

The right to citizen safety and mobility

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This article is dedicated to George Orwell. The tool I have used to make it is the word. "1984" made me aware of how the impoverishment of language is both cause and effect of the diminishing of liberties. May the present work be a testimonial of my debt with him.

We'll start by defining a few terms

By "right" I understand "what is fair", "what is just". "Our" legal concepts have evolved - albeit only slightly - from the Roman principles of law. In the classic definition, "ius est ars boni et aequi", right is the art of what is good, what is equitable. This word has become outdated, and it is better understood if we say it is the contrary of "unjust" or "unfair". We all understand what these mean: we see it every day. Justice must be equal for everyone, but some judges don't seem to understand this. With respect to "ius uti et abuti", the right to use and abuse, its exercise is taking us to unbearable extremes, where liberties are constantly being trod upon... especially other people's ones.

Quite often, rights exist only on paper. Exercising them implies the possession of specific material means and/or belonging to a specific social group. Legal texts seldom mention the right to mobility. They grant "freedom of circulation" instead, which is not exactly the same, since this means only a potential, an abstraction. Without the means to exercise it, it becomes an illusion. Just as with the rights to health, culture, housing or retirement. Without hospitals, education, affordable homes and old age pensions, they become just empty words. If you have a lot of money, you are free to obtain all these things in the market. If you don't, your rights will only go as far as the allocations of government budgets. And that is that.

In Ancient Rome, mobility was the citizens' right, and they exercised it on foot, or using means of transportation. For example, a horse (in Spanish, "caballo"). Whereby they got the social status of a nobleman (in Spanish, "caballero"), which, according to the Spanish Language Academy Dictionary (DRAE), is a "man whose behaviour is noble and generous" (the fifth entry). In Latin, "aequitas", equity, sounds almost like "equites", the plural of "eques", nobleman on horse, which in turn derives from "equus", horse.

I understand mobility as the contrary of stability. That which is not fixed is potentially moveable. When this potential becomes a fact, the moveable becomes mobile.

Transportation is an economic activity which adds value to the goods that are moved. It consists of taking something that cannot be used in its original place to another place where someone buys it for consumption. The market converts things into merchandise and people into producers and consumers because it reduces everything to a sole dimension: money.

The mobility model is the philosophy that underlies in the measures taken by authorities and private citizens to make feasible the transportation of merchandise and people. It is called a "model" because it has - or at least it should have - a mathematical expression.

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Once we've linguistically framed the topic, we may briefly review the history of the right to mobility.

Mobility exists before right because it exists before Humanity. For all I know, scientists haven't yet decided whether we are sedentary or nomadic creatures. I would say that we are adaptable enough to live more or less aptly in both these ways. And we may be territorial to a terrific extent.

It's been a long time since migrations from the country to the cities started. Whatever relates to the city is mentally linked to freedom and to a certain superiority. This creates all sorts of differences which will reach language, of course. Good manners are called "urbanity" and "courtesy". From the beginning of cities, the language reinforced this association. From "polis", political; from "urbs", urban; from "cives", civic and civility; from "civitas", city and citizen; from "bourg", bourgeois. "What comes from

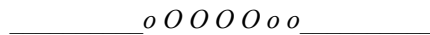
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the city” ends up being the opposite of “what’s rustic”. And “rustic people” are, by definition, untutored and uncouth, rude and uneducated.

The "cives romanus" was the subject of many rights, while foreigners and slaves lacked, for instance, the right to mobility. In the Middle Ages, the mere fact of going through a territory not just without a permit, but without a direct order from the feudal lord, was reason enough to put a person in jail... while the law enforcers determined whether he or she was an enemy of the King, a criminal, a fugitive serf or a "free" man or woman. In the France of 1701, young Jean Marteilhe was on the wrong side of the border: he was a protestant. Just a few leagues away there was religious freedom, but the attempt to quit the kingdom was reason enough for him to be sentenced to galleys for life. During Franco's dictatorship, the National Identity Document was used as an internal passport. And the denegation or retirement of the “normal” passport very effectively hindered any intended trips abroad.

The right to mobility is not universal. A superficial observation of reality may make us believe that this matter is solved, since "our" media tell us that it is solved for us. In reality, it is gradually becoming more and more effectively restricted.

For instance, several countries in Central America suffer recurrent natural disasters. Earthquakes, eruptions, hurricanes, droughts, famine... will hit these countries with the same sinister regularity as the swelling of the Nile river. If they were parts of another State, everyone would have moved on to other regions. Their citizens cannot freely cross international borders, and they are still the “prisons of peoples” referred to by a certain Russian political leader, who was quite famous at the beginning of the Twentieth Century. Hurricane Katrina has displaced something like a million people from Louisiana to other Union States. Many of them will never come back. On the other hand, emigrating to the United States is unthinkable in other places that are not too far away... on map terms, of course.



Once we have briefly revised a bit of history, we may continue with a short description of the current situation.

The constant improvement, both in quantity and in quality, of the material means of the police forces allow the States to control exhaustively any movement of people. In some places this is strictly enforced. In others, it is not, because it is not in their best interest. In the best interest of those who are in charge, of course.

From “our”, "Western", point of view, the right to mobility, here and now, seems to be above anything else the right to own and use an automobile. This particular case of "ius uti et abuti" clearly harms the whole population. For instance, urbanizing the countryside to build second and third homes is both cause and effect of the ill-fated model of mobility that we are used to. And this is just one of its many disadvantages...

On the other hand, "our" superior civilization makes us worthy of entering without hindrance whatever countries we choose, whether it be as tourists, as permanent immigrants or as temporary visitors to study something. As Bring M. Backalive says, travelling illustrates the young...

In respect to touristic mobility, so-called “pleasure” trips sometimes imply certain behaviours which are illegal in the country of origin, and sometimes are forbidden in the visited country also... only, they are not effectively prosecuted. All this implies agile procedures to freely enter and exit the receiving country, infrastructures and means of transportation to move within its territory, and hotels tailor-made to “our” taste. In other words, so close to the shore that any tsunami, even the smallest one, shall cause a catastrophe.

This freedom of “ours” begets the freedom of aeronautical companies to offer transport systems that are more and more massified in time and space. The practical application is that we can go on holidays to the farthest side of the World, without uncomfortable stops, without worrying about the “tourist class syndrome”, and without any limitations, excepting our budget. We will freely choose “our” destination among the offers we get from “our” travel agency, who will get them from a short list issued by a few "tour-operators"... So much freedom didn't seem to belong in this world.

I invite you to look for references to mobility and freedom of circulation in the Universal Declaration of Human Rights, in the Spanish Constitution and in the draft for the European Constitution. It's a highly instructive exercise, provided that it's not done with too much criticism in mind.

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Once we've examined the "occidental" point of view, we may continue with the "Definitively Others".

The right to mobility is not universal. Neither is it reciprocal. The labour market, far from being free, is dominated by buyers. Prejudices against foreigners give rise to different degrees of xenophobia, which are reflected... where else... in the language, and, too often, in legislation. Practical application may well be even worse. For instance, convalidating university degrees could be achieved within a reasonable length of time. When it is delayed to unspeakable extents, it allows "us" to hire very qualified labour for years on end as cheap domestic help. So, "our" elderly and "our" children are taken care of by someone. This, in turn, allows people of working age to produce goods and services while earning "First World" salaries, irrespectively of their sex.

Once immigrants achieve the long-expected regularization, the famous "papers", they start to compete with natives, and with those regularized in previous waves, for legal jobs that are becoming ever more scarce, less stable and less remunerated. Each process creates thousands of vacancies in the underground economy, because the patrons' revenues don't allow them to pay the legal minimum wages. We're talking about, for instance, old age pensioners who hire foreign caretakers among illegal immigrants. Situations alike to domestic help are prone to abuse. In some cases they may be quite similar to slavery, officially eradicated centuries ago.

The net result of all this is that what is known as the First World becomes - even - richer, at the expense of human capital from the Second and Third Worlds. The "blind market laws" perpetuate certain mechanisms of unequal exchange which are real vicious circles.

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Now that we have compared different points of view, we may make a brief incursion into the conflicts about the control of oil supplies and of the correlative financial flows.

"Our" right to mobility is exercised with vehicles propelled by internal combustion or reaction engines. This is why we must extract as much oil as we can from the wells. It is "ours" because it is there, and because we pay whatever Saddam Hussein happens to be in power over them with bank bills. They are much like that Bearer's Promissory Note that Tobit carried to Ecbatana, that was not very far from Baghdad. Fiduciary circulation consists on substituting gold and silver for pieces of paper that are very handy... as long as those who circumstantially have them in their power don't try to exchange them against other things.

When tyrants from the Third World try to buy shares from multinational companies of the First World, or elements to make atomic bombs, someone will discover that they are a piece of some Axis of Evil, made up "ad hoc". CNN acts as the world's biggest megaphone and the great war machine of liberty will come into motion once again, burning millions of tons of oil in order to maintain its price at affordable levels... for "our" sake, of course. Sometimes we forget that the "Third World" pays for it at exactly the same prices as the "First". This is why they buy such things as the oil slicks that the "Prestige" was carrying to Singapore.

The price of oil is negotiated on a free market. As free as it may be, when sellers talk from the ground, and buyers from armed helicopters. If they don't come to their senses, the usual policy is to wage a war and kill their children. It happened to Gadaffi, it happens to Saddam Hussein and it will happen to the next rebellious underling. Romans took their allies' sons as hostages, to secure that their parents would not misbehave. This must be the reason of that curious words in the dollar bills, "Novus Ordo Seclorum", so much talked about by Conspiranoids.

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Now that we've travelled around the world, at least mentally, we can briefly analyze the expression "public safety" (actually, the Spanish one, "seguridad ciudadana").

I understand safety as the contrary of insecurity. In other words, safety means that all future events may be predicted. Since this includes human behaviour, safety ends up being the contrary of freedom. The mere notion has dictatorial connotations. It is always someone's or something's safety. Some years ago, they spoke loud and clear about "National Security". Nowadays, the notion is disguised in more abstract terms.

When we descend from theory to reality, we observe that general safety policies are executed in the last instance by mere human beings, who are not necessarily heroic custodians of Human Rights. If in doubt, they will apply the following principle, whose validity may be confirmed by any ordinary law enforcer:

“I’d rather you came to my trial than to my funeral”.

I leave the interpretation of this sentence to the reader’s own common sense.

We had already seen that the qualifier “citizen” is always associated to freedom. So, the two terms of the expression, "citizen" and "security", are contradictory.

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Some necessarily contingent and provisional conclusions:

“Our” mobility model creates millions of potential objectives for the enemies of the system. Today’s aircrafts are also great flying bombs. The railway is the safest means of transportation, the most predictable, the most accessible, and the most civilized of all them. Precisely because of this, it is also the most vulnerable.

“Our” exercise of the right to mobility ends up being incompatible with “our” public safety. The enemy is defined as those people who don’t speak English and, eventually, as those people who don’t use the Latin alphabet. Now that automatic translation programs have become available, one may imagine an Internet where any content written in Unicode may be intelligible by any user. So, ideas may circulate freely around the world.

The best ideas are the true names of things. The truth will make us free. And for this to happen, the most important mobility must be that of rights. The right to mobility is both cause and effect of freedom.

With my heartfelt thanks to Rosario del Caz for giving me the chance to publish this work.