

Cities, Law and Language. Going Beyond Through Educational Networks

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Abstract: *Cities, Law and Language. Going Beyond Through Educational Networks*—The recent phenomenon of a global network society beyond the traditional State has outlined the importance of monitoring the institutional dynamics of contemporary cities and their crucial contribution in the educational field encouraging an updated comparative public law outlook. Current trends of theoretical and practical investigation are now involved in balancing the right to an Educating City as an extension to the right to education (Charter of Educating Cities). The new relationship among Cities, Law and Language pushes for a reconsideration of a dynamic public comparative law approach of intercultural education. Questioning the “beyond” tool and the efforts for revitalizing new cultural local demands, some critical issues retrieve the human dimension of the law based on some specific best practices of CLIL, aimed to connect global education with intercultural language.

Keywords: Educating Cities; Language; Global Communication; City Network; Glocal.

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1. Cities and Education: The Challenging Inter-Cities Network

The emerging role of municipalities all over the world in promoting different trends of theoretical and practical scientific investigation, pushes for an updated constitutional outlook consistent with a dynamic global city-centered society. It deals with the revitalization of the *network paradigm*¹ as the foundational arrangement of an efficient federative action among cities².

The main key players are not the national States, but the cities. Precisely: not all of them. Only the ones ready – which means: the ones who challenge themselves – on the one hand, to operate “without passing through their respective national governments”³ and, on the other hand, to build

¹ The Education City vision is led today by Education Cities in Israel. In 2017, the organization received international recognition by the Finnish HundrED program that chose it as one of the hundred most inspirational education initiatives in the world today. An Education City shifts from working in a “*Pyramid Paradigm*” to a “*Network Paradigm*”: Insights at www.education-cities.com/education-city/.

² C. Ratti, *La città di domani. Come le reti stanno cambiando il futuro urbano*, Torino, 2017.

³ S. Sassen, *Le città nell'economia globale*, Bologna, 2003, 83 (free translation).

effective ‘belts’⁴ of cooperation. “Models for fostering economic development and international cooperation”⁵ but, even, “mutual connectivity and” – what is relevant for the purposes of this paper – “mutual learning” (Forum ONU⁶) in various areas of cooperation to globally revitalize new cultural local demands (par. 2). The final aim is to provoke a real “global values chain”⁷.

In the *global* scenarios⁸, questioning the efforts for *connectedness* – stability, innovation and rule of law – and in *connectivity* to the rest of the world⁹, some critical issues retrieve the human dimension of law based on local *city educational values and best practices*. They cannot but appear as crucial topics of a *global network* society beyond the traditional State¹⁰. Precisely, as properly highlighted, “in such a ‘world city network’, cities gain importance from outputs rather than from what remains stable with flows”. The ‘output tool’ is specifically important to link cities with the issue of the language: “Hence, networks carry a significant part in this process” as they foster the ability of the educating cities “to regulate flows” – and, of course, communication among citizens – “through a general order setting out specific and sectorial clusters of sub-orders”¹¹.

⁴ One of the most relevant projects of the *Sustainable Development Agenda 2030* is the *One Belt Road Initiative*. “The initiative considers several areas of cooperation, such as policy coordination, infrastructure, commercial, financial. Besides, there is one, in particular, that is the involvement of communities. It is the networks of cities and territories that will foster exchange and cooperation between the main local political, economic, and social actors”: citydiplomacy.org/.

⁵ V. Yang, *One Belt One Road: An Inclusive, Multistakeholder Model for Global Development*, Maggio 2017, www.weforum.org/press/2017/05/one-belt-one-road-an-inclusive-multistakeholder-model-for-global-development.

⁶ On April 2019, at Beijing, China, *The Second Belt and Road Forum for International Cooperation* took place: details and information at news.un.org/en/story/2019/04/1037381.

⁷ It regards the *Global Value Chains Initiative* which seeks “to develop an industry-centric view of economic globalization that highlights the linkages between economic actors and across geographic space (...) creating greater analytical precision, intellectual impact and policy relevance” and “(...) include a research agenda (...) and a series of intensive workshops convened to test and broaden the framework through interaction among network participants and with the broader academic, policy-making and activist communities” see www.globalvalueschains.org.

⁸ Z. Bauman, *Globalizzazione e glocalizzazione*, Roma, 2005.

⁹ G. Tieghi, *Info/City States: la città ‘oltre lo Stato’*. *Dalla Connectivity alla City Diplomacy*, in *DPCE Online*, n. 2/2020.

¹⁰ R. Scarciglia, *Comparative Methodology and Pluralism in Legal Comparison in a Global Age*, in *Beijing Law review*, 6:46.

¹¹ R. Cavallo Perin, G. M. Racca, *Smart Cities for an Intelligent Way of Meeting Social Needs*, in AA.VV., *Le Futur du Droit Administratif/The Future of Administrative Law*, J. B. Auby (directed by), Paris, 2019, 432. On the matter see also B. Derudder, *On Conceptual Confusion in Empirical Analysis of a Transnational Urban Network*, in *Urban Studies*, 43, 2006, 2027-2046.

Assuming legal order to be identified with institutions¹², the relationship among Cities, Law and Language defines the way the society becomes, itself, an *educational agency*¹³. Also to overcome the current deviances of the contemporary educational systems, the language, in the city-network context, is the key tool – or better, the ‘connective tool’ (par. 3) – for an effective communication whose intercultural potentialities¹⁴ enrich the comparative legal perspective¹⁵. Potentialities which help decoding the social phenomena underlying the problems to be faced¹⁶. The implementation of the linguistic skill, in fact, upgrades the local settings on

¹² S. Romano, *The Legal Order*, New York, 2017.

¹³ The topic of education, examined from a comparative law perspective, has to be investigated, nowadays, including the forefront ‘critical pedagogic’ outlook proposed by one of the most important critical educators of the twentieth century Paulo Freire (Freire Institute, Critical Pedagogy, *Popular Education for Transformation*, at www.academy.freire.org/collections?category=pedagogy). In the legal analysis, and especially from the comparative side of global education, his assumption leads to the consideration of the many projects of social transformation which design a work-in-progress global platform to which all the states members of the UN are contributing through their cities, operatively realizing the *law and society* nexus. The mentioned approach fosters an *involvement* of the society which pushes for an effective *engagement*: starting from the basic, local institutions promoting an interdisciplinary analysis, it upgrades the current legal perspective in the way it pushes for an approach to education that links the identification of issues to positive action for change and development. So as to support scientific analysis – like the legal one – in trying to think about how we can ‘read’ the society around us. “As part of this approach, it is essential”, in fact, “that people link knowledge to action so that they actively work to change their societies at a local level and beyond” (Freire Institute, at www.freire.org/paulo-freire/, and, specifically, P. Freire, *The Politics of Education: Culture, Power and Liberation*, NY, 1985). On the matter, from an Italian perspective: M. Catarci, *La pedagogia della liberazione di Paulo Freire. Educazione, intercultura e cambiamento sociale*, Milano, 2016.

¹⁴ In that context, vehicular languages become real means of acquisition of contents through a mutual (Citizens-City) cultural learning which expands its potentialities in the city-network, in the same way teacher-students are engaged in a challenging, critical turn in global language education, properly with the aim to build a network among educational spots. Going to the core, the process of using intercultural languages helps to build an educational city-society-agency, being the citizens the social actors of a dynamic global-city-centered society: see the focus on “Languages, Cultures, and the Intercultural” in A. J. Liddicoat & A. Scarino, *Intercultural Language Teaching and Learning*, Malden MA, 2013, 11-30.

¹⁵ For updated insights on the “indole interdisciplinare del diritto comparato” (305-313) and on the “problematicità del pieno sviluppo o, se si preferisce, dell’effettiva (*rectius*, materializzazione) di tale innata attitudine” (357-360) see, specifically, a challenging, detailed study which starts from the following assumption: “(...) per affrontare proficuamente i complessi problemi del vivere, non solo si devono esplorare inedite frontiere, ma altresì seguire metodi funzionali alla soluzione di domande di ricerca integrate, cioè sintonizzate su composite ‘frequenze’ pluridisciplinari, imposte da una visione oramai globale”: A. Vidaschi, *Diritto comparato e interdisciplinarietà: tra innata vocazione e incompiuta realizzazione?*, in *DPCE*, n. 2/2021, 305. On the topic of the classification of “saperi”, see G. Resta, A. Somma, V. Zeno-Zencovich (cur.), *Comparare. Una riflessione fra le discipline*, Milano-Udine, 2020.

¹⁶ A. Vidaschi, *Diritto comparato e interdisciplinarietà: tra innata vocazione e incompiuta realizzazione?*, quot., 325.

achieving a global and intercultural city-network: much beyond the single State, educating through the society, “learning while in dialogue”¹⁷.

Is the idea of a network in the educational field a way to overrule the historical institutional arrangements which for centuries have been describing the traditional vertical relationship (top-down/State-local approach)? Is this kind of *inter-city* paradigm drastically conflicting with the basic principles fostering traditional national sovereignty? Can the approach here suggested be conceived as the denial of domestic (i.e. national) values and local legal background?

To focus on the issues implied by those controversial questions it is crucial to point out the basic assumption for a better comprehension of the core value of the thesis proposed: it implies a reconsideration of cities much beyond the single State (i.e. legal system) where they are settled but, at the same time, perfectly representing their local identity and their domestic historical educational roots¹⁸.

How to put that challenging combination of cities’ perspective in a global agenda?

1.1 *The Right To An Educating City*

The topic assumes an experimental and stimulating version once studied through the lens of a specific subject: education.

“The right to an educating city must be affirmed as an extension to the right to education”: this is the cornerstone of the Preamble of the Charter of Educating Cities, in its important 30th anniversary¹⁹. It legally describes the *city-education nexus* starting from the principle that “cities in all countries must use their local dimension to act as experimentation and consolidation platforms for full democracy citizenship (...)”. “Education based on values and human rights”, on a different side, “is more pressing than ever before, as

¹⁷ A. Durakoglu, *Pailo Freire’s Perception of Dialogue Based Education*, in *International Journal on New Trends in Education and Their Implications*, vol. 4, Issue 3, 2013, 102. G. Milan, *L’educazione come dialogo. Riflessioni sulla pedagogia di Paulo Freire*, in *Studi e Ricerche*, 2008. From the so called “Banking Educating System” to the “Problem Solving Education”, the path proposed by Freire is to overpass the dehumanization, caused by the mechanical practice of “making deposits”, and to establish a real “communication”. Better, “putting communication into practice” (P. Freire, *Pedagogy of Hope*, NY, 1994).

¹⁸ “In a world of dysfunctional states ever less capable of defending human rights, cities – once thought too parochial for the job – are increasingly taking on the responsibility. In domains such as immigrant rights, climate justice and minority rights it is not states but metro-regions and their intercity networks that are defending rights ‘glocally’; both locally and globally”: B. Barber, *Cities as Glocal Defenders of Rights*, in AA.VV., *The Future of Human Rights in an Urban World. Exploring Opportunities, Threats and Challenges*, Netherlands 2014, 17.

¹⁹ *Charter of Educating Cities*, Preamble, 8, at www.edcities.org/wp-content/uploads/2020/11/ENG_Carta.pdf.

it gives meaning, provides encouragement, draws up a democratic roadmap (...)”²⁰.

The basic principles and considerations highlighted in the Charter provide an unusual and challenging constitutional scenario. It’s clear that the issues raised here belong to a matter of methodology and, at the same time, of legal categories to be re-thought and updated. On the other hand, it’s a matter of substantial rights (specifically: starting from the right to education) to be more than formally safeguarded: rather, operatively included in the city’s network process.

Further implications on the crucial field of education appear to be relevant on three different levels.

Firstly, the acquisition of a public comparative law approach²¹ able to foster the so called “transformative trend of twenty-first century”²² based on the pillars of social cohesion, education, interdisciplinarity, horizontal comparison, shared responsibility²³ and social justice²⁴, so as to engage operational best practices (par.1.2.).

Secondly, the upgrade of the *glocal* perspective²⁵ with the aim to work on the global federative action of cities: the aim is to find local solutions to global issues so as to properly implement the intercity network through education. A path towards the localization of some specific SDGs’²⁶ emphasizing new cultural local demands and focusing on global educational purposes (par. 2 and 2.1.)

²⁰ *Charter of Educating Cities*, Preamble, quot., 7.

²¹ R. Hirschl, *Comparative matters: response to interlocutors*, in *Boston University Law Review*, 2016.

²² Report of the Executive Director on the implementation of the New Urban Agenda and the 2030 agenda for Sustainable Development.

²³ “It is the central government which has the primary responsibility for the promotion and protection of human rights, while local government has a complementary role to play. (...) Local authorities are actually those who are to translate national human rights strategies and policies unto practical application. (...) The principle of shared responsibility of different tiers of government for the protection of human rights has been on several occasion underlined by the United Nation human rights treaty body”: Human Right Council, *Role of Local Government in the Promotion and Protection of Human Rights – Final Report of the Human Rights Council Advisory Committee*, A/HRC/30/49, August 7, 2015, UN General Assembly, in www.uclg.org/sites/default/files/2015_report_en_role_of_local_government_in_the_promotion_and_protection_of_human_rights.pdf, 6.

²⁴ “(...) cities all hold the premise of strengthening social justice at the local level, and realizing abstract human rights ideals”: E. Van Den Berg – B. Oomen, *Towards a Decentralisation of Human Rights: The Rise of Human Rights Cities*, in AA.VV. *The Future of Human Rights in an Urban World. Exploring Opportunities, Threats and Challenges*, quot., 11.

²⁵ G. Tieghi, *Città, diritti umani e tutela glocal*, in *federalismi.it – Focus Human Rights* n.2/2019.

²⁶ See a deep analysis at www.edcities.org/en/towards-the-localization-of-the-sustainable-development-goals/.

Finally, from a substantial point of view, to be true *Educating Cities*, cities need to be considered not just as local entities or territories but, above all, as people. Individuals to be, first, educated. And in the global/*glocal* context that implies a new comparative law approach towards the nexus Law and Language as the vehicle of an intercultural education (par. 3 and 3.1).

“To become who you are and to do the work you want to do is to be open to want and give at the same time”: this opening process, outlined by the Associate Justice of the US Supreme Court, Sonia Sotomayor during the famous lecture at the University of Stanford on March 10, 2017²⁷, stressing the ‘circular’ attitude appropriately describes the communitarian soul which characterizes the circular virtuous relationship between personal, individual education and the community itself. “Educating cities”, in fact, as the Charter of Educating Cities underlines, “embrace the goal of inclusion, welcoming each person as they are and inviting them to engage in a shared citywide project”²⁸.

1.2. The ‘Beyond’ Tool: A Public Law Comparative Approach

To build a process aimed to promote multilevel rights while overcoming the *state-based approach*, the *city-centered* perspective opens, - especially in the field of education - original scenarios which combine a peculiar constitutional outlook²⁹, basically, on revisiting the nexus law-person-local entities. And, as suggested, “(...) new thinking about constitutionalism and urbanization is desperately needed”³⁰.

But to re-think, the need is to ‘go beyond’. Beyond what?

Firstly, beyond the traditional constitutional arrangement³¹. The already mentioned ‘Transformative trend’ supports the thesis by which cities are not to be conceived as “localities in countries” but, rather, parts of a triangle – this is the way the network was described – where “the global, the system of nation states and the system of urban networks”³² interplay.

²⁷ A. Shashkevich, *Supreme Court Justice Sonia Sotomayor emphasizes importance of broad education, empathy in her talk at Stanford*, at www.news.stanford.edu/2017/03/10/justice-sonia-sotomayor-speaks-stanford/; S. Budman, *Supreme Court Justice Sonia Sotomayor’s Stirring Speech Galvanizes Students at Stanford University*, plus video, at www.nbcbayarea.com/news/local/supreme-court-justice-sonia-sotomayor-gives-stirring-speech-at-stanford/45505/.

²⁸ *Charter of Educating Cities*, Preamble, quot., 7.

²⁹ W. Magnusson, *Cities vs States: Should Urban Citizenship be Emancipated from Nationality?*, Dec. 16, 2019, at www.globalcit.eu.

³⁰ R. Hirschl, *City, State. Constitutionalism and the Megacity*, Oxford, 2020.

³¹ N. Krisch, *Beyond Constitutionalism: the Pluralist Structure of Postnational Law*, Oxford, 2010.

³² GPM Resolution *Empowering Cities to Cope with Global Challenges*, Nairobi, May, 29 2019, quot., 1, lett. C (“*A changing world system*”), at in

Secondly, beyond the law-in-books approach. A concrete option for the upgrade of the *rights perspective*. From a comparative point of view, it means an effort to foster the *local human rights* of those contemporary democracies which are investing on cities³³. In this way, the city, implementing law-in-action (more than law-in-books), gives voice to the local community, the real “integral synthesis of the humanity to which it belongs”³⁴.

Thirdly, beyond the top-down strategies of governance even beyond the non-western legal systems³⁵. That implies the “decentralization of human rights”³⁶ with two different consequences: the use of the bottom-up approach which looks at the cities as agents of progress finalized to a new democratic³⁷ freedom³⁸, and the shift from vertical to horizontal comparison, with involvement of a city-to-city relationship³⁹.

Fourthly, beyond law. It provides an interdisciplinary approach to comparative constitutionalism. It involves many other scientific fields working as a “round-trip”⁴⁰. From this special setting, the legal approach can gain potential tools to be used as a cultural pattern.

“In other words”, it has been underlined, “how can the comparatist reconcile the strongly national attitude of constitutional law with the end of boundaries fostered by globalization?”⁴¹. The Educating Cities case is an experimental challenging project to be taken into consideration.

www.globalparliamentofmayors.org/wp-content/uploads/2019/06/GPM-Resolution-Empowering-cities-to-cope-with-global-challenges-May-2019.pdf

³³ G. Tieghi, *Human Rights Cities: lo Human Rights-Based Approach per la Governance locale*, in *DPCE Online*, n. 3/2019.

³⁴ S. Trentin, *La crisi del Diritto e dello Stato*, Roma, 2006, 181.

³⁵ D. Amirante, *Al di là dell'Occidente. Sfide epistemologiche e spunti euristici nella comparazione “verso Oriente”*, in *DPCE Online*, n. 1/2015.

³⁶ E. Van Den Berg - B. Oomen, *Towards a Decentralisation of Human Rights: The Rise of Human Rights Cities*, quot. 11 e ss.

³⁷ G. Tieghi, *Autonomia e partecipazione: ‘Laboratori di democrazia’ per un rinnovato ‘Right to Experiment’ ?*, in *Rivista AIC*, 3/2019.

³⁸ A. Sen, *Lo sviluppo è libertà. Perché non c'è crescita senza democrazia*, Milano, 2000, 158-159.

³⁹ R. Hirschl, *Cities in National Constitutions: Northern Stagnation, Southern Innovation*, in *IMFG Papers on Municipal Finance and Governance*, No. 51/2020.

⁴⁰ “In this sense, the journey of comparative law is a round-trip, since, after knowing the law of the others, the jurist comes back to his home system with his new knowledge in order to bring new understandings and solutions to his own country's law”/ city's law: A. Baraggia, *Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition*, Special Issue - Comparative Law, in *Law and Method*, October 2017, 7.

⁴¹ A. Baraggia, *Challenges in Comparative Constitutional Law Studies: Between Globalization and Constitutional Tradition*, quot., 8.

2. The Charter of Educating Cities: The 30th Anniversary. Global Strategies Revitalizing New Cultural Local Demands.

In 2020, the third review of the *Charter of Educating Cities* marked the 30th anniversary of a *glocal* challenging path. The cities represented at the first International Congress of Educating Cities, already held in Barcelona in 1990, in the initial Charter set forth the basic principles that were to constitute the “educational driving force of cities”. They were based on “the conviction that the personal development of their inhabitants cannot be left to chance”⁴².

Great efforts were done to reach some precise goals to better match global strategies and new cultural demands: the one supporting the other, and vice versa, reciprocally and circularly. Starting from the assumption of “forces and inertias of ‘miseducation’”, some peculiar pillars were formalized in the Preamble: the idea that “education transcends the school walls to permeate the entire city” in order to lead to a “citizen-focused education”; the belief that “education begins in childhood, but it never ends, nor is it restricted to vocational or professional training”; the assumption by which education aims to raise awareness “in order to balance our freedom and responsibility, (...) promoting reflection and a critical thinking, as in the ability to understand complex problems”. Finally, a new trend for “(...) a true change of era, and even paradigm. People need to be trained to understand today’s political, social, economic and ecological situation and freely choose how they want to inhabit it”.

These basic principles realize the foundational – i.e. constitutional – safeguards regarding the individual who lives within a community, and give evidence of a *glocal* application of theoretical standards: the so-called “action-oriented platform” of the *Hague Declaration*⁴³ which properly fosters “action-oriented solutions”. Therefore, where local e global meet in the name of the motto “Think global, act local”⁴⁴.

The Educating cities, from their side, are aware to undergo “a permanent process (...) towards the ‘common good’”. But the commitment is drastically focused: “These citizens”, emphasizes the Charter in the Preamble, “are aware of the challenges that humankind faces today and”,

⁴² International Association of Educating Cities, *The Charter of Educating Cities*, at www.edcities.org/en/charter-of-educating-cities/.

⁴³ Hague Declaration, September 2016: public presentation of the *Global Parliament of Mayors (GPM)*, at www.globalparliamentofmayors.org/wp-content/uploads/2016/12/The-Hague-Declaration.pdf.

⁴⁴ M. Davis, *Thinking Globally, Acting Locally: States, Municipalities, and International Human Rights*, in AA. VV., *Bringing Human Rights Home: A History of Human Rights in the United States*, Pennsylvania, 2007, 258-286.

that's the core message, "count on the knowledge and skills that allow them to take joint responsibility in the search for solutions required by today's life-changing circumstances". Isn't that challenge consistent with a new constitutional outlook where obligations and rights have to be equally combined?

"In our interdependent world, cities have not only the obligation but the right to achieve solutions to global issues"⁴⁵. Those famous words, stressed by the political scientist Benjamin Barber, can be considered the turning point which engaged the cities in a *glocal educational process*. Principle 10 of the Charter, in fact, defining the ongoing process towards an effective *bottom-up governance* on the field, appropriately highlights the importance of the "Identity of the city" promoting "the tangible and intangible heritage and historical memory that makes it unique". That is directly connected with the "Knowledge of the territory" (Principle 6) as a means of implementation of local projects and policies with a broader – and multicultural - impact.

The Charter was reviewed at the third International Congress (Bologna, 1994), at the eighth Congress (Genoa, 2004), lastly in 2020 to adapt its focus to "new social challenges and needs"⁴⁶. The goal to concentrate on a global federative cities' action seems to be acquired as a touchstone to implement an efficient intercity network through educational policies and experimental projects⁴⁷. They represent the operational application of the "Commitment of the City" (from principles 6 to 13)⁴⁸ and of the part "Fully dedicated to serving its inhabitants" (from principles 14 to 20)⁴⁹.

⁴⁵ B. Barber, *TEDGlobal talk*, Edinburgh, 2013. Now in B. Barber, *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities*, New Haven, 2013.

⁴⁶ *The New Charter of Educating Cities*, Dialogue with Mr. Joan Manuel del Pozo (philosopher, emeritus professor and trustee of the University of Girona), Ms. Yayo Herrero (anthropologist, engineer, social educator, teacher, researcher and ecofeminist activist) and Ms. Maria Truñó (Delegate Chairperson of the IAEC and Commissioner for Education of Barcelona City Council), at www.youtube.com/watch?v=N9czqfLF31s.

⁴⁷ "(...) more than 500 BIDCE's experiences from different issues such as citizenship participation, leisure, lifelong learning, community development, sustainable development, intergenerational relationship, etc.": *Focus Experience*, at www.edcities.org/en/publicaciones/focus-experience/. Among them, the Educational cities www.educational.city/

⁴⁸ Knowledge of the Territory; Access to information; Governance and citizen participation; Monitoring and continuous improvement; Identity of the city; Liveable public spaces; Functionality of municipal amenities and services; Sustainability.

⁴⁹ Health promotion; Training of educational agents; Intrusive vocational guidance and job placement; Social inclusion and cohesion; Joint responsibility against inequalities; Promotion of community involvement and volunteering; Education for democratic and global citizenship.

2.1. Cities And Global Educational Purposes: The 4th and the 11th Goals of the 2030 Sustainable Development Agenda – UN to go Beyond Traditional Boundaries

This Charter draws on many international standards and principles⁵⁰, starting from the Universal Declaration of Human Rights (1948) to the more recent 2030 Agenda for Sustainable Development (2015).

The localization of the SDGs⁵¹ demonstrates the urgent need to build a network starting from new cultural local demands which must meet global educational purposes. The Goals involved are the 4th and the 11th: again, education (“Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”) and cities (“Make cities and human settlements inclusive, safe, resilient and sustainable”)⁵². Two faces of the medal to be combined for the aims described in the first part of the Charter (“The right to the educating City, from principles 1 to 5”)⁵³.

The process of localization helps to revitalize the bottom-up perspective giving substance to the challenging idea that cities need to find their constitutional space⁵⁴ even beyond national borders. The ongoing worldwide dialogue on the matter, involving the constitutional outlook in a comparative perspective, is strengthening the trend towards a significant role of contemporary Constitutions⁵⁵ in the way they embrace a multicultural conception of law. In this sense, the “marketplace of ideas” stated in the well-known opinion of the Canadian Supreme Court in 1998, helps again – through an effective process of argumentative comparison of

⁵⁰ The International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Covenant on Economic, Social and Cultural Rights (1966); the Convention on the Rights of the Child (1989); the World Declaration on Education for All (1990); the Fourth World Conference on Women (Beijing, 1995); the Universal Declaration on Cultural Diversity (2001); the World Charter for the Right to the City (2005); the Convention on the Rights of Persons with Disabilities (2006); the Paris Agreement on Climate Change (2015).

⁵¹ See a deep analysis at www.edcities.org/en/towards-the-localization-of-the-sustainable-development-goals/).

⁵² UN, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1, at www.sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf.

⁵³ Lifelong inclusive education; Far-reaching educational policy; Diversity and non-discrimination; Access to culture and Intergenerational dialogue.

⁵⁴ The topic was deeply discussed at the *2021 Massey Cities Summit/ Le Sommet Sur Les Villes*, Toronto University, Toronto, Canada, entitled “*Constitutional Space for Cities*”, April 7-8, 2021 (at www.masseycitiesummit.ca/).

⁵⁵ Keynote Address on “Constitutions and the City: Canada in Comparative Perspective” by prof. Ran Hirschl, University of Toronto and University of Gottingen, Massey Cities Summit, April 8, 2021, at www.masseycitiesummit.ca/conference-recap-day-3.

ideas at every institutional and professional level⁵⁶ - supporting the upgrade of city networks founded on *intercultural* cities relationship.

3. Law, Language and Global Communication: An Upgrade of the City's Educational Tool.

From a theoretical point of view it is clear that the global side is covered by an international – and even constitutional – framework. What is controversial is how cities can effectively and operatively widespread – from an educational point of view - their local identity within a ‘beyond their State’ global process. Indeed, to create efficient networks, cities have to build cooperative human – before than institutional - relationship. And the relationship has to be based on crucial foundational patterns which, through the use of global, legal communication⁵⁷, cover the interest for the local and, at the same time, the potential similarities attracting the global interest.

That dualistic soul is consistent with the difference-similarities investigation⁵⁸ which is the foundation of the comparative law method⁵⁹: can

⁵⁶ G. Tieghi, *Costituzionalismo giacobino o liberale: direttrici per la “comparazione critica di idee”*, in AA.VV., *Libertà Giovani responsabilità. Scritti in onore di Mario Bertolissi*, by G. Bergonzini, F. Pizzolato, G. Rivosecchi e G. Tieghi, Napoli, 2020.

⁵⁷ V. Grosswald Curran, *Comparative Law and Language*, in M. Reimann, M. Zimmermann (eds.), *The Oxford Handbook of Comparative Law*, NY, 2006, from 675; P. Goodrich, *The Role of Linguistics in Legal Analysis*, in *Modern L.R.*, n.47, 1984, from 523.

⁵⁸ Questioning the current role of differences and the trends of globalizing standardization, the following insights aim to guide – and address - an updated comparative law outlook: “La sfida resterà comunque – al di là delle unificazioni o armonizzazioni formali – accettare se del caso enfatizzare le differenze, da parte dei formanti dinamici, e analizzare la dissociazione tra i formanti, da parte della dottrina. E le domande resteranno queste: come può la cultura dissociarsi dal brutale positivismo della forza e dello scopo che, paradossalmente in nome di visioni giusnaturaliste, pretende di imporre come assoluti valori che sono invece generati da faticose conquiste storiche? Come può la cultura favorire il rispetto delle culture (ossia: per l'autodeterminazione di ogni popolo nel darsi o mantenere una cultura) e il rispetto di ogni comunità culturale anche dentro i confini degli ordinamenti liberal-democratici?”. “(...) di qui, l'opportunità di liberarsi di schemi semplicistici ancorati a nuclei essenziali costruiti con geometrie variabili (...)”: L. Pegoraro, A. Rinella, *Sistemi costituzionali comparati*, Torino, 2017, 39. On the related topics of multiculturalism and interculturalism, see, specifically: B. Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, Ithaca, 2000 and S. Bagni, *Estudio introductorio sobre el deslinde conceptual del Estado intercultural*, in ID. (ed.), *Lo Stato interculturale: una nuova eutopia? – The Intercultural State: A New Eutopia?*, Bologna, 2017.

⁵⁹ On the matter, particularly relevant is the legacy on the connection between “contextualization” and “comparison” (the latter, with its imperative synthesis between the synchronic and the diachronic perspective) and the pluralistic principle to be applied when working with legal sources and, especially, with the “cultural sources” and the transnational law: on the topics, see, specifically, A. Pizzorusso, *Fonti del Diritto*, Sec. Ed., *Commentario del Codice Civile Scialoja-Branca*, by F. Galgano, Bologna-Roma, 2011, 39-56; P. Passaglia, *Il sistema delle fonti del diritto: intervista ad Alessandro Pizzorusso a proposito della nuova edizione del suo commento per lo Scialoja-Branca-Galgano*, in *Foro*

we consider a city rights-based model to enhance comparative law methodology in the constitutional field?

The path here suggested finds its affirmative reply if some specific directives of analysis, emphasizing the law and language nexus⁶⁰, are seriously regarded.

Firstly, cities have to be conceived as people to be educated to find their role in society (“inclusive vocational guidance and job placement”, Principle No. 16 of the Charter), so as to work aware that their local identity can be understood, shared and valorized even in a global context, by global actors. The use of a global language (i.e. English) as lingua franca (ELF) of international legal communication, helping to go beyond native settings, provides the linguistic and cultural skills to work on the revitalization of local features on a global contest, using the ESP (English for Specific Purposes) activity to fit the legal discourse community.

Secondly, the so-called process of internationalization is favoring higher educational institutions, from Primary schools to Universities based in historical worldwide cities. Thanks to their historical background⁶¹, they are specifically aimed to push contemporary local actors to be involved in a global space and have to be consistent with the current cultural demands in a way that operatively lets the individual “access to culture” (Pr. No. 4 of the Charter). But the “right to culture”, which implies “a dynamic and ever-changing cultural and citizen involvement in the management of cultural facilities and initiatives”, cannot be separated from an intercultural communication⁶² among non-native speakers⁶³. That implies the connection with ELF and its status as a Global Language⁶⁴ to be used in a variety of domains⁶⁵.

Italiano, vol. 134, no. 6 (Giugno 2011)155-156-161/162; A. Pizzorusso, *Sistemi giuridici comparati*, Milano, 1998.

⁶⁰ Y. Maley, *The Language of the Law*, in J.B. Gibbons (ed.), *Language and the Law*, London 1994; H.E. Mattila, *Comparative Legal Linguistics*, Surrey, 2006.

⁶¹ The forthcoming 800 Anniversary of the institution of the University of Padua can provide a long history of exchange experiences and multicultural networks proposed by an academic institution perfectly involved in its city. Details, historical routes, linguistics barriers overpassed to let culture circulate, and best practices related to the topic here discussed, are retrieved at www.ottocentenariouniversitadipadova.it/en/.

⁶² D. Tannen, *Language and Culture*, in R.W. Fasold/J. Connor Linton (eds.), *An Introduction to Language and Linguistics*, Cambridge, 2006.

⁶³ J. Parker, *A New Disciplinary: Communities of Knowledge, Learning and Practice*, in *Teaching in Higher Education* 7, (4), 2002.

⁶⁴ D. Crystal, *English as a Global Language*, Cambridge, 2003.

⁶⁵ B.B. Kachru, *Teaching World Englishes*, in *Indiana Journal of Applied Linguistics*, 15 (1), 1989.

“The language of the law must not be foreign to the ears of those who are to obey it”⁶⁶: the famous words by Learned Hand, (US) Judge of the United States District Court for the Southern District of NY, even if dated back, in the achievement of intercultural networks reply to the call of contemporary law and the language of globalization (with all operational connections between them). That connective tool, to be used in the global area to put the new constitutional actors (i.e. cities) into action, represents a true strength for a new constitutional position to be experienced as a part of an educational local process.

More than a century ago, the US Supreme Court Justice Oliver Wendell Holmes Jr. himself in his famous line, suggested: “The Life of the Law has not been logic: It has been experience”⁶⁷. How about practices to be used – and implemented – in the field? How can comparatist scholars give a new global outlook of the city local phenomena in order to foster empirical analysis and to encourage the experimentalism of glocal, dynamic practices? Moreover: how can comparative law itself serve as a performative practice? To address those key issues it is important to note that the law - as some other disciplines like (critical) pedagogy - should encourage citizens “to reflectively frame their own relationship to the ongoing project of an unfinished democracy”⁶⁸.

3.1. Practices of CLIL: Global Education and Intercultural Language.

The empirical attitude is a significant value of the Charter. The same Preamble highlights the point that “Educating cities with their formal educational institutions, non-formal initiatives (with and educational intention, but outside the formal education system) and informal activities (...) will work together, either bilaterally or multilaterally, to make the exchange of experiences become true”. The core value is “the spirit of cooperation”⁶⁹ which, first, enables to engage in community life through an “intergenerational dialogue” (Principle 5).

⁶⁶ L. Hand, *The Spirit of Liberty: Papers and Addresses*, New York, 1953.

⁶⁷ In 1880–81 Holmes was invited to lecture on the common law at the Lowell Institute in Boston, and from these addresses he developed his book *The Common Law* (1881).

⁶⁸ “(...) Whose interests does public (...) education serve? How might it be possible to understand and engage the diverse contexts in which education takes place? What is the role of education as a public good? How do we make knowledge meaningful in order to make it critical and transformative? How do we democratize governance?”: H. A. Giroux, *Rethinking Education as the Practice of Freedom: Paulo Freire and the Promise of Critical Pedagogy*, in *Policy Futures in Education*, Vol.8, 6, 2010, 717.

⁶⁹ Named also, in the field, as “the art of collaborations”: Y. Hecht, *Democratic Education – The Beginning of a Story*, AERO 2005.

Participation; cooperation; dialogue; transdisciplinary experiences. All of those pillars have a common ground to be considered: the knowledge⁷⁰ tool. That is the starting common step to build the city-global network while participating, cooperating, debating and sharing interdisciplinary experiences.

Practicing education, the single citizen, as a – and like a - single student⁷¹, is involved in the intercultural educational process as a practice of freedom⁷². The goal is not just to revitalizes the link between the city and its citizens but, primarily, to efficiently link the city with its educational institutions to upgrade the level. The target is to operatively create an open, broader space where to experiment the city-global-networks. In the challenging and dynamic local context, the academic institution serves as educational hub to be, on one hand, the intercultural component of the city and, on the other hand, the mirror of the local cultural heritage to be widespread globally so as to be connected with other hubs. In other words, a real glocal educational process which cannot but start, be reinforced, shaped and guided by a common linguistic register. The latter, however, to be conceived not merely just as a common linguistic instrument of connection but, rather, as the visualization of a new channel of content-connectiveness to effectively build, day by day, intra and inter city-networks. Education, in that proposed perspective, is about the making and changing context through the use of a global language.

Ultimately, to operatively achieve the city network through education, while starting from a global vision of the person (with the turning point of a citizenship-approach from solidarity/passive attitude, to a pro-active mood), a new academic value is proving essential in a city-centered outlook: the citizen/student/taxpayer as a spokesman for local needs and

⁷⁰ “Knowledge emerges only through invention and re-invention, through the restless, impatient, continuing, hopeful inquiry human beings pursue in the world, with the world, and with each other”: P. Freire, *Pedagogy of the Oppressed*, NY, 1970, 53.

⁷¹ The aim is to offer a citizen-students perspective, promoting students towards “new ways to think critically and act with authority as independent political agents in the classroom and in larger society”: H. A. Giroux, *Rethinking Education as the Practice of Freedom: Paulo Freire and the Promise of Critical Pedagogy*, quot., 718.

⁷² “(...) as Freire argued, education as a practice for freedom must expand the capacities necessary for human agency, and hence the possibilities for how academic labor should be configured to ensure such a project that is integral to democracy itself”: H. A. Giroux, *Rethinking Education as the Practice of Freedom: Paulo Freire and the Promise of Critical Pedagogy*, quot., 718.

preferences⁷³ will actively contribute to the outcome of the knowledge-network⁷⁴. In other words, the city as a “municipal academy”⁷⁵.

In line with the citizen/student perspective, the proposal, emphasizing the comparative law-legal language binomial and the investment “in skills for better socio-economic outcomes”⁷⁶, is based on practices focused on the use of a specific methodology. In the field of applied linguistics, that is known as the Content and Language Integrated Learning (CLIL)⁷⁷. The goal of the integration of content and language learning is to effectively learn contents through an additional language (foreign or second – primarily, English as a global language), and it is addressed by “discussing approaches to content-centered learning in a second language”⁷⁸.

What is interesting from a comparative law city-centered point of view is that the linguistic skill functions as a vehicle to connect with city contents. The objective is to learn subject matter content – i.e. from business, financial, economic to legal and social fields –, with the complementary goals of encouraging additive bilingualism for citizens-students speakers who push for interacting in a global network environment; concurrently acting to functionally build a networking comparative education fostered by a global, common language.

For the purposes of the paper, the previous insights lead to the connection between legal city systems and global best practices. The “double-focused didactic approach (...)”, indeed, can “foster mastery of both contents and language at predefined levels”⁷⁹ so as to let the contemporary

⁷³ G. Tieghi, *A Challenging Scientific Path: The Academic Value of TRs for a Contemporary, Skilled and Comparative Law Education*, in *Journal of Tax Administration -JOTA*, Volume 4, No. 2 (2018) Special Issue: Taxpayer Rights.

⁷⁴ N. Jansen, *Comparative Law and Comparative Knowledge*, in M. Reimann, M. Zimmermann (eds.), *The Oxford Handbook of Comparative Law*, quot.

⁷⁵ “(...) the entire city transforms into a ‘learning social network’ that facilitates the growth of its entire population. In this way, every restaurant in town can serve as a part of the municipal culinary school, and every Bank can serve as a part of the municipal school of economics. In fact, we are not talking merely of organizations: every man, young or old, can offer his area of expertise, in such a way that the entire city becomes a campus and provides a life-long learning experience in every area of interest”: Y. Hecht, *Education City. A learning Social Network. The Path of education System in the 21st Century. The Fourth wave*, at www.educareallaliberta.org/yaacov-hecht-education-city-a-learning-social-network/.

⁷⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Rethinking Education: Investing in skills for better socio-economic outcomes*, 2012, at www.eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52012DC0669&from=EN.

⁷⁷ The term was created in 1994 by David Marsh

⁷⁸ G. Thompson, J. McKinley, *Integration of Content and Language Learning*, in *TESOL Encyclopedia of English Language Teaching*, 2018.

⁷⁹ D. Marsh, et al., *CLIL Practice: Perspectives from the Field*, England, 2010.

citizen/students be proficiently engaged in the process of culturally upgrading the local settlement. In other words, skilled to be able to connect their local institution with other foreign educating settlements. It is a path to encourage the paradigm shift from the local to the global, thanks to an educating process which effectively reflects the educating, cultural spirit of municipal *academies*.

The way that methodology emphasizes the role of the language as a means of acquisition of contents through cooperative learning and practices, in conclusion, supports a challenging turning point. A true, critical turn in legal language education for municipalities: enhancing critical reflection in the intercultural language learning it contributes to the development of a critical perspective on language – and legal communication –, as well as on glocal culture⁸⁰. A particularly appropriate way for the upgrading of the city-to-city network viewpoint beyond the State.

4. Educational Driving Forces of Cities: Fostering A Contemporary Challenging City Network to confront the “Culture of Now”.

“Civil society does not have to wait for city government to take action”. “Citizens do not have to wait for civil society to work together to fight for their rights”⁸¹. If those assumptions are even partially true, the Charter statements about the role of the people appear to seriously challenge contemporary cities and the critical thinking of their citizens⁸². The attempt is to constructively define their constitutional role through new empirical networks.

“People”, the Preamble affirms, “should develop skills to confront the ‘culture of now’, to take part in global complexities from the local world to stimulate independent and critical thinking in the face of an information overload controlled from hubs of economic and political power”⁸³. In this context of engaging the public, institutional debate as a crucial tool⁸⁴ of

⁸⁰ On the development of International Education through Intercultural Language Teaching and Learning, see A. J. Liddicoat & A. Scarino, *Intercultural Language Teaching and Learning*, quot.

⁸¹ B. Barber, *Cities as Glocal Defenders of Rights*, quot., 21.

⁸² G. Tieghi, *Ripensare la Repubblica tra partecipazione e dibattito pubblico locale*: “If we can keep it”, in M. Bertolissi (ed.), *Regione Veneto 1970-2020. Il futuro estratto dai fatti*, Venezia 2020.

⁸³ *Charter of Educating Cities*, Preamble, quot., 6.

⁸⁴ I delivered these remarks as an invited lecturer at *2021 Massey Cities Summit/ Le Sommet Sur Les Villes*, Toronto University, Toronto, Canada, on the topic “*Rethinking the City Starting from the Canadian ‘Taxpayer Town Halls’: Towards the Involvement of a New constitutional Space?*”, on April 7, 2021 (at

education, the ongoing worldwide multiple crisis gives the chance of some new trends of 'law in action' which cannot be underestimated: based on experimental institutional arrangements⁸⁵ and on a glocal dialogue. The Educating cities, with their cultural attitude, can provoke a real turning point on the way to look at cities beyond the State.

“Cities in all countries”, indeed, “must use their local dimension to act as an experimentation and a consolidation platform for full democratic citizenship”⁸⁶. The push is for the ongoing dialogue through argumentation including a “Lifelong inclusive education” (Principle 1), therefore, education “for democratic and global citizenship” (principle 20).

The implications are a matter of facts: where cities can be the main characters in this ongoing cultural process, the words of US Supreme Justice Sotomayor - reminding her mum's constant refrain - can find a stimulating, updated glocal point of reference: “You've got to get your education! It's the only way to get ahead in the world”⁸⁷. Even beyond national States.

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www.masseycitysummit.ca/conference-recap-day-2), within Session no. 5: “*Cities, Regionalism, Fiscal Responsibilities, and Intergovernmental Arrangements*”.

⁸⁵ G. Tieghi, *Autonomia e partecipazione: 'laboratori di democrazia' per un rinnovato 'right to experiment'?*, quot.

⁸⁶ This part of the Preamble of the Charters perfectly matches with a realistic picture of contemporary democracies: “The educating city (...) does not seek simple unilateral solutions: it accepts the contradiction and proposes processes of knowledge, dialogue and engagement as the ideal way of living in and with uncertainty. The cultivation of language and critical thinking in a world overflowing with 'post-truths' in politics, the media and social networks, is increasingly important to stop citizens from sitting back and accepting so many stigmatizing stereotypes” (*Charter of Educating Cities*, Preamble, quot., 8).

⁸⁷ S. Sotomayor, *My Beloved World*, NY, 2013, 481.

