

GLOCAL INTERFERENCES – HUMAN RIGHTS TO THE TEST OF 21ST CENTURY: AN INTRODUCTION

*Agata C. Amato Mangiameli*¹

Abstract

Global society experiments, characterized by new forms of legal and political interaction, create new subjects, that, because of their ability to dominate time, acquire power, placing the State in a context of structural interdependence, so that modern conceptions of citizenship and sovereignty must necessarily be reconsidered and revised. *Law* and *identity* are the two keywords that describe the difficult relationship and the inexorable transition between sovereign states and global society.

Keywords

Globalisation. Localisation. Powers. Law. Identity. Human Rights.

1. In the global society, languages and expectations are sometimes equal, some others times are different and separated, or even in open conflict. We are living in one of those moments of history when old models of stability seem consumed and dissolved but there still are no new ones, capable of replacing them and safeguarding the peaceful coexistence of interests, opinions, and faiths. In one word: we notice a lack of models capable of safeguarding everything that is (or could be) worthy of attention for individuals, groups and nations.

Perhaps there is a continuity between the progress of science and technology, economic growth and socio-political development. Perhaps there is discontinuity. So that the development is mere appearance, as the power (of markets and communities) remains unlimited. What is certain is that the old poles of attraction (the nation-states, but also the parties, the

¹ Full Professor of Philosophy of Law, Legal Informatics and Bio-Law – Department of Law – University of Rome “Tor Vergata” (Italy).

professions) are losing their power of centralization. As they are no more recognized by all as fundamental for the construction of social life.

If everything changes, if everything is in question, if nothing is certain and everything is questionable because it is spoiled by the widespread relativism, it is natural to wonder if there can still be norms, laws and, above all, a social definition (shared and shareable) of good and evil, as well as of the just and the unjust.

In the international society, between cultural and political fundamentalisms, light and shadow alternate: illuminating one half of the world, obscuring and marginalizing the other half. In this scenario, individuals (with their rights) and people (first of all with their right to self-determination) are constantly crushed by the various powers at stake.

2. Global society experiments, characterized by new forms of legal and political interaction, create new subjects, that, because of their ability to dominate time, acquire power, placing the State in a context of structural interdependence, so that modern conceptions of citizenship and sovereignty must necessarily be reconsidered and revised.

Law and *identity* are the two keywords that describe the difficult relationship and the inexorable transition between sovereign states and global society. It is sufficient here to recall the development of international law. With the recognition of powers, limitations, as well as rights and duties, a new era of international relations was born: that of the protection of human rights and, with it, of the challenge to the principle of non-interference in the internal affairs of a State. Mind you: we are talking about gradually wider protection of human rights, no longer only for individuals, but also with a collective and a solidarity content.

Then, within our societies, the construction of identity develops also thanks to the globalization of media and digital communication. Because of both, the traditional link between the physical environment and the social situation changes: the identities (individual and collective) are reconfigured, starting from the generalized interconnection of all

terminals, an interconnection that draws its free character from the metaphor of the electron. Moreover, these new identification mechanisms transcend national borders: sometimes they affirm a global belonging, some they inscribe themselves in nomadic culture and sometimes they open up to monothematic post-modern formations. In any case, an essential aspect of the construction of today's identity is that it opens simultaneously to the global and the local and, if in the global there is no difference between internal and external, in the local, instead, the here and now seems to become more and more particular and more and more radical.

3. *Globalisation* and *localisation* alternate and chase each other: in addition to the inevitable affirmation of the global against all that is local, including the State. Which loses its ability to represent its members, rooted in its territory. At the same time, we are witnessing a new accentuation of the local, because globalisation presupposes the so-called re-localisation.

More specifically, the so-called processes of globalisation – involving state systems and interstate relations, collective subjectivities and the I-other relationship, the cultural production, rights, and daily lives of women and men – end up redistributing privileges, wealth, and resources, as well as power and freedom, as well as deprivation of rights, poverty, impotence, lack of power and subjection to constraints of various kinds.

The globalisation of markets and of information, with its new sovereignty and/or quasi-sovereignty, with its divisions of territories and its segregation of identity, reflects the differences given between deeply unequal partners.

On the one hand, technological development facilitates connections and synergies, thus becoming a valuable tool for non-hierarchical coordination of an intrinsically democratic space of knowledge.

On the other hand, the development of both biotechnology and ICT gradually creates a global society in which the elite rules over 'electronic proletarians', no longer masters of their own bodies and minds, also due

to ever new desires, of continuous induced needs, of imperceptible and constant conditioning.

Moreover, what for some can be considered a free choice and an opportunity, for others it seems to be nothing more than an imposition and a cruel destiny. And since the number of the latest – whose possibilities and rights are increasingly conditioned and limited – grow exponentially and unstoppably, the term glocalization is fully justified. This phenomenon can be defined as a particular process of concentration of capital, finances, and all those other resources that allow the choice and that guarantee the effectiveness in acting. But also, and above all, a process of concentration (in the hands of a few) of the freedom to move and act, two freedoms that today have in practice become synonymous.

4. The inextricable unity of the forces opposed to globalisation and localisation operates as a natural selection: what would seem to be only an external interference, even unrelated to the process of globalisation, turns out to be the effect. Hence, we notice a circular link between causes and effects, a link that is well rendered by the metaphor according to which there can be no tourists without vagabonds. Tourists move around because they find the global world irresistibly attractive. Vagabonds move because they find their local world to be inhospitable far beyond the limits of endurance. In other words, not only are there no tourists without vagabonds, but tourists cannot be truly free without (as the price of their freedom) tying vagabonds, depriving them of any alternative.

Beyond the metaphor, all the themes that I have been proposing since here, immediately recall the unresolved question of human rights. In our global society, liquid, plagued by the fear of losing our place in the society, migrants continue to be perceived as messengers of bad news. Or better, as a *walking dystopia*.

Swimming and walking dystopias. Lampedusa, Calais, Ventimiglia, and, more, Macedonia, Hungary, Austria, Libya, and Ukraine. And then the many non-places: the train stations in Rome and Milan, the parks in Belgrade,

but also the many centers (of first aid and reception, of reception for asylum seekers, of identification and expulsion). An exodus in the literal sense of the term: while Afghan, Eritrean, and Syrian people are fleeing, Europe is desperately looking for a common voice that obscures xenophobia, prepares more or less rigid migratory quotas and tries to relocate.

In the next decades, it is estimated that there will be more than a billion displaced people. Beyond the numbers, what is certain is that, alongside that of capital, goods, and images, the time has now come for the globalisation of humanity. Globalisation, which breaks materially and almost irrepressibly onto our streets, bringing with it all its side effects.

5. With the increase of global interdependence, and more particularly with the rapid expansion of intergovernmental and transnational ties, it seems that the era of the State is definitively over, or at least condemned to sunset.

If it is true that in the context of a complex international society – with a wide range of regional and global organizations that transcend and mediate national borders – the nature and role of the State can change, it is also true that social and cultural pressures can make the State and nations powerful political realities, still able, if necessary, to face the different logics and complex dynamics of globalization.

Not only a powerful political reality, but the State also represents the only sovereign entity, as shown by the various war emergencies (of yesterday and today) which, in their own way, violate true human rights and perpetuate the state of nature.

Incidentally, the use of force or the pressing threat of a State to the territorial integrity (sovereignty and identity) of another State, constitutes real aggression. Moreover, the systematic violation of human rights or the threat to human rights, whether they are the result of actions and decisions of a State (or of more States) or the product of individual conduct favored by the political community (or by more communities),

contradict the values generally shared by the world community and justify the defense of the victim (State or individual). As the claim of the violated law by any member of international society.

6. Among the many current emergencies (war, ecological, economical), health issue determined by the covid19 pandemic, in its own way, shows many links and intertwining points. Stressing those between fundamental rights (such as the controversial balance between health and freedom) and/or those between dimensions of knowledge (such as the relationship between law/science/medicine) – and helps to highlight and exacerbate inconsistencies and/or inequalities.

With the pandemic, for example, individuals, people, and States – albeit with different accents and styles – have had the opportunity to (re)approach multiple issues, all of which are very important: *i)* from the problem of finding appropriate treatments and vaccines suitable to the difficult and patchy access to both the former and the latter; *ii)* from the tragic problem of cure to the one of accompanying the patient (when a cure is no longer possible) so that he does not remain only in the last moments of life; *iii)* from the needs of public health to the meaning of the state of emergency and, again, to the sense of State action and the need for it to meet limits; *iv)* from the tests of the reorganization of labor, and of its timing, to the verification of the concrete holding of rights, up to the very dialectic of capital.

All these different themes and issues which I have briefly referred to, together with many others, highlight what today appears to be the controversial meeting point – and, why not, the main point of interference – between the semantics of law and politics, of medicine and technology, of economics and science. These are indeed themes and issues that, more or less directly, and despite the significant and continuous progress we are recording in the most disparate areas, show how much human beings and the effective recognition of their rights are still at risk.

7. These ideas and brief considerations gave rise to the second international conference organized by the Global Network Humanities and Rights together with the Chair of Philosophy of Law of the Department of Law of the University of Rome “Tor Vergata”, entitled “*Glocal Interferences: Human Rights to the test of the 21st Century*”, which took place online from 24th to 26th November 2021.

Respecting the thematic articulation of the event – i) *Communication, participation, rights*; ii) *Power, territory, rights*; iii) *Law, order, rights* – the first issue of 2022 of the Review Humanities and Rights collects the contributions of the various speakers who took part, except the Martina Rojo and Guido Saraceni contributions, published in the second issue of 2021; the first part of Maria Novella Campagnoli contribution was published in the second issue of 2021 too.

In closing, to the proposed essays, is added the report, written by Luisa Lodevole and Luigi Prosia, which retraces the various suggestions that emerged during the presentation of papers, and the discussion on them.