CIDADANIA(S)
DISCURSOS E PRÁTICAS

CITIZENSHIP(S)
DISCOURSES AND PRACTICES

( EDS. )
TERESA TOLDY
CLÁUDIA RAMOS
PAULO VILA MAIOR
SÉRGIO LIRA
Higher court citizenship

Jeremy Bendik-Keymer (jkeymer@aus.edu)
American University of Sharjah

Abstract
"Thumbprint citizenship" is membership in a state. "Higher court citizenship" is membership in the human community. It is more important. A higher court provides the moral framework of citizenship. Also, a person cannot belong to a liberal state and act as a citizen without belonging to a higher court. Finally, assuming state membership is necessary for citizenship is false, because we can conceive of participation in a state that even temporary residents should enjoy.

Resumo
"Thumbprint citizenship" é a cidadania inerente à pertença a um estado. "Higher court citizenship" é a pertença à comunidade humana. Um supremo tribunal fornece o quadro moral da cidadania. Além disso, uma pessoa pode pertencer a um estado liberal e actuar como cidadão, sem pertencer à outra categoria. Finalmente, admitir que a pertença a um estado é condição necessária à cidadania é falso, porque se pode conceber a participação num estado oferecida também a residentes temporários.

For Amir, refugee in Denmark out of Sarajevo

Tu regardes les yeux pleins de larmes ces pauvres emigrants
Ils croient en Dieu ils prient les femmes allaient des enfants
Ils emplissent de leur odeur le hall de la gare Saint-Lazare
Ils ont foi dans leur étoile comme les rois-mages
Ils espèrent gagner de l’argent dans l’Argentine
Et revenir dans leur pays après avoir fait fortune
Une famille transporte un édredon rouge comme vous transportez votre cœur
Cet édredon et nos rêves sont aussi iréels

Apollinaire, "Zone", 1920
Please consider this argument:

No state grants you citizenship.
Therefore, you aren’t a citizen anywhere.

Suppose we add the missing premise:

- **Argument one**
  For you to be a citizen, a state must grant you citizenship.
  No state grants you citizenship.
  Therefore, you aren’t a citizen anywhere.

Is this argument sound? I don’t think so. Membership in a state is not necessary for being a citizen. Belonging to a state is necessary only for a kind of citizenship, and that kind is not necessary for political order. Other kinds of citizenship should be recognized even if you don’t belong to a state. Accordingly, I will support the following argument in this paper:

- **Argument two**
  For you to be a thumbprint citizen, a state must grant you citizenship.
  No state grants you citizenship.
  Therefore, you aren’t a thumbprint citizen anywhere.

More importantly, I will imply a version of this argument:

- **Argument three**
  Any human deserves to be treated as a higher court citizen anywhere.
  Any human capable of justice should act as a higher court citizen anywhere.
  Suppose you are a human being capable of acting for justice.¹
  Therefore, you deserve to be treated and you should act as a higher court citizen anywhere.

¹ If one is not capable of acting for justice, one should still be treated as a citizen. See Martha Nussbaum, the Frontiers of justice: disability, nationality, species membership (Nussbaum, 2006, chapters 1-3).
I call the view of citizenship in argument one, “thumbprint citizenship”. I call the view of citizenship in argument three, “higher court citizenship”. The main purpose of this paper is to clarify higher court citizenship and its importance for citizenship studies.

1. Thumbprint citizenship

The logo for our conference, Citizenship(s), was a thumbprint. The suggestion seems to be that citizenship involves being recorded by the state. Was the thumbprint an ID card, like the retinal scans at Dubai International Airport? Or was the thumbprint part of being processed as an illegal person – an alien? In either case, we would suppose the same view of citizenship: membership in a state entails citizenship, and non-membership excludes citizenship. I call this view, “thumbprint citizenship”.

Thumbprint citizenship is legal membership in a state. It has a strong form according to which stateless people cannot be citizens. I’ll consider this view when I speak of thumbprint citizenship. Being a lawful member of a state is a necessary and sufficient condition for being a thumbprint citizen of that state. Becoming a member of a state and becoming a citizen coincide. Membership can originate from many different sources - ethnic lineage, an immigration and naturalization process, etc. What matters for thumbprint citizenship is not how one has become a member, but whether one has.

There are limitations on citizenship established by the thumbprint. For instance, there must be a recognized state with a jurisdiction. After all, only the state’s legal apparatus invests members with the status of citizenship. Non-state areas – e.g., the Palestinian territory, dysfunctional areas such as Bosnia during its civil war, or communities that do not conceive of their political order in terms of states - all these are in trouble. If there is no working and recognized state with the authority to invest its members with citizenship, there can be no citizens.

People living outside their state – e.g., refugees, migrant workers, or illegal immigrants – are also in trouble (Hill Maher, 2002). Because these kinds of people are not
members in their host states, they are not considered citizens, at least according to thumbprint citizenship. Of course, in most states today, transitional people do enjoy some effective rights in the state’s laws concerning foreigners, guest workers and human rights. Also, transitional people are expected to uphold some obligations. Yet according to thumbprint citizenship, these rights and obligations do not entail the status of being a citizen. Problems are compounded when the people in question act illegally in that state - e.g., as in the sex-trade industry in most states. Illegal work makes non-citizens even more vulnerable to unchecked power (Cabezas, 2002).

In sum, thumbprint citizenship is a view that holds, first, that citizens are pegged to the social body of a state and, second, that the state’s positive law makes them citizens. There isn’t room for – precisely speaking – a civic order non-contiguous with the state or with its law. Do we share the streets and Earth with others in ways that go beyond or below the state? For my purposes, the point is that thumbprint citizenship ignores a kind of citizenship where, even though one does not belong to a state, one still enjoys some rights and inclusions in any community one is. One should act civically there as well. I’ll now turn to this form of citizenship.

2. Higher court citizenship

Around 175 AD, Marcus Aurelius wrote: «We are fellow citizens, subject to one unwritten constitution, and the world is, as it were, a city. Indeed, what other citizenship is shared by the whole human race?» (Aurelius, 2002, IV.4). 3

This quote expresses the main idea of higher court citizenship: humans everywhere are citizens of the world. Marcus’s quote also prefigures the form of citizenship

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2 Stephen Fitch suggests the "universal subject" in place of "higher court citizenship" and the term "juridical subject" in place of "thumbprint citizenship". These are excellent suggestions that exceed my contribution to this conference, where my aim is to open the term "citizenship" to citizenships (plural).
3 Marcus was speaking of a constitution that had a strong metaphysical basis in the physical order of the universe (Hadot, 1992, ch. 5). The contemporary human rights movement does not assume a similar metaphysics. Its basis is the result of an "overlapping consensus" (Rawls, 1996). The framers of the Universal declaration of human rights did not agree on why we have dignity. They agreed that we have a dignity (Morsink, 1999).
spread throughout the human rights movement today. As the keystone Article One of the *Universal declaration of human rights* proclaims: "All human beings are born free and equal in dignity and in rights. They are born with reason and conscience and should act toward one another in a spirit of brotherhood." (General Assembly of the United Nations, 1948, article 1, my emphasis).

That is, all human beings have rights and obligations to their fellow humans. One might think, then, all humans are citizens of a sort. This is what higher court citizenship holds. Under its jurisdiction, citizenship is for humans as such, wherever they are and with whomever they deal. There is a higher law and a higher court than the courts of any state.

In the Western tradition, higher court citizenship goes to the roots. One can find aspects of it in Plato’s *Republic* where we are to think of ourselves as citizens of an ideal order of justice, and it also peeks out from the idea of a natural law that is more authoritative than the state (for instance, in *Antigone*). As Marcus’s quote attests, higher court citizenship is clearly formulated in the Hellenistic and Imperial periods within the Stoic tradition. It was central to thought about justice in the Middle Ages, for instance in Aquinas’s work on natural right’s relation to positive law. Finally, the modern natural rights tradition carried forward the idea of higher court citizenship unbeknownst to itself as it formulated the foundations of the state. A liberal state must satisfy and make room for what Dworkin called moral rights, which can legitimately oppose positive law (Dworkin, 1977).

Around the world today, higher court citizenship has wide acceptance as an idea and increasingly as a legal reality. This acceptance is an implication of the human rights movement’s spread over the last fifty years, including its gradual permeation of state and international law and of the public discourse of both states and major

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4 I first understood this ancestry in a lecture by Martha Nussbaum on the Stoic roots of the modern human rights movement in the class, *Human Rights – its Philosophical Foundations*, University of Chicago, Fall 1999. I believe it will be a subject in her forthcoming book, *the Cosmopolitan tradition* (Nussbaum, 2007), although I have not read the manuscript.

5 Candace Vogler first taught me about Aquinas’s relation to human rights and also first introduced the expression “higher court” to me in that context. I have not studied Augustine’s *City of God* on the theme of higher court citizenship, but would not be surprised to find it at home there.
transnational regulatory bodies such as the WTO (Singer, 2003). The human rights movement cannot function without the idea of higher court citizenship – a basic citizenship status for all human beings to which all state law should conform. When states do not conform, human rights activists – existing in almost all countries in the world – appeal to the idea of a court higher than that of any existing state and its law. They invoke the rights of human beings. Overall, higher court citizenship has moved from being unwritten to being written, increasingly guiding international law, regional law (as in the EU), and national law.

The irony here is that higher court citizenship can be seen at the base of liberal states in the guise of their respect for natural rights. Consider, for example, the United States’s Declaration of Independence where the rights to life and liberty for all humans legitimate the country’s existence and form. The Declaration is more obviously driven by natural rights than the United States’s constitution, whose Bill of rights was not present originally. Still, even the United State’s constitution respects the spirit of the Declaration. In examples such as these, the modern state – in so far as it has a liberal basis – has inscribed higher court citizenship into the very basis of its legitimacy and, so, sovereignty. This is a point that has not received enough attention (Bendik-Keymer, 2007, 2006; Benhabib, 2005).

In logical terms, being human is a necessary and sufficient condition on being a higher court citizen. All humans, regardless of ability, deserve to be treated as higher court citizens. That means their human rights should be respected. Also, as the Universal declaration of human rights’s Article One makes clear, able humans have obligations toward each other. These go under the name of “brotherhood” – an allusion to the civic virtue of fraternité from Republican France. It should not be hard to recognize the normative and rhetorical outlines of citizenship here.

6 Even if human rights statements by, e.g., the Bush administration ring empty and the WTO may legitimately be criticizing for its loopholes around the violation of human rights in production processes, the fact of the matter is that both agents adopt the appearance of respecting human rights.
7 See, for instance, the numerous calls for justice on the website of la Fédération Internationale des ligues de droits de l’homme (FIDH), http://www.fidh.org.
8 I’d like to thank Richard Gassan for a helpful conversation on the difference between the Declaration and the United States’s constitution.
A philosophical critic will want to know why, for instance, Marcus's concept of citizenship ought to be considered citizenship just as legitimately as thumbprint citizenship. To this critic, we might reply with an analysis of citizenship, so that she does not worry higher court citizenship is stipulated. It won't help to point out that higher court citizenship is accepted by most states around the world in their official support for the United Nations and its human rights norms. Nor will it help to point out that liberal states have involved natural, human or moral rights at their foundations as legitimating the state's procedures and order. Even the WTO's support of human rights, speaking on behalf of global neo-liberalism, doesn't matter. These three historical observations are statements of fact, not of principle, and a critic will want to know what good reason we have for thinking higher court citizenship deserves to be considered a kind of citizenship just as thumbprint citizenship does. What is at stake is the concept of citizenship itself.

Before responding, let me bring out some further difficulties. Attention to the lexical meaning of "citizenship" roots it back through Middle English to the French cité, "city"; to the Latin civis, "citizen" (Mish, 1986, 243-4). This etymology corresponds to one of the primary English meanings of "citizen", a member of a city or town. Another primary meaning of "citizen" is a member of a state. There are no primary meanings of "citizen" that refer to being a member of the world or of common humanity. Town, city and state are where we are as citizens according to widespread usage.

Referring to "citizenship", we see that what is at stake is being a member of a community, including one's way of responding to membership (i.e., one's actions as a citizen). "Community" gives us somewhat more semantic leeway for speaking of membership in the human community, although one might legitimately ask in what sense all human beings form a community (it seems we do not in a flatfooted sense). Yet "citizenship" means primarily "the status of being a citizen" (Mish, 1986, 243). Hence, we are back in the orbit of town, city or state. The world is not in sight. Why?

It is not hard to see the commonality between town, city and state. All are governed through a system of positive law or strong custom that helps shape who is in and who is out, what a member is expected to do and what the normative shape of the community is. These things cannot be said of the world, where the so-called human "community" resides. There is no world government, and world governan-
ce is uneven, patchy and multi-layered where it exists, the subject of international arbitration and competition between schemes of international law (Sassen, 1996). Customs are even more multiform, whatever the apparent effects of a globally integrated franchise market (which, it is important to remember, is counter-shaped by "glocalization" (Ritzer, 2004)). In other words, it seems a stretch of the word "citizenship" to speak of citizenship in the human community.

What is the conceptual composition of citizenship? As I've alluded, there are two main dimensions. The first is a membership status with any entitlements that involves. This is the citizenship one has (Benhabib, 2005). Having it, one is expected to act in specific ways. That is the citizenship one performs. It is the second dimension of citizenship, a role, not simply a status (Bendik-Keymer, 2006). What these two dimensions articulate is a form of active membership in a social order. A citizen is to be recognized in particular ways and is to participate in shared life in particular ways.

Could this active membership be said of humans as such in the social order of the world and just on the basis of common humanity? If every human being has a dignity that is to be respected by all other humans, then every human has a status, designating a member of a kind (i.e., human kind), that is to be recognized. Moreover, every human has obligations to others. Have we discovered the conceptual legitimacy of higher court citizenship?

To say that we have not, we would need to find some other dimension of citizenship that is necessary and which cannot be conceptualized in higher court citizenship. Here is a candidate. The problem with the two dimensions I've mentioned is that they do not distinguish between membership in a club and citizenship. After all, members in, e.g., the Rotary Club have a status with privileges, and they are expected to perform a role as a member. Are they then citizens of the Rotary Club? Are we citizens of as many organizations as associations where we have both status and roles? I take it as a given that "he is a citizen of the Rotary Club" is non-sense.

9 A common proposal would be to say citizenship also needs positive law. But there are other ways to articulate status and expectations than positive law. In fact, we cannot understand the creation of positive law (and perhaps its revision, too) without understanding a moral standpoint from which one assesses positive law with its authority to coerce. Where does the impetus to fashion justice come from?
The third dimension of citizenship poses a problem for speaking meaningfully of higher court citizenship. Just as there does not appear to be a universal, human community in any flatfooted sense, there is not a universal, human society. However—and this is the response—there is human society. It is human society that is at stake in the idea of the social order of the world. Human society is found in any human society and is manifested by our ability to have common humanity with people from very far-removed places (Glover, 2001) and times (Zeldin, 1994). Human society is the category for all the processes of identification by which we share in the lives of others as people, not as members of specific associations. When I say I am going to the Rotary Club to have a little human society, what I mean is that I want to be recognized as a person and feel some common humanity. I refer to the quality and kind of association, not to a village fitting inside a room (that is, “a little, human society”). The association, then, is but a means to a larger need being met. I am after the human contact, not the exclusivity of being a Rotarian. The larger need is the need for common humanity, and while a club may satisfy it, the club cannot exclusively satisfy it, nor does it satisfy it qua the club. Moreover, I am not going to the Rotary Club to find a miniature version of a society, for we do not live our whole lives in that club, and the club does not have trans-generational and reproductive kinship in the way a society does (an obvious aspect of a society missing from the club; there are other aspects). Human society, then, includes all kinds of social relations in so far as these recognize the person (not just the Rotarian) in common humanity.
Seen in light of human society, higher court citizenship is just as legitimate as thumbprint citizenship. What it loses in distinctness, it makes up in possibility. If what is needed for citizenship is membership in a society, then membership in human society should do, for it is a kind of society – not a localized village, but a kind and quality of relation that spans history and the globe. After all, human society is even richer and fuller in the ways it touches a whole life than a given society, because not only does it underlie the specific articulations of society in a given society, it also includes common humanity.

To sum up, higher court citizenship has a legitimate claim to being a kind of citizenship, because it fulfils the three, main dimensions of citizenship.10

**Membership status, with entitlements, for someone living a whole life.** A higher court citizen is a member of human society living her life. She has human rights that protect her life in its many aspects and associations.

**A corresponding role, with obligations.** A higher court citizen, provided she is able, is expected to respect the human rights of others and act in a way consistent with the idea of being a member of society (e.g., she should show human kindness [Bendik-Keymer, forthcoming]).

**In full society.** A higher court citizen is a citizen in human society, living a whole life with other human beings across the range of human associations. She bases her citizenship on common humanity, what gives society its solidarity.11

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10 Stephen Rich proposes that a fourth condition of citizenship is "access to mechanisms for the enforcement of rights... that has its source of authority located within... the same (state centric) governmental apparatus from which rights... are due" (Email correspondence, October 8th, 2006). But this criterion would deny citizenship rights to people without such access – e.g., millions of migrant workers – who would then have little or no grounds for arguing they should be treated as citizens. Though the legal traditions of many states might allow such people to argue for rights in terms the state recognizes, I am concerned about people in states where no such traditions exist. In the absence of traditions of positive law that allow people to be included in society with their humanity respected, where do we turn?

11 Pernille Arefeldt asks whether one must be a member of a society to be a citizen. Suppose someone does not want to be social? Does one then have no rights – e.g., when someone visits your hermitage or in the eyes of any jurisdiction where you happen to live? No, one has rights, just for being human.
Why higher court citizenship is important for citizenship studies

The conference title – *Citizenship(s)* – suggested there may be more than one kind of citizenship. I agree. We should devote more attention to higher court citizenship in citizenship studies. In this section, I show, first, why a higher court is necessary for understanding citizenship (reasons one and two below). Second, I show why thumbprint citizenship may not be necessary for understanding citizenship (reasons one and two again), except perhaps in one kind of case (the qualification, also below). Finally, I show why we cannot conceive of thumbprint citizenship, especially in liberal states, without assuming higher court citizenship (reasons three and four).

To begin, there are two reasons why higher court citizenship is necessary for understanding citizenship. These are moral reasons. The first derives from being a person, given the dignity of persons. The assumption that a human has intrinsic dignity just for being human is widespread throughout many moral and religious traditions, one reason why the framers of the *Universal declaration of human rights* could agree on it after the lengthy drafting period for that document (Morsink, 1999). For instance, the assumption that each person has an intrinsic dignity by virtue of being human is found in the three monotheistic religions of the West and in Buddhism. It grounds the status of a person. The idea is that every person has a moral status that demands we respect her dignity, simply because she is human.

Higher court citizenship not only supports this idea, but articulates it. After all, higher court citizenship articulates the moral status of a person. For all signatories of the United Nations, liberal people and most of the world's religious (at least according to doctrine), without the moral status of persons being respected, states do not have acceptable accounts of citizenship. Accordingly, higher court citizenship, which articulates the moral status of persons, is crucial for grasping acceptable citizenship in the traditions I have named.

One should respect another's rights as well, even in the wilderness. These conclusions are implied by the "spirit of brotherhood" in *The universal declaration of human rights*. Notice that the cases hovering in the background here all concern *moments* of human society, where common humanity applies.
This first reason for studying higher court citizenship also points out the limitations of thumbprint citizenship. Thumbprint citizenship in its strongest form risks denying the status of the person for all practical purposes, because stateless people or aliens do not deserve the legal protection due citizens according to strong thumbprint citizenship. Certainly, most thumbprint citizen states have protections even for these kinds of people – the states are signatories to the United Nations. Yet in practice, thumbprint states risk losing the moral status of persons through the holes of their laws. This is a point that is much studied by social scientists (e.g., Hill Maher, 2002; Cabezás, 2002). Since thumbprint citizenship risks imperilling the moral status of persons and also does not directly articulate that status, it may not be necessary for understanding citizenship's normative idea unless there is some feature of citizenship that only thumbprint citizenship articulates. I will consider the best candidate feature below, but it will ultimately be shown to be obtainable through other kinds of citizenship than thumbprint citizenship.

So it is necessary to study higher court citizenship to understand citizenship, because higher court citizenship articulates the moral status of persons without which any state's citizenship laws are unacceptable. The second reason why we need to grasp higher court citizenship is that it articulates a key responsibility our being social carries. In any state I live, even if I am an alien, I have duties to others to respect them. This is a demand of common humanity. Others have lives worth respecting just as I do, simply because they are human. The interesting point is that this assumption, also common to many moral and religious traditions, is articulated by higher court citizenship, not by thumbprint citizenship. Could there by an acceptable citizen who did not respect other humans just because they are human? However, thumbprint citizenship articulates the obligation to respect only fellow members of one's state.

If anything, thumbprint citizenship is at risk of undermining our being social with those who do not accept us. If we conceive of our obligations within a state as framed by our membership, what reason do we have to treat members of the state with respect when we are not members? To say we should respect them, because we want to be members like them is not respecting them as ends in themselves, but simply as means. That is, it is not respecting them. If we say we ought to respect them because they are people too, we have not shown how thumbprint citizenship...
As us be citizens, because higher court citizenship is then doing the moral work. Given the dignity of persons, I do not need to know that a state includes you in its laws to respect you as a person. Thus, while higher court citizenship articulates a necessary feature of our being social – respect for humans as such – thumbprint citizenship appears unnecessary again.

The third and fourth reasons why we should study higher court citizenship both claim that we cannot understand thumbprint citizenship without first grasping higher court citizenship. To begin with reason three, we cannot understand citizenship in a liberal state without supposing higher court citizenship. Here, I assume an understanding of the liberal state that includes a constitution protecting the dignity of people based on their humanity. Being a citizen of a liberal state, then, I must be a citizen of a higher court in order to accord with my state’s constitution. Thus, if we wish to understand the specificity of thumbprint citizenship in a liberal state whose constitution involves aspirations toward universality (Benhabib, 2005), we have to understand higher court citizenship. Universality, after all, is implied by a commitment to respect people’s humanity. For example, liberal constitutions suppose that humans have a right to liberty. Humans have that right, and the class of humans is not circumscribed by any thumbprint, even that of the state whose constitution is in question. This is what it means to say universality is lodged in liberal constitutions. I would be interested to know of liberal constitutions where universality is not at least implicit.

The fourth reason to study higher court citizenship doesn’t concern citizenship’s domain, but rather its modality as an ideal, a possibility. Reason four is not moral, but is conceptual. It concerns acting as a citizen. Given that justice is an aim of active citizenship, I cannot be an effective thumbprint citizen without keeping in mind a non-instituted ideal of justice (Bendik-Keymer, 2006). This is because acting from justice requires the possibility of criticizing the status quo, including existing positive law. Yet insofar as thumbprint citizenship’s responsibilities take their cue from existing positive law, it is not – strictly speaking – possible to ensure the justness of those laws in any searching way beyond examining their coherence, consistency or tradition. How can we be sure the assumptions of the law are just to humans? Where does the possibility of a radical critique – e.g., of gender rights – come in? Higher court citizenship serves as an ideal of justice for humans as such, though, and so
serves a critical function in establishing justice. Thus if we want to understand how to act as citizens and uphold justice, we should study higher court citizenship, even if what we want to understand is how to be a thumbprint citizen.

Again, this point is especially true of liberal constitutions so long as they have far reaching, universal ideals at their base (Benhabib, 2005). We will not be able to understand thumbprint citizenship in liberal states if we do not examine the place of human dignity and common humanity in critical thought. For constitutions set up to protect the natural or human rights of human beings, we need to understand what justice is for human beings, and higher court citizenship makes this its priority and focus.

In sum, we should study higher court citizenship because it is necessary to understand how being a person and being social are part of citizenship. Further, we should study higher court citizenship to understand how being a citizen of a liberal state and acting as a citizen are crucial even for thumbprint citizenship. Why do we give thumbprint citizenship de facto dominance when it comes to understanding citizenship?

One answer is that thumbprint citizenship appears necessary for full inclusion in a state's political process. If we want to be fully participating state citizens, must we be thumbprint citizens, though? All other dimensions of citizenship can be covered by higher court citizenship—for instance, protection of basic liberties, provision of welfare, and the various responsibilities we have to look after these in each other. However, even if higher court citizenship gives each of us a right to participate in some state's political process, can it give each of us the right to fully participate in any state where we live? Are there good moral reasons why political participation should not be open to temporary residents? If not, thumbprint citizenship will be unnecessary.

4. Is thumbprint citizenship necessary?

Could what thumbprint citizenship handles be articulated by a different kind of citizenship, for instance, by higher court citizenship? Could universal citizenship make sense without fully participating state citizenship? Should full political par-
Implication be open even to temporary residents of a state? These are different but related questions.

My answers are normative, not descriptive, as has been the philosophical method of this paper. I am concerned mainly not with descriptions of fact but with statements of principle, with how things ought to be. It is no revelation that citizenship law is confused in fact. What concerns me is finding what makes sense ideally, thereby orienting our projects. Thus, it will not count as an objection to my paper to claim that my argument is ideal or that no state seems prepared to conceive of citizenship in the way I will argue we can. That remark will rather underline the severity of the work facing us.

My answer to the above questions is unified. What thumbprint citizenship provides can be articulated by higher court citizenship. Realizing this helps us see that universal citizenship makes sense without citizenship restricted to the unit of states. In fact, even temporary residents of a state should be included proportionally in the political process of the state. Thus, thumbprint citizenship is not necessary for a political order. Let me explain.

Thumbprint citizenship is not necessary for a political order, because full participation in a state's processes can be articulated by higher court citizenship. Human rights give each of us a right to be included in the governance that affects our lives. That is the central idea of Article 21. We have a right to be self-determining. The problem of course is why we should have that right in a state in which we happen to be living for only some time, e.g., because of work, study, being a refugee or searching for work as a homeless immigrant. Otherwise, we should have the right of self-determination only in a state that has given us membership. Then thumbprint citizenship is at least necessary in some weakened form circumscribed by human rights. But considering that the decisions of a state dramatically and deeply affect our lives when we live there for a time, it is inconsistent with the spirit of human rights to deny we have any right to be heard in the governance of that state. This is the moral assumption that is doing the work in my argument at this point. It seems reasonable to hold that we do have a right to take part in the governance of areas wherein we will not be long-term residents, at least concerning matters that vitally affect us. The right, you might say, is proportional to how long we have stayed and
will stay and to specific matters that affect our temporary stay directly. This *proportional* and *matter-specific* tailoring of the right of participation is most consistent with the right to be self-determining.

If it is possible to conceive of a form of proportional and matter-specific citizenship based on the demand of a higher court and by which temporary residents have a say in how the state affects their lives directly, being a citizen of a state is not necessary for being included in the governance of the state. Once we admit this conclusion, vague as it may be at present, we can admit that state citizenship can give way to universal citizenship, which has been shown to be more important anyway. Once human beings everywhere are citizens of the world and have a proportional and matter-specific right to take part in the governance of where they reside, thumbprint citizenship should either become obsolete or so drastically transformed as to be simply a marker for the jurisdiction in which citizens of the world reside. To this unit of world governance, then, citizens of the world should appeal, proportionally and in matter-specific ways, although they are living there only for a time.¹²

¹² Thanks to Professors Pernille Arefeld (American University of Sharjah), Richard Gassan (American University of Sharjah), and Stephen Rich (Rutgers University) for helpful criticism; American University of Sharjah for its travel grant; and Alessandra Arru for the train ride along the Douro.
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