the universal State, the *civitas maxima*, "in which the distinction between citizen and foreigner should disappear, the same way the distinction between national and international law should."¹⁸

Campagnolo's theory waited patiently to emerge at the right moment. The maelstrom of warfare throughout the 20th century led to both mortal and moral victims. Though slow, the recovery of ethics has been possible, among other things, thanks to initiatives like the one promoted by this European Society of Culture. Umberto Campagnolo left us his posthumous legacy: a rich instrument to design and renew legal institutions which should yield fruits in upcoming years. The most immediate step, the one that concerns us right now consists of promoting a concept of global citizenship based on clear recognition of the principles of equity and dignity, in which the *civitas maxima* ought to be based. For this purpose, dynamic dialogue between Europe and Latin America will be of paramount importance in transforming the old Atlantic into a new Mediterranean.

lari con il consenso del Parlamento federale, che avrà cura di salvaguardare, nei limiti compatibili con l'unità europea, l'individualità delle nazione che la costituiscono." UMBERTO CAMPAGNOLO, VERSO UNA COSTITUZIONE FEDERALE PER L'EUROPA: UNA PROPOSTA INEDITA DEL 1943, 227 (Giuffrè, 2003).

¹⁶ Umberto Campagnolo, "As idéias mestras da minha tese", in DIREITO INTERNACIONAL E ESTADO SOBERANO, 201 (Mario Losano ed., 2002).

¹⁷ *Id.* at 107.

¹⁸ *Id.* at 109.