Citizenship

A Reality Far From Ideal

Edited by Andrew Kakabadse,
Nada Kakabadse and Kalu N. Kalu

Endorsements

'This distinguished collection of papers gives us food for realistic thought about the endless tension between citizen and state.'
Yury Blagov – *Director, Center for Corporate Social Responsibility, Graduate School of Management, St. Petersburg State University, Russia*

'A critical guide on how to position citizenship today. A definite buy.'
Baroness Maggie Jones – *House of Lords, UK*

'An outstanding and critical summation of citizenship, a definite for all in public policy and administration.'
Farhad Analoui – *Professor of International Development and Human Resource Management, Bradford University, UK*

'This collection lays a solid foundation for an overdue debate.'
Melsa Ararat – *Director, Corporate Governance Forum of Turkey; Professor, Sabancı University, Turkey*

' "Citizenship: A Reality Far From Ideal" delivers a thought-provoking image of contemporary society. It provides insights and arguments for how the tension between the state and the citizen is an ongoing and necessary prerequisite for preserving democratic freedom. I highly recommend this book not only for students but for fellow citizens concerned about the continued state of democracy.'
Mette Morsing – *Professor, Copenhagen Business School, Denmark*

' "Citizenship: A Reality Far From Ideal" is a fascinating book on a topical issue of foremost importance: the current state of citizenship in established and newer democracies. The advent of IT as a universal communication platform, and the rise and spread of the global terror threat, frame the discourse on the present and future of citizenship. The sense of urgency which permeates this collection makes it a compelling read.'
Yochanan Altman – *London Metropolitan University and the University of Paris (Panthéon-Assas), Founding Editor, Journal of Management, Spirituality & Religion; European Editor, Strategy & People*

'As to be expected, Andrew and Nada Kakabadse bring to their prodigious research and publications a verve rare in the intricate vagaries of complex social science research—they are always a must read, always a must citation.'
Alexander Kouzmin – *Professor, Southern Cross University, Australia*

'I am welcoming this book because research in the area of democracy transformations is crucial nowadays, even more than ever. We have already entered the race of bio-techno-nano innovations but at the same time are overwhelmed with approaching transformation of economic and financial norms. Therefore, Democracy as both the idea and actual practice will likely undergo a difficult period of experimentation in many national and state educational institutions in order to keep its fundamental values.'
Andrei Volkov – *Dean, Moscow School of Management, SKOLKOVO, Russia*

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Acknowledgements

Introduction

Andrew Kakabadse and Nada Kakabadse

The centuries old subtlety of interaction between citizen and state has matured into a profoundly interdependent relationship (Box, 1998).

Yet despite the need both have of each other, this relationship is imbued with tension. Dating back to biblical times, Samuel was reluctant to accept the honour of *melukha* (monarch) despite the fact that the people desired the institution of king. Samuel gave warning of too readily accepting monarchical government (1 Samuel 11:14–12:22):

> This is what the king who will reign over you will do: He will draft your sons to make an army, and force others to farm to feed it, and still others to make weapons for it . . . He will take your daughters to be perfumers and cooks and bakers. He will take the best of your fields and vineyards and olive groves and give them to his attendants . . . . He will tax your grain and give it to his officials. Your servants will be conscripted to be his servants, and take the best of your labour for his own use. He will take a tenth of your means of production, and you will become his slaves. When that day comes, you will cry out for relief from the king you have chosen . . .

In fact, Samuel described a form of 'social contract' between the ruler (government) and the people. The purpose of the contract was to maintain social order, but that required the citizen to give up certain of their rights to the monarch (government) in order to maintain social stability. Samuel's point was that the people have to recognise that they cannot function as individuals, for in order to ensure the defence and stability of the nation, the will of government, through the rule of law, be it fair or unfair, must predominate. So, as citizen, know what you choose!

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The fundamental assumption that citizen will is of secondary concern to ensuring the continued existence of the state is as strong today as it was 2500 years ago. Modern social contract theory, with its roots in the institution of monarchy, has been recast through the writings of Locke, Rousseau, and especially Hobbes (Chajes, 2005). Under social contract theory, citizenship denotes a distinct status and the holding of responsibility and duty towards the state. The fundamental difference from that of the ancient past is that democratically determined social contract requires that *power is ultimately vested in the people*. On this basis, government is the outcome of the free choice of the citizen, as illustrated in the most famous expression captured in the American Declaration of Independence: 'to secure these rights (life, liberty and the pursuit of happiness), Governments are instituted among Men, *deriving their just powers from the consent of the governed*'.

Today's implicit understanding of democracy dates back to the ancient Greek interpretation of 'people's rule'. Here supreme power is held by the people and exercised directly or through elected representatives. From such basis, democracy comes in many forms – liberal democracy, popular democracy, representative or indirect democracy, direct or participatory democracy, social democracy, IT-mediated democracy – all of which imply majority rule, the protection of minorities, equality of opportunity, equality under the law, and civil rights and liberties (Kakabadse et al., 2003).

Yet, despite grand desire, flamboyant statement and the enormous advance of understanding of the experience of citizenship, that tension between citizen and state persists. For example, the steady incursion of the 'surveillance society' into the lives of every citizen risks undermining fundamental freedoms, particularly the right to privacy (House of Lords, 2009). According to the UK's House of Lords (2009) enquiry, *Surveillance: Citizens and the State*, Britain has constructed one of the most extensive and technologically advanced surveillance systems in the world in the name of combating terrorism, crime and also improving administrative efficiency. The British use of CCTV, with an estimated 4 million cameras, and the building of a national DNA database, with more than 7 per cent of the population already logged (compared with 0.5 per cent in the USA), has seriously diminished citizen privacy and freedom. Particularly pertinent is that the House of Lords (2009) found that the national DNA database could be used for 'malignant purposes'.

Also challenged is whether CCTV cuts crime and whether local authorities should be allowed to use surveillance powers at all (House of

Lords, 2009). British peers found that privacy is an 'essential prerequisite to the exercise of individual freedom' and that the growing use of surveillance and data collection requires continued and diligent supervision by the Executive and the Legislative (Travis, 2009: 1). Lord Goodhad, the former Tory chief whip and House of Lords committee enquiry chairman, on surveillance and the citizen, accepted that there could be no justification for the gradual and incessant creep towards citizen intrusion: 'the huge rise in surveillance and data collection by the state and other organizations risks undermining the long-standing traditions of privacy and individual freedom which are vital for democracy' (quoted in Travis, 2009: 1). Lord Goodlad (quoted in Travis, 2009: 1), stated that 'if the public are to trust that information about them is not being improperly used there should be much more openness about what data is collected, by whom and how it is used'.

Although in the UK, the powers to spy covertly on citizens are set out in the Regulation of Investigatory Powers Act 2000, more commonly known as RIPA, ministers have quietly added hundreds of councils and other agencies to the list of bodies that are allowed to draw on such powers (Rayner and Alleyne, 2008). At the passing of the Act in 2000, only nine organisations, including the police and security services, could invoke the Act on their behalf. By the beginning of 2008, 792 organisations of which there were 474 local councils drew on its powers (Rayner and Alleyne, 2008).

Regretfully, democracy is not played on a level playing field. Inequalities of resources and power between the haves and the have nots exist. We live in a world of the resource-rich, the powerless and the disempowered (Kakabadse et al., 2007). Today, as was the case thousands of years ago, the resource-rich determine the nature and shape of the nation's agendas.

Our understanding of citizenship located within a Western philosophical framework of political rights and democratic governance is being challenged. As a result of economic and technological change, particularly in the latter half of the twentieth century, the citizenship debate has extended to include a range of citizen identities (Table I.1). The most prominent of identities range from a view of citizenship actualised through action (i.e. political action and civic engagement) to a concept based on identity (or identities) dominated by the nation state. In between these polar extremes is a richness which accounts for different contexts and historical circumstances. Varying notions of citizenship have surfaced which profoundly influence the right to political and

Table I.1 Citizenship concepts

Citizenship concepts	Origin	Characteristics
Political citizenship	Originated in ancient Greece (4 BCE) based on the notion of political freedom, and re-emerged from struggles in the 19th-century Europe	Based on Aristotle's underlying principle of democracy, the freedom (i.e. only in a democracy the citizens can have a share in freedom) where freedom has two main aspects: being ruled and ruling in turn (since everyone is equal according to number, not merit); and to be able to live as one pleases. Modern emphasis is on the right to participate in the exercise of political power. Women, minorities and the poor have waged battle to gain universal suffrage
Civil citizenship	Citizenship and the institution of monarchy took the form of a social contract (Samuel, 1030 BCE) and was later shaped by the writings of Locke (1689), Rousseau (1762), Hobbes (1651)[a] Based on the notion of obligation (duties and rights)	'Sovereign will' is the contrast which all members of a society are bound to respect.[b] Rights to free speech and assembly, property rights and equality before the law emerged as the result of conflict. Many excluded groups have and continue to fight to extend these rights
Social citizenship	Emerged in response to growing inequities of the 20th century	Focuses on minimum rights and standards of economic, cultural and social well-being. Disadvantaged groups and libertarian groups have been and are working towards legitimacy for this view of rights[c]
Economic citizen	Corporate citizen	Concept refers not only to the corporation's role in society and its impact on its stakeholders, customers, shareholders, employees and communities but also to the requirement to integrate the poor into economically active members in order to realise full economic membership[d]

World citizen	Two concepts: • Cosmopolitanism emerged from ancient Greece (i.e. Stoics) • 'Global Citizenship' emerged from ancient Rome and re-conceptualised in the 20th century according to rationalist, liberal economic determinants	World citizenship represents a mindset that entails detaching from one's culture sufficiently enough to view the world as a single community. The concept of citizenship applies not only to the local community but also to the global well-being of world community[e]
Virtual citizen	Concept variously defined such as Netizen[f] (1992) or cybercitizen, emerged in the 21st century with advances in information and communication technology	The concept describes Internet users who possess a sense of civic responsibility for their virtual community, names others who are connected in cyber space in much the same way citizens feel responsible for their physical community.

Notes: [a] Chajes (2005).
[b] Jean Jacques Rousseau (1762).
[c] Veneklasen and Miller (2002).
[d] Ashoka, founded by Bill Drayton (dubbed as godfather of social entrepreneurship) in 1981, has launched the 'Full Economic Citizenship (FEC)' initiative to support the development of new solutions for the two-thirds of the world living in poverty (Drayton, 2006).
[e] Parekh, B. (2003).
[f] Hauben, M. and Hauben, R. (2004).
Source: Compiled by the authors.

policy participation, and community development. In this book, it is our intent to capture, discuss and surface the nature and effects of these varying interrelated notions of citizenship.

Economic and social development, as much through globalisation, may have enriched the citizen experience, but overall has done little for the nation state. The nation state today is under siege. The United Nations 1960's declaration of the benefits to be realised through global development has not materialised. For nearly five decades, the life of the poor has hardly changed, and in many cases has even become worse. Poverty enslaves the majority of people particularly in the developing economies, whilst resources are increasingly concentrated in the hands of the few. The forces of globalisation are taking control of

economic development beyond the reach of the nation state (CFC, 1999). Transnational corporations and global capital increasingly dominate the economic agenda. The financial crisis of 2009 clearly displays the extent to which international financial institutions have played and continue to play a major role in shaping decisions about trade, economy and development, even when these institutions are reeling from the massive losses they have incurred.

Despite the emergence of the varying identities of citizenship, the inability of the citizen to counter the economic ambitions of the resource-rich few has resulted in the citizen becoming less politically competent. The distraction effect of the consumer economy has been profound. Citizen participation in the political life of the state is curtailed. Constructive engagement with government is on the decline. The unhealthy interaction between the state and global capital at the expense of the citizen is eroding the fabric of democratic society. Reducing the role of the citizen to choosing pre-ordained candidates at the time of general election on criteria that are little more than smartly projected photogenic images does make Samuel's warning of the citizen giving up too much to the state, particularly pertinent.

The imbalance between citizen and state is the reason that this unique collection of original chapters is brought to your attention. The authors invited to contribute were given a broad brief, 'feel free to express your views of citizenship and in so doing identify the critical issues and challenges we should all be considering?'

Kalu Kalu (Chapter 1) initiates the debate with his penetrating transnational analysis. He highlights the corrosive influence of the wealth elites. In so doing, he questions whether the nation state is a sufficiently robust vehicle for truly exercising citizen rights and responsibilities, and introduces the notion of global citizenship.

Global citizenship, transcending national borders and the right of free movement, is then taken up by Nada and Andrew Kakabadse, (Chapter 2). In their enquiry into global citizenship, the two authors differentiate between Anglo-American, liberal economics and that of cosmopolitism. The argument put forward is that today's inequalities will continue if we persist with economic liberalism as the determining identity to globality. If citizen voice and participation is to make a stand, then cosmopolitism has to come to the fore. The authors consider that such a swing of perspective is only feasible if the nations of Europe choose to fully integrate and become one European state, in full control of home and foreign policy, and military capability. The reason Europe is considered an appropriate site for cosmopolitism is that such

philosophy already permeates the fabric of the existing European countries. Whether Europe can rise to the challenge in order to effectively leverage cosmopolitism as the predominant form of global citizenship remains to be seen.

Arthur Sementelli (Chapter 3) captures a theme underlying the previous two chapters, that of the ever-growing alienation of the citizen. Sementelli warns that the link between civic engagement and public administration is a false relationship. In Sementelli's terms, 'the individual remains susceptible to domination, manipulation and alienation . . .'. In order to overcome such undesired characteristics, the development of citizen understanding of the 'true' nature of the state is the first step to take.

The nature and role of the citizen within the state is developed further by John Dixon and Mark Hyde (Chapter 4). Their analysis of the balance between 'rightful citizen self governance' and levels of collective control that are considered appropriate 'in the interests of citizens as members of a polity' leads to a fascinating discourse of the nature of societal governance. Dixon and Hyde's capture of various models of governance, and how each should be practised, adds considerably to the citizen/state examination through their identifying the practical rights and safeguards that the citizen should require of the state.

William Richardson (Chapter 5) continues the discussion of citizen and state but particularly from the perspective of the citizen. On behalf of the citizen, Richardson asks, 'Who says I should obey you?' (you being the state) and 'why should you be trusted?' Yes, the rule of law is primary to the interrelationship between state and citizen. However, sustained positive interaction is only possible when both sides agree on the nature of legitimacy, not just as a principle but also as an experience. Richardson's concern is that when the citizen feels legitimacy is undermined, the ensuing resentment towards the state undermines its capacity to offer service and security to its citizens.

The Richardson warning of the undesired effects of imbalanced legitimacy is explored through a qualitative, exploratory study conducted in the UK by Nada and Andrew Kakabadse and Kalu Kalu (Chapter 6). The study explores the individual's experience of citizenship. The study findings highlight that state promotion of particular agendas with a rhetoric that falls distinctly short on delivery is linked to diminished sense of citizen responsibility. Particularly concerning is citizen despise of government through its manipulation of the powerful emotion of patriotism. The study recommends that much greater attention needs to be given to facilitating positive engagement between citizen and

state. Sadly, due to the power of vested interests, such political action is concluded as unforthcoming.

The theme of the unequal relationship between citizen and state continues. Nada and Andrew Kakabadse's (Chapter 7) analysis of the state's subversive use of information communicated technology (ICT) has led to a relatively new and unwelcome intrusion into the daily life of the citizen. Radio frequency identifiers (RFID's) or electronic tags are being increasingly and, in certain circumstances, covertly adopted by the UK and US governments. The growing adoption of direct control over citizen mobility urgently requires that a new social contract between citizen and state be drafted, specifically guaranteeing particular citizen rights.

From examination of the citizen within the broader state, Vera Vogelsang-Coombe, Lawrence Keller and Sylvester Murray (Chapter 8) turn their attention to the running of local councils. Their scrutiny focuses on the role of council manager. The question posed is whether the professional manager rather than the elected official is the appropriate configuration for government at local level. Interestingly, the authors conclude that meaningful citizen participation is enhanced through 'professionalising' the management of the city. Professionals, as institutional leaders, are considered to act more on constitutional values, and encourage and apply facilitative government practice, than 'less capable' elected representatives.

So far, the contributors to this collection have focused on government, the state and the citizen. Yvon Pesqueux in Chapter 9 draws attention to a latter, twentieth-century phenomenon, that of corporate citizenship. Very much in the French tradition of philosophical discourse, Pesqueux concludes that corporate citizenship is as relevant a notion as that of the citizen of the nation state. However, he does question today's practice of corporate citizenship. His conclusion is that being a citizen of the firm unfortunately only benefits the agenda of corporate capitalism.

Therefore, from whichever perspective and from whatever background, the conclusion to draw from this collection is that the tense nature of the citizen/state interrelationship currently favours the state.

However, the tension between citizen and state does have one positive feature and that is, sooner or later, that the very same tension acts as a safeguard when one side exercises undue influence and, or, control over the other. The disenfranchised side makes its displeasure known and that act is the first step to renegotiating the terms of this 'never ending marriage'.

Rather than eradicate the tension between citizen and state, the contributors to this original collection of paper emphasise that it should

be encouraged. Its continued existence is the best safeguard we have to preserve democratic freedom.

The twin themes of tension between citizen and state and that realising the betterment of the citizen is a never ending process are captured in the title of this book, *Citizenship: A Reality Far From Ideal*.

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1

Postmodern Citizenship: Logic and Praxis in State and Identity

Kalu N. Kalu

Introduction

The contemporary world may be witnessing a silent revolution in how we perceive and articulate the ideal of citizenship. While there have been important structural or systemic limitations on the role of citizens in the governance of contemporary states, social class also serves as a limiting factor that restricts the extent to which one can broadly interpret issues of citizenship, entitlement, and obligation. The priming effect of social status introduces arbitrariness and subjectivism into any analysis of citizenship rights as well as the state's role in providing the needed public goods that address the common welfare of all. The diversification and fragmentation of public tastes, lifestyles, cultural history, philosophical dispositions, and idiosyncrasies stand at odds with any assumed political consensus on the rights and privileges of citizenship.

The ideological perception that citizenship may be present in a state without yet being fully developed among its inhabitants is the foundation of the modern sociological theory of citizenship as well as its relationship to social policy. The combined onslaught of cross-cultural and transnational immigration along with the communicative and integrative role of information technology projects a new portrait of how we will come to experience, in very different ways, the rights and obligations of citizenship both as a collective ideal and as a normative imperative.

This chapter begins by drawing from the classical conception of citizenship in the Aristotelian tradition, then moves on to what we would term the postmodern debate grounded in critical social theory. Other sections will discuss the changing characteristics of citizenship and how

dramatic changes in the role and condition of the state would, in itself, reinforce changes in attitudes about who is a citizen and what it means to be one. Globalization and information technology will also continue to serve as mediating factors between the orthodox notion of citizenship and the postmodern conception that is still evolving. How we govern as well as relate to each other in our new circumstance will present enormous challenges for governance in the contemporary administrative state.

Epistemological foundations of citizenship theory

Traditionally, the idea of citizenship connotes two main characteristics: that of legal status (Rubenstein 2000), and a normative conception of social membership, substantive equality, and inclusion (Marshall 1950; Rubenstein 2000). Of particular note is the notion that citizenship rights serve to equalize individuals with regard to status, thereby enabling them to participate in the community, and to establish a sense of common purpose of and loyalty to the community (Marshall 1965). While the above two conceptions address both the legal and normative issues of citizenship that have remained central to the contemporary interpretation and understanding, they still fall short in terms of determining the fundamental principles under which such legal status, individual equality, and community participation are acquired. In other words, what is it that should be in place as an a priori condition before the aforementioned norms of citizenship can be actualized?

It is in the attempt to answer this question that we are always forced to refer back to the Aristotelian orthodoxy. While Aristotle's account lie in an instrumental conception of citizenship (Aristotle 1962), he qualifies it as an entitlement (not as an absolute right) that can only be earned in lieu of the polis (community or state). In the Aristotelian republic, an individual's citizenship status is relative to some concrete or 'thick' measurement—that is the extent to which an individual's participation in the community or state enhances the good life for all members (Kalu 2003, 420). In Book III of *The Politics*, Aristotle defines a citizen as one who participates in judgment (obligation) and officially determined authority—holding legal, political, or administrative office—a definition he considers more applicable to democracy than to all other forms of government (Aristotle 1962; Kalu 2003). But he raises a central issue: When we say that a citizen is a member of a city, we are also asking the question as to what constitutes membership of a city?

By making the polis (city, community, or state) as the central element in any validation of citizenship, Aristotle argues that 'good' states make for good citizens, while implying that 'bad' states make for bad citizens (those who do not participate). But in 'providing rights, society and the state do not simply give them to citizens gratis; citizens must, on the other hand, subject themselves to the procedures and institutions necessary to ensure that the state can continue to provide rights' (Gorham 1995, 29). Participatory citizenship therefore requires an effective and enabling state.

Beyond frameworks and heuristics

As a means for laying claim to specific kinds of public goods, citizenship can be used both as a device and as an argument. While it can serve as a device for achieving instrumental as well as a moral end, it can also be used as an argument for justifying several unique sets of entitlements as well as attachment to a particular political community. But then these do not touch at the core of what the ideal of citizenship should embody. In terms of the relationship between the state and the individual, I see citizenship as epiphenomenal—a secondary characteristic that results from but at the same time overlaps with the state. Hence, when we say the word 'citizen,' we are also by implication asking of what 'state' is he of? Drawing from the Aristotelian postulate, one can also ask a similar but philosophically different question: Who owns the state and to what extent should it be obligated to the welfare of its citizens and vice versa?

Because both serve as necessary ingredients for the construction of nationhood, state and citizenship must be seen as mutually reinforcing; the first is concerned with constructing effective institutions and procedures critical for a functional administrative system, while the latter focuses on creating a sense of ownership and commitment anchored on national interest. 'By its actions (rules, regulations, and institutions), the state thus creates awareness within the citizenry of the reciprocal nature of duty, obligation, and responsibility' (Kalu 2008, 13). I argue that what should be more reflective of the ideal of citizenship would need to depend on the qualities and attitudes that individuals share in common both in their disposition toward the state and in their relationships to one another. These qualities should, in fact, be seen as an integral part of the inchoate political culture. It should include

> their sense of identity and how they view potentially competing
> forms of national, regional, ethnic, or religious identities; their ability

to tolerate and work together with other; a common desire to participate in the political process in order to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands and in personal choices which affect their health, environment.

<div align="right">(Kymlicka and Norman 1994, 353)</div>

'The citizen has to view himself as playing an active role in determining his society's future, and as taking responsibility for the collective decisions that are made' (Miller 1992, 96). Seen in this light, citizenship can thus be construed as a habit, a behavior, and an attitude which when collectively expressed by members of the *polis* (political community) helps to secure the public good. When this habit acquires enduring value and becomes embedded in the very psyche that drives individual and collective action, it is then that shared ownership in the project of the state becomes possible. Hence, what ought to hold the political community together is a kind of consensus on the nature of the good life—akin to what Norton Long (1981) refers to as the 'ethical consensus.' It behooves us, therefore, to view citizenship beyond the notion of a legal status or entitlement, but also in terms of individual expressions and activism tied to the various ethical possibilities and practical limitations granted within the political community.

The state and the structure of identity

From the above analysis, it would be reasonable to make the case that the state provides the structural anchor for the expression of citizenship and, in fact, forms the value premises upon which it is expressed. To the extent that all aspects of these value premises are universally applicable to other states, does this therefore imply that individuals are citizens only to the extent the state is able to guarantee it? For instance, some states guarantee more freedoms and civil liberties than others, some prefer authoritarian regimes to democratic ones, and others are plainly predatory when it comes to handling matters of state responsibility and citizen interest. On this account alone, states, more or less, offer different guarantees of 'citizenship' to their citizens.

While the traditional conception of citizenship is limited to its interpretation as a nominal term tied to the membership of a state, I see citizenship as a dynamic construct that should be viewed as a *process* through which specific rights and obligations are exercised. In other

words, what ought to matter should be a form of *citizenship-in-action* as opposed to *citizenship-as-norm*, set apart from the very actions and obligations that must validate it as both truth and possibility. As Frederickson (1991, 406) points out, 'the modern development of citizenship assumes that a vigorous citizenry is compatible with an effective public administration,' hence its value rests on enabling those activities that reinforce and at the same legitimize state authority and action. To the extent that citizenship can be validated in lieu of the state, its identity and characteristics would also depend on the scope of guarantees permissible by the state.

While membership of a state 'is an attachment that shapes the very identity that defines us in terms of who we are, it is also a constitutive attachment' (Charney 2003, 299–300) that for the most part binds each individual to a broader community of citizenship. Because citizenship in this regard is connected to a communally held value premise, it thus becomes, in and of itself, an ordering device that defines the scope and boundaries of what is or is not permissible in the larger community. Hence, as long as people abide by responsible and acceptable conduct in the exercise of their daily activities, they would, in turn, validate the same principles that undergird our collective notion of citizenship. As a construct, citizenship therefore requires a state to give it character. As a *practice* (in terms of engaging in those obligations that validate the qualities we use to characterize it), individuals are in a position to give content and meaning to the broad social and political values attached to citizenship as both an experience and a norm.

Citizenship as discourse

A central problem in citizenship theory is the tendency to generate parallel interpretations that are mutually self-reinforcing. Because citizenship transcends both the universality of rights and the pragmatism of individual obligation, it on the one hand implies the recognition of a universal principle, and on the other, a form of social contract between the state and the individual. But the true meaning of citizenship falls apart when one or both of these requirements are not fulfilled. Furthermore, conceiving of citizenship within the limits of a state's political framework that could also make the exercise of rights and obligations structurally difficult would seem to undermine the liberal-pluralist view of citizenship common among democratic polities. There are two main reasons for this: most contemporary analyses of what the construct means have over the years become increasingly reductionist by focusing

more and more on personal experiences and the limits of public authority. Furthermore, there has evolved a blurring of the line regarding the mutual obligation between the state and the citizen—in terms of the state ensuring access to public goods and opportunity for all, and citizen's responsibility to perform those obligations that grant legitimacy to the institutional role and authority of the state.

In many developed countries, the welfare system did not arise out of any universal principles of right; but it is a state response to social problems and a way of extending public goods and opportunity to those who may not have it at one point in time or the other. Considered in light of the free-market regime, the welfare system has become one of a few other channels through which industrialized states use to redress the fundamental redistributive issues of domestic policy and inequality. While it may suggest a sense of entitlement on the part of potential beneficiaries, the welfare system also recreates our notion of citizenship. While it serves the purpose of social citizenship, it does not *ipso facto* imply or guarantee political citizenship.

The idea of social citizenship 'implies that if governments try to cut the welfare state, they will confront resistance based upon a belief that people have rights embedded in welfare services which no one ought to tamper with' (King and Waldron 1988, 417). But when viewed in this light, the welfare system becomes an instrument through which specific social rights of citizenship can be secured. But the problem of the welfare state is that it does not address the kind of rough equality in terms of political rights desired among citizens of the state. It seeks, instead, to reshape our understanding of citizenship as a reciprocal activity between the state and the individual—a kind of new paternalism anchored on what is generally understood as welfare contractualism.

But welfare contractualism and the notion of social citizenship are different. While 'welfare contractualism makes the payment of a publicly-financed minimum income (welfare) to the individual conditional on his or her satisfying specific behavioral requirements—such as active job search, retraining or work itself—social citizenship as manifested in a range of social rights has a quality of unconditionality to it' that ought to be protected (White 2000, 509). It is only when social citizenship is reinforced by political citizenship that individuals are thus in a better position 'to challenge or defend the existing distribution of property and interest and to bring their own judgments on public issues' (King and Waldron 1988, 426–427).

In classic Aristotelian logic, the emphasis on participatory citizenship was a way of establishing the primacy of politics in civic life and as

a means of social organization that would contribute to the good life and entitlement within the polis. While most liberal democratic states are able to accord their citizens the freedom to participate (or not to participate), ironically, we find that 'democratic citizenship in its contemporary form does not seem to encourage high level of involvement or devotion' (Walzer 1989, 219) in political or civic affairs. Amid a series of other commitments and demands of modern society, individuals have come to developed conflicting obligations as well as competing priorities. Beside the evident low voter turnout in many modern societies, there is a growing detachment from the type of virtue citizenship that Aristotle had demanded.

But in our contemporary experience,

> citizenship is unlikely to be the primary identity or the consuming passion of men and women living in complex and highly differentiated societies—where politics competes for time and attention with class, ethnicity, religion, and family—and where these latter four do not draw people together but rather separate and divide them.
>
> (Walzer 1989, 218)

As globalization continues to generate radical transformations in the welfare state, individuals have 'attempted to construct meanings of citizenship beyond the national sphere in the face of multi- and inter-culturalism and cross-cutting legal dimensions' (Eley and Palmowski 2004). And this raises a crucial question: Can postmodern thinking be able to reconcile 'the tensions inherent in the interdependence of cultural constructions of identity, social relationships, and the market' (Eley and Palmowski 2004); and how would it transcend the classical and 'modern' views of citizenship and political participation?

Postmodernism: Skepticism or intellectual sophistry?

The underlying explanation that informs postmodernist thinking seems to derive from both a rejection of positivism and a critique of the scientific method used in the search for truth about the human subject and the social world in which he or she dwells. It remains suspicious of the 'central positivist tenet that it is possible to reflect the world without presuppositions and without intruding philosophical and theoretical assumptions into one's work' (Agger 1991, 106). 'Positivism suggests that one can perceive the world without making assumptions about the nature of the phenomena under investigation; hence people everywhere

are taught to accept the world "as it is," thus unthinkingly perpetuating it' (Agger 1991, 109). But postmodernists argue that to accept knowledge as it is would lead to, an uncritical identification of reality and rationality about the world, thus deflating attempts to change it (Agger 1991, 109).

While modernity implies the progressive economic and administrative rationalization and differentiation of the social world (Sarup 1993), it is a term that emerged in the context of industrialization and modernization of the capitalist state. To the extent that postmodernity could be construed as 'after modernity,' it refers to the incipient or actual dissolution of those social forms associated with modernity (Sarup 1993). Postmodernity focuses on the tensions of difference and similarity erupting from processes of globalization—the accelerating circulation of people, the increasingly dense and frequent cross-cultural interactions, and the unavoidable intersections of local and global knowledge (Bishop 1996). Because they question the foundation of past knowledge (truth, structure, and order), postmodernists are skeptical of authoritative definitions and singular narratives of any trajectory of events (Bishop 1996, 993), hence language can only offer meaning through its usage in a particular social context.

The essence of the postmodern problematic is equally manifested when applied as model for the construction of newer versions of citizenship. By 'rejecting empiricism in the search for objective or intersubjectively verifiable truth' (Williams 2000, 273), postmodern theorizing falls into a kind of tautological reductionism in which we come to an understanding of citizenship only by experiencing the very actions or processes that give it life and meaning. As a developmental construct based upon observation of (or rather a reflection on) the past, postmodernism seeks the truth not by affirming the future, but in rejecting the past. To the extent that the future is yet to be experienced and the past has already been, how are we therefore able to affirm truth (or reality) in the face of unconfirmed evidence?

Critical social science and the postmodern problematic

Drawing from an array of theoretical foundations, 'critical social theory targets positivism both on the level of everyday life and in social theories that reduce the social world to patterns of cause and effect' (Agger 1991, 109). In this regard, 'a good deal of social science logic has been challenged for lacking the sort of dialectical imagination that enables social

scientists to look beyond the appearance of given social facts toward new social facts' (Agger 1991, 109). As critical theorists (Adorno 1984; Habermas 1979; Horkheimer 1972; Marcuse 1978) sought a reconstruction of the logic and method of orthodox Marxism to fit it more properly to emerging social facts of contemporary society, they also reinforce a level of skepticism that questions the relevance of citizenship as a social status. While Marx held the view that what really matters to people is the world of work and immediate personal relationships as opposed to social status, critical theorists maintain that the truth of the human condition lies in the act of relative discovery—each man for himself in his own world of experience.

Drawn from this premise, postmodernism has been 'marked by the renunciation of foundational thought, of rules governing art, and of the ideological discourses relative to liberalism and Marxism' (Aronowitz 1989, 46). While liberalism and Marxism emphasize the structural role of social class and the mechanisms of production as foundational elements in state formation and social organization, postmodernists argue that 'what has so far been taken as privileged discourse is merely a construction that conceals power and self-interest' (Aronowitz 1989, 55–56). As we witness, 'disparate elements of contemporary social change give way to a range of labels, including postindustrialism, postmaterialism, post-Fordism, disorganized capitalism, and information society' (Gilbert 1992, 52); postmodernism has become the collective identification that captures the essence of these new developments.

Hence, rather than searching for laws that guide action, 'the postmodern theorist is committed to framing propositions that together constitute a working model tailored to an empirically verifiable situation' (Aronowitz 1989, 56)—that is tied to the reality of individual experience, sense-making, and interpretation. To the extent that

> life in the West is increasingly characterized by a pervasive informationalism, fragmented organizational forms, and by views of knowledge which dissolve history's grand narratives; the importance of postmodernism in the construction of citizenship lies not in the objective forms of media, technology, or information, but in how they are appropriated into new modes of experience and expression—how they shape identity.
>
> (Gilbert 1992, 54; Lyotard 1984)

Citizenship is one among many identities an individual will feel. While it is distinguished by being necessary for moral maturity, and by

its potential to moderate the divisiveness of other identity feelings—gender, religion, race, class, and nation—it helps to reinforce specific attitudes and behaviors expected of citizens (Gilbert 1992, 52). However, whatever universality or commonness the concept may have is being rapidly weakened by a series of tensions—incompatible pairs of definitions, individual freedom versus social duties and obligations, the conflict between the private and the public citizen, the difficulties of incorporating a complex society into a coherent relationship with a unitary polity, and the conflicting demand of state and world citizenship (Heater 1990, 284). Nonetheless, the postmodern experience constitutes a diversification of social worlds each with its own codes of behavior, its scenes and economies, and pleasures; and for those who have access to them they do provide space in which to assert some choice and control over everyday life (Gilbert 1992, 55).

While most explorations of citizenship in the contemporary era are less optimistic in the face of the difficulties of reversing the fragmenting and nihilistic tendencies of the postmodern society (Gilbert 1992), the more enduring threat to citizenship lies in the dominance of an intrusive kind of consumerist market liberalism, and in the loss of individual moral authority in the face of the media's ever-changing (and illusory) rendition of the world (Wexler 1990). As we continue to redefine the world around us, we also (perhaps unknowingly) construct abstract little spaces of 'imaginary publics' barely large enough to accommodate the kind of democratic discourse necessary to facilitate participatory citizenship in the Aristotelian tradition. We end up creating what Wexler (1990) refers to as the 'semiotic society,' or what Sementelli (Chapter 3, in this volume) calls the 'phantom public'—in which 'the very idea of citizenship is easily co-opted into the superficial and diffused network of relations of contact, rather than the identity that might result from the solidarity of contract' (Gilbert 1992, 60; Wexler 1990).

Critical theorists attach a special importance to emancipatory reflection, for through its reflexivity man liberates himself from illusions (Habermas 1972; Palmer 1977, 368). The postmodern culture of 'anything goes,' and the inclination to seek the truth by negating the very historical foundation upon which we form our own abstract notion of what the truth may be, reflects a quest for knowledge that is neither technical nor pragmatic but emancipatory. But to construe the ideal of citizenship in the lonely isolation of individual thought and rationality is to misunderstand its practical and constitutive qualities. It is the equivalence of holding out the promise that 'cultural movements

originate in the free will of subjects who act as independent histori-cal and moral agents' (Schulte-Sasse 1986, 7). By constructing words, symbols, and signs phrased in semantic esotericisms, rational will for-mation becomes increasingly difficult when language loses its ability to communicate discrete real-world experiences (Fox 1996). 'Worse, sym-bols interacting in hyperspace without benefit of mooring in work-a-day reality can only come back around to distort any reform of that reality' (Fox 1996, 257).

The ideal of citizenship thus must be made to transcend the post-modern problematic, but in such a way that it becomes self-referential in both action and experience. We must pay attention to the individual actively in dialogue, rather than the individual as the end of a conduit of 'influence' (Haste 2004). Hence, 'self and group identity, negotiated through narrative and dialogue as well as through trying to make sense of social structures and representations, are crucial to understanding the construction of the citizen' (Haste 2004, 420).

As a social phenomenon, citizenship represents a framework around which specific political and social relations are organized—but in such a way that, on the one hand, it is validated as a collective norm, and, on the other, as a legitimating activity. But when exposed to different inter-pretations, worldviews, or sensemaking as in the postmodern context, it loses its essential quality as a binding force that undergirds evolving reciprocal relationships between state and citizen. To the extent that cit-izenship provides a forum where people transcend their differences and think about the common good of all citizens (Cairns 1993; Kymlicka 1995, 175), it cannot perform its vital integrative function if it is group-differentiated—it ceases to be a device to cultivate a sense of community and a common sense of purpose (Heater 1990, 295). Hence, as the rise of group-based claims further erode the sense of shared civic purpose and solidarity within liberal democracies (Kymlicka 1995), the prospects of recovering traditional forms of identity and virtuous citizenship in our postmodern condition would become more elusive.

Conclusion

The paradoxical nature of citizenship lies in the fact that it has been a key nexus for creating both equality (in terms of rights) and inequality (in terms of differences in socioeconomic status). The central thesis of this chapter, therefore, is to analyze the various conceptions of citizen-ship in light of historical continuities and change in the postmodern

environment, and how these manifest themselves in new forms of identity and social organization. As our concept of citizenship becomes diffused in more ways than one, as demographic and cultural realignments change the face of major communities and urban centers, and as our responsibilities and unity of purpose change and grow over time, 'this very increase brings with it a danger that our personal sense of duty and obligation may diminish' (Matheson 1897, 32).

Inspired, on the one hand, by the increasing level of globalization and, on the other, by transnational immigration and a world without borders, many scholars have also started to mute the idea of global citizenship. This explanation comes in many coinages such as post-sovereign citizenship, post-nationalism, cultural citizenship (Gifford 2004; Halliday 2000; Murphy and Harty 2003; Schneider 2000; Stevenson 1997)—all of which further 'complicate the notion of citizenship as membership in the community in which one is born or lives' (Glenn 2000, 10).

> As the world grows more interconnected in a huge number of ways, as political jurisdictions become more encompassing and political institutions more vertically structured (i.e., European Union, World Trade Organization, etc), and as many types of economic inequality mount, democracy increasingly becomes far more a legitimating slogan than a lived reality for most citizens.
>
> (Smith 2005, 681)

Another issue about globalization is whether the nation is any longer the relevant entity for grounding rights and responsibilities—and whether such a development would represent a shift from a nation-based (citizen-based) notion of rights to a more individual-based notion of universal rights (Glenn 2000, 13–14). While the idea of universal rights and a repudiation of the state seem to have opened a loophole that fired much of the value deconstructionism engaged by postmodernists, predictions surrounding the demise of the state have been premature at best. Yet, the 'nation-state remains the primary vehicle in the enforcement of any universally-defined rights, even in matters dealing with international conventions' (Glenn 2000, 14). While the postmodern deontological argument may sound plausible, its attempt to challenge the sovereign and regulatory authority of the state also implies a repudiation (or rather deconstruction) of the structural and normative basis of citizenship without offering a more efficacious alternative. And still, this leaves us with a peculiar logic that is rarely transcendental.

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2
Global Governance Considerations for World Citizenship

Nada Kakabadse and Andrew Kakabadse

Introduction

Citizenship is a dynamic concept! The citizenship experience fluctuates between concerns for status and the reality of praxis, and in so doing, engenders certain dilemmas for the individual. There exists the dilemma between equality and uniqueness, couched as universalism and particularism, where the former requires assimilation/homogenization (i.e. national citizenship) and the other group, identity (i.e. tribalism). A further dilemma is that between the passive or private citizen (the top-down state option) and the active or public citizenship (in terms of local participatory action or institutions) involving bottom-up, grass roots, political discourse. A third dilemma views citizenship as a tense interaction between the values and demands of the public and the private arenas within civil society.

Little wonder that these dilemmas exist, as citizenship is both an exclusionary and a privileged experience, involving a reallocation of scarce resources and a discerning process of building identity on the basis of a common or imagined solidarity typically based on assumptions of ethnicity, religion and culture. As such, citizenship signifies not only a legal, political and national identity, but also an emotional and physical experience determined by who is included in and who is excluded from a particular community, especially that of the nation state. Additional to the complexity of meanings, citizenship also assumes notions of democracy, for in the developed world it is positioned to act as the platform to realize 'community well-being, personal engagement and democratic fulfilment' (Bosniak, 1998, 29).

Whether resulting from the dilemma, resource or building identity perspectives, citizenship today clusters around the notion of nation

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state.[1] Whether the present-day nation state as a foundation for sustainable and satisfactory citizenship is still viable is questionable, bearing in mind diminishing resources and the ever greater adoption of the military option using war as the mechanism for controlling the directional flow of precious oil, gas and metal ore-based commodities on which our societies currently depend. As a result, many question whether the greater pursuit of armed conflict for the purpose of resource acquisition will better the citizen experience. Many have begun to consider whether nationhood and its need for ever greater citizen loyalty is simply a smoke screen for very particular interests to engage in resource and wealth redistribution to their own favour.

On the basis that consideration of citizenship periodically requires re-examination as much due to the effect of changing circumstances, such as advances in information and communication technology (ICT), developments in military technology and the turmoil that can result from global financial transactions, this chapter explores and contrasts two divergent perspectives, those of world citizen and global citizen. In so doing, we contrast the notions of cosmopolitism and globalism, as world order philosophies, each having an impressive history emanating from Athenian participatory democracy and Roman representative democracy. We argue that representative democracy is on the ascendancy leading to ever greater conflict and an ever greater wealth divide, which ultimately will undermine the democratic foundations of our society. We conclude that for democracy to survive and for the citizen to feel once more enfranchised to participate in the affairs of his or her community, the path conscientious citizens must take is to strengthen cosmopolitism. The chapter concludes by highlighting seven key considerations favouring cosmopolitism enhancement as a prelude to world citizenship becoming the democratic platform of the future.

World citizen vs global citizen

Throughout history, ancient (Socrates, 469–399 BCE; Aristotle, 384–322 BCE; Stoics, 334–262 BCE – see Vlastos, 1991), modern (Kant 1795/1963; Krause, 1811) and contemporary (Russell, 1957; Habermas, 2003) philosophers, religious leaders (Bahá'u'lláh,[2] 1844; Charles Taze Russell,[3] 1897/2008), statesmen (Marcus Aurelius, c178/1949; Winston Churchill, 2007), jurists (Hugo Grotius, 1625), pacifists (Gandhi, 1900/2007), political activists (Thomas Paine, 1776/1986; Emery Reves, 1945), poets (Dante Alighieri, 1468; Lord Alfred Tennyson, 1842), military men (Ulysses Grant, 1886), scientists (Albert Einstein) and scholars

(Olivier Giscard d'Estaing,[4] 2006; Nussbaum, 1997; Featherstone, 2002; Held, 2003) have argued in favour of either world citizenship and cosmopolitanism or global citizenship and its progeny, that of global governance. This 2500-year-old debate has clustered around two distinctive schools of thought, cosmopolitanism (Table 2.1) and globalism (Table 2.2), which acts as the foundation block regarding the debate about world or global citizenship (Figure 2.1).

The concept of world citizenship and cosmopolitanism (Greek, *cosmos*, universe of order and harmony) traces its lineage to the ancient Greeks. It was Socrates, Aristotle, as well as the Stoics such as Diogenes and Zeno of Citium, who proclaimed themselves to be 'citizens of the world' (Montaigne, 1958; Vlastos, 1991). As an aside, the Stoics' concept of *oikoumenh*, or a world state, did not strictly follow the Socratic and Aristotelian view of cosmopolitan subtly, but adopted a much more contextual practicality. In their time, many Stoics were 'resident foreigners', *metics*, who were not formally part of the citizen body. Bearing in mind their circumstances, the Stoics argued that a person is 'born into and hence a citizen of two *republicae*: a particular city-state and the greater *cosmopolis*' (Hill, 2000, 67). In the event of conflicting loyalties, 'a citizen's duty to the *cosmopolis* would always prevail' (Hill, 2000, 69). Such thinking particularly applied, first, to the founder of the Stoic school of thought, Zeno of Citium (334–262 BC), who was *Phoenician* (euphemism for a 'Semite') from Cyprus (Fine and Cohen, 2002, 138), second, to the founder of the Cynics, Antisthenes, who was from Thracia and, third, to Diogenes who an exile from Sinope in Pontus (Fine and Cohen, 2002, 138).

Renaissance humanists, such as Hugo Grotius (1625), developed the Stoic perspective, with the belief nations should establish a common law that should prevail alike in war and in peace. In the modern era, Immanuel Kant (1795), who opposed direct democracy and saw majority rule as despotism, promoted the idea of a community of nations, or of a league of nations, that would place boundaries around conflict and promote peace between states. Kant's (1795/1963, 105) cosmopolitan agenda was born from a desire for perpetual peace. He argued that 'since the narrower or wider community of the people of the earth has developed so far that a violation of rights in one place is felt throughout the world, the idea of a law of world citizenship is no high-flown or exaggerated notion'. Kant's (1795/1963) work gave rise to three principles of cosmoplitism, namely *individualism* (individual as a primary unit of concern), *universality* (i.e. universal primacy of the individual as the central unit of concern), and *generality* (the primacy of the individual

Table 2.1 World citizen: the cosmopolitan perspective

Author	Ideas
Socrates (469–399 BCE) (Montaigne, 1958: 63)	'I am of the world.'
Diogenes (1969: 146)	'I am a citizen of the world.'
Plutarch (Baldry, 1965: 159)	'The *Politeia* of Zeno … is directed to this one main point, that our life should not be based on cities or peoples each with its own view of right and wrong, but we should regard *all men* (*pantas anthropos*) as our fellow-countrymen and fellow-citizens, and that there should be one life and one order, like that of a single flock on a common pasture feeding together under a common law.'
Abbé de Saint-Pierre (1713)	Universal peace among nations.
Kant (1795/1963: 105)	'Since the narrower or wider community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world, the idea of a law of *world citizenship* is no high-flown or exaggerated notion.'
Beck (2002: 41)	'Reinvention of politics, a founding and grounding of the new political subject: that is—*cosmopolitan parties*.'
Bahá'u'lláh (Momen and Smith, 1989)	Identified the need for the establishment of a *global commonwealth* of nations as a key principle.
Karl Krause (1811)	Suggested the formation of five regional federations: Europe, Asia, Africa, America and Australia, aggregated under a *world republic*.
Lord Alfred Tennyson (1842: line 128)	The poet laureate sang of 'the parliament of man, the *Federation of the world*'.
Thomas Paine (1777/1945: 146; 1791–2/1945: 414)	'My attachment is *to all the world*, and not to any particular part.' 'My country is the world, and my religion is to do good.'
Ulysses Grant (quoted in Schwartzberg, 2004: 3)	One day 'the *nations of the earth* will agree on some sort of Congress which will take cognizance of international questions of difficulty and whose decisions will be as binding as the decisions of the Supreme Court are upon us.'
Emery Reves (1945)	'*World government* is not an "ultimate goal" but an immediate necessity.'

Source: Compiled by the authors.

Table 2.2 Global citizen – the globalist perspective

Author	Ideas
Emperor Marcus Aurelius (1949: 68)	'*My city and country*, so far as I am Antonius is Rome; but so far as I am a man, it is the world.'
Pierre Dubois (1255–1312)	Drafted the conditions necessary for the successful establishment and enforcement of a state of peace among the Christian nations of the West through a *Council of the Church* (zeal for the crusade with desire to secure the wealth of the monastic orders for the royal treasury).
Dante Alighieri (1318/1995)	Treatise on a monarchical *global political* organization and its relationship to the Roman Catholic Church.
Maximilien de Béthune, Duke of Sully (1560–1641)	Utopian 'Grand Design'—the idea of a Europe composed of 15 roughly equal states, under the direction of a 'Very Christian Council of Europe', charged with resolving differences and disposition of a common army.
William Penn (1644–1718)	*Federation of all* English colonies in America.
Russell (1897)	Theoretical concepts of *globalization* (e.g. 'corporate giants').
Turner (1990: 213)	'… *Global citizenship* within an institution of global governance.'
George H. W. Bush (January 16, 1991)	'We have the opportunity to forge … a *New World Order*, a world where the rule of law, not the law of the jungle, governs the conduct of nations.'

Source: Compiled by the authors.

extended to all humanity). Kant's influence has extended into the modern day, gaining support from Pogge (1992) and in particular Thompson (1998, 180) who argues that the 'meaning of world citizenship' is 'the entitlement of each individual to an adequate share of the world's resources'. That line of Kantian thinking asserts a requirement for the repositioning of global distributive justice.

So, from the cosmopolitism perspective, certain scholars view Socrates' 'moral anchorage' as appealing and as a 'more interesting, historically grounded version of multiculturalism' (Pagden, 2000, 3). Others, such as Hill (2000, 66), interpret Stoicism as 'the original source of enlightenment cosmopolitanism and therefore contemporary internationalism' (Table 2.1).

Despite differences, Socratic and Stoic cosmopolitism have formed the founding stone of 'cosmopolitan democracy', a lesser known version of
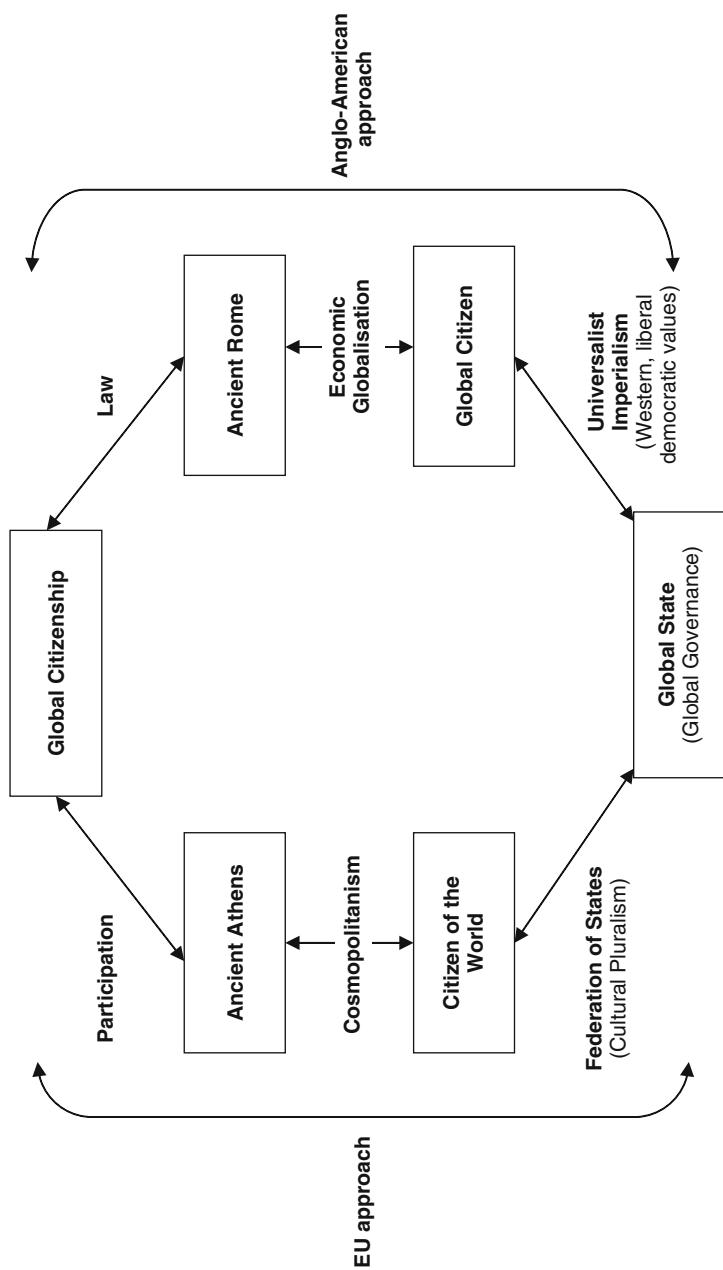
Figure 2.1   World vs global citizen
Source: Compiled by the authors.

the democratic vessels but not without its supporters (Archibugi et al., 1995; McGrew, Anthony, 1997; Held, 1998; Archibugi, 1998).

The alternative to cosmopolitanism is that of the 'global citizen', which has an impressive lineage dating back to Imperial Rome. In the second century CE, Marcus Aurelius (1949, 68) declared, 'my city and country so far as I am Antonius is Rome; but so far as I am a man, it is the world' (Figure 2.1). Contrary to the ancient Greeks, who conceptualized citizenship as active participation and as one who both is the ruler and the ruled of the *polis*, the Romans conceived the citizen as a legal being, entitled to certain rights which, in turn, require the fulfilment of particular obligations. From the sixteenth century onwards industrialization, colonialism (British Empire), liberalism ('imperial liberalism') and contemporary globalization (the USA's relentless drive towards control of world markets) reinforced the Roman interpretation of citizenship.

With time, the Roman view of citizenship came to include the right 'to make claims upon others and upon the civic process itself, claims that may all, at least in principle, be reducible to the language of rights' (Pocock, 1992, 50). The Romans' view of citizenship, or privileged status afforded to certain individuals with respect to laws, property and governance, has endured the centuries and is as strong today as ever. Look to, for example, the present-day situation of an ever-growing number of illegal migrants who do not have the benefits of recognized citizenship. Ancient Roman laws such as *Leges Juliae* (Julian laws), as well as a string of laws relating to marriage and morals introduced by Augustus in 18–17 BC, are precursors to many modern laws which promote privileged status.

Governments have extended privileged status of 'honorary citizenship' for those they consider especially worthy of that distinction. A version of that is the concept of 'Commonwealth Citizenship', established in 1920, in the twilight years of the British Empire. This form of citizenship offers privilege to 'esteemed individuals' within certain Commonwealth countries. The Maastricht Treaty adopted that principle in its concept of citizenship of the European Union. Article 17.1 of the amended EC Treaty states that

> Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.

Article 17.1 establishes certain minimal rights for EU citizens. It guarantees a general right of non-discrimination, gives extensive rights of movement in order to encourage economic activity in any of the member states and provides a limited right of residence in member states other than that of which the EU citizen is a national. Muetzelfeldt and Smith (2002) amongst others have adopted such governance of movement and residence as their basis for promoting the argument for global citizenship. In this way, global governance protocols act as the parameters for a new form of civil society (Table 2.2).

In making their case, globalization scholars (Scholte, 2005; Held, 1998) point to a world of increasing transnationalism and deterritorialization whilst highlighting the decline of the nation state and using that to prove the claim for a new citizenship identity. This line of thought is historically popular, for there have been a number of attempts to implement the notion of global governance, most through brute military force, such as the conquests of Alexander the Great, *Imperium Romanum* or the Roman Empire (27 BCE–476 CE Western and 1453 CE Eastern), the Parthian Empire (238 BCE–226 CE), the Mongol Empire (Han Dynasty, 206 BCE–220 CE), the Islamic Renaissance Empire (eighth–thirteenth century CE), the Portuguese Empire (1415–1999), the largest and first global empire – the Spanish Empire (1516–1714), the enduring British Empire[5] (1497–present day) and the contemporary American Empire[6] (1898–present day). Man has consistently pursued the 2500-year-old idea of global government based on agreed principles of global governance through economic and/or military force, which has, in turn, strengthened the counter reaction of local citizenship. The focus on dominating rather than being a part of, as much as anything, has brought global empires to an end and, ironically with it, the prospect of global citizenship.

Which way forward?

The integration of sovereign states has mostly come about as a result of bitter wars as Roman Republic, liberal imperialist domination has been used as the route to the all encompassing notion of citizen of this Earth (Gross, 1948). The exception to that principle is Australia, whose integration as a federal state was the result of persistent and profound negotiation by a select number of democratically driven politicians.

Yet, despite such a positive case example, history has preferred war. The Treaty of Westphalia, a collective term given to the signing of two treaties (15 May and 24 October 1648), ended the Thirty Years'

War in Germany and the Eighty Years' War between Spain and the Netherlands. The treaties created the basis of a new Europe forging trade and civil rights between the Kingdoms of Spain, France, Sweden, the Dutch Republic, the German States and their respective allies. Similarly, moving towards some form of global governance has made advance only after major war, whose ending surfaced an array of social reformers (Henri Dunant), pacifists (Fredrik Bajer), broad-minded politicians (Mikhail Nikolayevich Muravyov, Woodrow Wilson) and activists (Garry Davies). For example, in a postscript written after the Hiroshima and Nagasaki bombings 1945, Emery Reves in *The Anatomy of Peace*, the book that helped popularize the cause of world federalism, wrote that 'world government is not an "ultimate goal" but an immediate necessity'. Reves (1904–1981) was a writer, publisher and also Sir Winston Churchill's literary agent and an advocate of world federalism. These outstanding individuals give considerable credence to Margaret Mead's (1962, 37) conclusion that 'a small group of thoughtful people could change the world. Indeed, it's the only thing that ever has'.

Despite their laudable aspirations, these few tend to have also held 'membership' of the elite, namely the privileged, the rich, the politicians and the celebrities. They have influenced national and international affairs and have had profound influence on society. The number of transnational ties between organizations and actors in civil society is increasingly becoming denser. For example, members and invitees of elite private groups such as the Bildebergs, the Trilateral Commission and similar gatherings are also members of many other national and transnational groups (*BBC News*, 2005). Smith (1997, 42, 47) found that the number of transactional social movement organizations addressing interdependent global issues has increased dramatically. Similarly, Boli and Thomas (1997) reveal an increase of international, non-governmental organizations (NGOs) over the past 100 years. Transnational activism has increased the formation of foundations and NGOs across national borders through coordinated international campaigns, with many of the NGOs supported by particular foreign states (Ramirez et al., 1997; Price, 1998; Table 2.3).

Organizations such as the Parliamentarians for Global Action (PGA), headquartered in New York and comprising of legislators from various nations, have promoted ideas of democratic global governance (PGA, 2008). However, many see the PGA as a US internet-led, driven globalizing force.

Table 2.3 Emergent supranational organizations

Year	Event	Year	Creation of supranational organization
1859	Battle of Solferino	1863	• International Committee of the Red Cross (ICRC)[7]
		1899	• Geneva Convention[8]
1870–1871	• Franco-Prussian War	1891	• Pacifist Movement—The Third International Peace Congress, Rome
			• Hague Convention[9]
1877–1878	• Russo-Turkish War	1907	• International Peace Bureau (IPB)[10]
		1914	
1897	Anglo-American arbitration treaty	1899	Inter-Parliamentary Union (IPU)
1914–1918	First World War	1915	• The Women's International League of Peace and Freedom (WILPF)
		1919	• Treaty of Versailles: International Labour Organization (ILO)[11]
		1920	• The League of Nations (LoN)[12]
1939–1945	Second World War	1943	• Tehran Conference Conceptualization of the United Nations (UN) to replace its predecessor, the League of Nations
		1946	• Formation of the United Nations (UN)[13]
		1944	• Bretton Woods agreements[14]: The International Monetary Fund (IMF)[15]
		1945	• World Bank
		1946	• The United Nations Children's Fund (or UNICEF)[16]
			• General Agreement on Tariffs and Trade (GATT)

Table 2.3   (continued)

Year	Event	Year	Creation of supranational organization
		1947	• The World Federalist Movement—Institute for Global Policy (WFM-IGP)[17]
		1948	• World Health Organization (WHO)[18]
		1973	• Trilateral Commission[19]
		1978	• Parliamentarians for Global Action (PGA)[20]
1947–1991	End of Cold War	1995	• The World Trade Organization (WTO)[21] designed to supervise and liberalize the international trade of its pre-successor, GATT
1989	Increased illegal drug trade and trafficking	2002	The International Criminal Court (ICC)[22]

Source: Compiled by the authors.

The ever-mounting number of supranational organizations have paved the way for the notion of world government. The initiative to form a federal world government came from two sources, the first from the USA, originally termed the Federal Union in 1938, and now known as the Association to Unite the Democracies, and the second from Europe (*Mouvement populaire suisse en faveur d'une federation des peuples*; Switzerland in 1940; Luxembourg in 1948). A similar entity was formed in 1947 known as the United World Federalists, later renamed the World Federalist Association and then Citizens for Global Solutions. The Citizens for Global Solutions claims 47,000 members in the USA alone (WFM-IGP, 2008).

These and similar initiatives to replace the UN with a federal world government structure are not new. A particularly prominent activist in this field was the US citizen, Garry Davis, a former Broadway actor, a WWII B-17 bomber pilot and political activist. Davis, on 22 November 1948, interrupted a session of the United Nations General Assembly, calling for 'one government for one world'. In support of his claim, he

renounced American citizenship in the same year in Paris (Davis, 1961). In 1949, in Paris, Davis founded the International Registry of World Citizens, signed by 750,000 individuals (Davis, 1961). That was not all, for in 1953, Davis gave an unauthorized speech from the City Hall of Ellsworth, Maine, USA, announcing the formation of the 'World Government of World Citizens' based on three 'World Laws', namely One God (or one Absolute Value), One World and One Humanity (Davis, 1953). In September 1953, under Article 21(3) of the Universal Declaration of Human Rights (UDHR), Davis (1953) formed the United World Service Authority in New York as the administrative agency of the new world government. Under Article 13(2) of the UDHR, Davis designed a 'World Passport'. The United World Service Authority has issued over 800,000 of these documents to individuals worldwide, which have been officially recognized by six countries (Burkina Faso, Ecuador, Mauritania, Tanzania, Togo and Zambia). As of May 1998, the world passport has been recognized by 162 countries on a case-by-case basis (Engber, 2006; WIC, 2008). Davis also found the World Service Authority (WSA), a non-profit organization that promotes 'world citizenship', 'world law' and 'world government' with dual headquarters in Washington, DC, and Shanghai, China (Engber, 2006).

Despite being active and having made a profound impact, Davis' initiatives were only one of many. A separate movement came to the forefront in Switzerland in 1947, a global coalition termed the World Federalist Movement, later renamed the World Federalist Association, and then renamed again as the Citizens for Global Solutions (CGS). The CGS currently claims 56 member groups across 22 countries, holding an overall membership of 156,000 (WFM-IGP, 2008). The world federalist movement is quite explicitly working towards establishing a federated world government (WFM-IGP, 2008).

The debate on world government has progressed from that of concept to that of application. Falk and Strauss (2001) suggest the European Parliament as a role model for a global parliament and consider the European approach to government as the 'natural and logical way' to overcome the global democratic deficit. Their perspective has attracted considerable support (Levi, 2001; Johansen, 2003; Monbiot, 2003; Patomäki and Teivainen, 2004; Bummel, 2005). The idea of world democracy is based on civil society parameters and not that of oligarchy which marginalizes the citizen and the nation state. The debate returns to the purity of the principle of 'one person, one vote', supported by approximately 600 multinational electoral districts (Monbiot, 2003, 99). As a step in that direction, the notion of a global referendum in order to

test whether a citizen-sensitive, federated world government 'based on a statistically drawn repetitive, sample of voters in different countries' as a first step towards World Parliament would meet with a positive response (Patomäki and Teivainen, 2004, 146). Scholar and politician, Oliver Giscard D'Estaing (2006), who has formed a committee for the 'World Parliament', and whose membership includes Boutros Boutros-Ghali, Nelson Mandela, Sonia Gandhi, Shimon Peres, Jacques Delors, amongst others, is promoting a similar initiative.

The contrast to the World Parliament perspective is that of 'world federalism' (Glossop, 1993; Davis, 1998; Baratta, 2004; McIntosh, 2007). McIntosh (2007) argues that the increasing globalization is demanding the introduction of a unitary system of global governance, which he positions as a worldview beyond postmodernism. McIntosh (2007) argues for a 'world federation' modelled on American democracy, with legislative, judicial and executive branches representing populations, economic interests and nations, respectively.

Resistance

Scholars often present the arguments against world and global citizenship as anti-globalization, pro-sovereignty and nationalism, patriotism, ethnicism, the multitude of languages, the eradication of cultural uniqueness, and the impossible task of embracing a variety of ideologies. These arguments are strengthened by the view that *cosmopolis* can only be 'achieved via conquest'—in effect, Roman Republic global citizenship (Mehta, 1999; Hill, 2000: 72). The argument is reinforced by Isaiah Berlin's (1991, 9) perspective that cosmopolitanism is 'empty' or soulless, ultimately leading to 'the end of all citizenship' (Arendt, 1973, 84). No wonder that one strongly held view is that 'world citizenship is nonsense' (Heater, 1990, 229).

Overall, these critiques emanate from two broad camps, the anti-globalization movement which fears the demise of civil society, and the defence of national sovereignty.

The anti-globalization argument (Hines, 2002; IFG, 2002) emerges as a reaction against international business interests, and in so doing, acts as a defence of localism. International institutions such as the World Bank, International Monetary Fund (IMF, 2008), World Trade Organization (WTO) and a myriad of UN-based organizations and international networks are viewed by an increasing number of opinion formers as working towards removing restrictions on free trade through adopting Anglo-American, liberal economic working practices, whose effect is the

further enslavement of poor countries and of working people in general (Fukuyama, 2006). The anti-globalization critics also see various supra-national organizations such as the Organization of American States, the North Atlantic Treaty Organisation (NATO), the European Union, the African Union, the Union of South American Nations and the Associa-tion of Southeast Asian Nations as precursors to a US-determined world government system. Particular resistance comes from libertarian groups which foresee a uni-polar world, dominated by the USA, thus mak-ing a world federation or parliament as an unsuitable model of world governance.

The national sovereignty autonomy and patriotism argument oppos-ing any forms of world government draws on the notion of sovereignty enshrined in the Peace Treaty of Westphalia. Notwithstanding that the borders of a sovereign state may not demarcate all of a 'people' or a 'nation', and often may include several of those identities, the Treaty of Westphalia enshrines the sanctity of the nation state as the only work-able mechanism for citizen identity and the just exercise of authority. Despite differences over forms of sovereignty, 'the lure of this mechan-ically perfect construction' (de Jouvenel, 1957, 98) persists, captured in the Charter of the United Nations (1948), Article 2(4) which prohibits attack on a nation's 'political independence and territorial integrity', and Article 2(7) which restricts one state's intervention into the affairs of the other. A world parliament would contravene such sanctity and become unduly controlling through the requirement for centralization (Walker, 2000; Patomäki and Teivainen, 2004). Such fears are aggravated by the prospect of being outvoted by one billion four hundred million Chinese and by one billion Indians (Nye, 2002).

The emerging view is that transnational elites have undermined national identities. As a result, 'the territorial state, in global times, tends to rest on increasingly fragile and precarious ground, with pres-sures from below opening up fissures in its territorial control while the globalization of financial, economic and cultural power increasingly impinges on it from above' (Slater 1998, 382). Citizenship is increas-ingly becoming de-nationalized. Florini (2000) argues that globalization ties domestic civil society groups to foreign and/or translational orga-nizations which often means that domestic groups become co-opted to represent external interests, especially when they are dependent on international resources. As a result, the state loses control over what international and/or domestic organizations are able to do, particularly illustrated by the resistance to NGOs in crisis relief situations such as tsunamis and earthquakes.

Balancing economic liberalism with participative democracy

In antiquity, Jewish elders and prophets knew that 'peace is the fruit of justice' (Isaiah, 2004, 15–20, 32). The world '*shalom*', in the original Hebrew scriptures, denotes richness, well-being, prosperity and integrity. Similarly, Penn (1670/2002) considers that the principle of peace is maintained through justice, which in turn is a product of a sound and balanced government. Enlightenment activist Thomas Paine (1791–1792) formed his vision of cosmopolitism based on the twin foundations of peace and security. Paine's vision was of peaceful, democratic and egalitarian societies interacting transnationally through free trade, interdependence and non-provocative defence policies, displaying a universal respect for human rights. Einstein (1942/2007, 53) also argued that the pacifist goal is the most valid of all goals which we can only realize through an 'international organization for the enforcement of military security for the whole world'. Einstein (1931) viewed patriotism as a menace to liberty and 'heroism as senseless', for heroism is nothing more than 'heroism on command'. Equally, Russell (1957, 218) considered heroism as 'the willingness to kill and be killed for trivial reasons'. In similar view, others such as William Randall Cremer, the British pacifist and Member of the Parliament, and Frederic Passy, the founder of the French '*Ligue de la Paix*' and also Member of Parliament, promoted international arbitration and world peace as the foundations for society and by implication an acceptable universal nation of citizenship.

Certainly, the cosmopolitanists reject the latent, innate, inherited notion of citizenship driven by the accident of birth. They put forward an overt and active interpretation of citizenship acquired through deeds and choice. The rejection of inherited culture and the promotion of free will have particular relevance today. The current concept of nation state and citizenship, as the basis of world governance, has unsuccessfully dealt with migration challenges and asylum seekers. Asylum seekers, above all others, have experienced the tyranny of latent citizenship, being twice betrayed, first by the country of their domicile and identity, and second by the state of their choosing, which is often a country in the developed economies 'where the detention system has been used to downgrade the humanity of individuals through the category of the other' (Walzer, 1981, 25).

Hence, where a tension exists between human rights and that of nation-determined citizenship, custom and practice dictates that priority is given to the nation state. We derive the notion of nation state from the globalist perspective of representative democracy determined

by rights and laws as originally conceived in the Roman republic. If we do not challenge that perspective, then current geopolitics of a Western liberal economic, global order will drive our future.

If, however, the alternative is to return to the model of participative democracy, we must question whether the current size and configuration of the nation state, other than that of the USA and that of emergent China, is capable of withstanding economic liberalism in order to allow for the embedding of cosmopolitism rather than global citizenship. The likelihood is not!

Therefore, in the pursuit of citizenship determined by human rights as opposed to citizenship of an economic liberal order, we propose seven steps for consideration.

Regionalization of the nation state

Global ICT systems, world markets and transnational corporations dwarf a considerable number of sovereign states. However, global financial and communication systems are not the concern. The challenge is whether the current capacity of the nation state is in a position to establish its presence within such a context. As most nation states will be responding to the demands of global markets and not necessarily gaining substantial benefit from them, it is necessary to enlarge the internal, home market. This is particularly the case with Europe, whereby full political and military union (which will require the ejection of NATO), additional to economic union, will create a market of 480 million sophisticated consumers well capable of determining the balance between the social and human rights of citizenship and economic prosperity (materialism). The same principle of strengthening should apply to the North American Union, the African Union, the Asian Union and the South American Union.

Predominance of the Lower House

The Upper and Lower House configuration of democratic representation has actively withstood the test of time. So why would anyone want to change the configuration? Emphasis on participative democracy requires that focus centre on the Lower House, namely the Chamber of the Citizen. Irrespective of the length of tenure of Parliament, that full term should be acceded to the Lower House. The Upper House, as in the USA, would continue to represent the interests of the various states of the nation, but the term of office of its senators would be curtailed. Still, both Houses could act as the initiating route for legislation. Further, all legislation would need the majority approval of both Houses. However,

the seat length tenure of each House determines the tone of the legislation proposed and the underlying particular interests and their agendas that shape the political debate. As the Lower House is directly attentive to the needs of the citizen, broader commercial and organized interests will position themselves to shape their policies and agendas with the citizen foremost in mind. Although organized interests could still cluster their concerns around the Upper House, the knowledge that limited tenure limits consideration for policy design, then the democratic vessel, will be dependent on the approval of the voting citizen.

Leader of the state

As the Lower House shapes the political culture of the extended nation, political leadership will be required to reside within the same arena. The majority elected grouping of the Lower House will select their leader to the post of First Minister. The First Minister will act as the leader of the nation, who can equally be voted out of office by the members of the Lower House. The role of Head of State or Presidency, as the steward and guardian of the governance of the nation with ceremonial duties, will be separately elected through both the Upper and Lower Houses. The President cannot select or dismiss the First Minister, but can initiate appropriate investigation and prosecution should House members raise governance concerns. Equally, at a time of crisis involving, for example, dispute between the two Houses of Parliament, or inability to resolve concerns within either House, especially the Lower House, the President's decision to call for election would be final.

De-professionalism of the political process

In order to best capture the spread of varied interests, interests of the broadened nation, up to 40 per cent of elected members of the Lower House would not belong to a political party. Issues would be fought out on a local basis and the capacity to address constituency concerns would act as the basis for voting on national and transnational issues. Additionally, state-based financial support would be made available to the aspiring individual citizen representative, pre and post the election, as well as guarantee of their job (professional role), with no disruption to their remuneration and pension rights on their return to their professional work. However, such citizen elects could only sit for two terms of office.

Funding

Funding the political process, including that of elections, would be the sole responsibility of the nation state. Individuals as well as political parties would have equal access to national as well as local press and media for the purpose of political communication. No private funding sources could be accessed in order to provide one individual a party advantage over the other.

The Fourth Estate

In addition to the Three Estates of the nation, the Legislative, the Executive and the Judiciary, the Fourth Estate would be the body charged with the governance of information and communication, the Custodiary. The Fourth Estate would have the responsibility of ensuring that no single or particular cluster of interests could unduly influence the press, media or other forms of publication and electronic communication (Curran, 1991; Kakabadse et al., 2007). In fact, the Fourth Estate would ensure that no single or collective interest could hold more than 5 per cent ownership of any single channel of communication, nor more than 2.5 per cent of simultaneous holding in any other. The press and media 'bounded by the paradox of holding its head in politics while its feet are grounded in commerce' (Schultz, 1998, 45) does not add to democracy. On the contrary, it directly subverts it. The Fourth Estate would liberate information from ownership control and, thus, enrich the citizen to unceasing multicultural perspectives.

The military

In the broadened nation state, determined by participative democracy, the role and purpose of the military would be that of peacekeeping on a local and, or, global basis. The configuration of the military would be that of rapid deployment in order to partner with the local authorities and communities so as to diffuse tension and allow for diplomatic negotiation to proceed. The purpose and role of the military would be that of conflict reduction and of negotiation towards diplomatic solution.

Conclusion

Cosmopolitism, as opposed to economic liberalist global citizenship, is the alternative that encourages broad political latitude for the expression of varied values and ideologies in a rapidly evolving local and global environment. Cosmopolitism is locally grounded whilst being world orientated. Local needs as well as world demands will hold voice in the

political press. Pursuing the recommendations outlined in this chapter allows cosmopolitism to have the political capacity to traverse a contrast of communities and yet be immersed in different traditions.

Notes

1. The nation state (i.e. a country) – where a state is a political and geopolitical entity that derives its legitimacy from serving as a sovereign entity for a nation as a sovereign territorial unit, whilst the nation is a cultural and/or ethnic entity.
2. Founder of the Bahá'í Faith.
3. Founder of International Bible Student Association in 1872, forerunner of Jehovah Witnesses.
4. Chairman of the Committee for a World Parliament.
5. First British Empire, 1583–1783; Second British Empire, 1783–1815; the UK officially today retains sovereignty over 14 territories outside of the British Isles.
6. Political, economic, military and cultural influence of the United States since the Spanish-American War of 1898.
7. Initated by Swiss businessman and social activist, Jean Henri Dunant; see Henry Dunant (1986) *A Memory of Solferino*, ICRC, Geneva.
8. Initiated by Henry Dunant, who was motivated by the horrors of war he witnessed at the Battle of Solferino. Set standards for international law for humanitarian concerns and treatment of non-combatants and prisoners of war. In 1977 and 2005 three separate amendments were made part of the Geneva Convention.
9. International treaties negotiated at the First and Second Peace Conferences at The Hague, in 1899 and 1907, forming a secular international law and the Permanent Court of Arbitration, initiated by Russian Count Mikhail Nikolayevich Muravyov.
10. Initiated by Henry Dunant, who was motivated by the horrors of war he witnessed at the Battle of Solferino. Set standards for international law for humanitarian concerns and treatment of non-combatants and prisoners of war. In 1977 and 2005 three separate amendments were made part of the Geneva Convention.
11. Initiated by Danish pacifist politician, Fredrik Bajer, the IPB is the World's oldest and most comprehensive peace network, which includes 18 international and 150 national and local member organizations (and 20 individuals) in 49 countries.
12. ILO created at the Treaty of Versailles in 1919 to deal with labour issues, now has 181 member states (Ayusawa, 2005).
13. Edward Mandell House and Woodrow Wilson and their elite circle of friends known as the 'Inquiry', Paul Warburg, J. P. Morgan, John D. Rockefeller, John W. Davis, among others, had a great interest in the League of Nations.
14. United Nations claims 192 members and acts as an umbrella for many of its specialized agencies, such as the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).

15. Bretton Woods Institutions which were created in 1944 to rebuild a war-torn Europe after the Second World War, IMF and World Bank.
16. IMF with 185 members was created in 1944 to oversee the global financial system by following the macroeconomic policies of its member countries, in particular those with an impact on exchange rates and balance of payments (IMF, 2008).
17. UNICEF was initially set to provide emergency food and healthcare to children in countries that had been devastated by the Second World War. In 1953, UNICEF became a permanent part of the United Nations System.
18. Formed in 1947 as the United World Federalists (later renamed to World Federalist Association, then Citizens for Global Solutions), claiming membership of 47,000 in 1949. Since 1970 the movement has had Special Consultative Status with the ECOSOC and is affiliated with the UN Department of Public Information (DPI).
19. WHO is a specialized agency of the United Nations (UN).
20. A private organization, which was founded in July 1973, at the initiative of David Rockefeller, who was Chairman of the Council on Foreign Relations at that time. It is established to foster closer cooperation between the United States of America, Europe and Japan. It is seen as a counterpart to the Council on Foreign Relations (private, conservative, American non-partisan foreign policy membership organization founded in 1921).
21. A non-profit and non-partisan international organization of more than 1300 free elected legislators from more than 114 countries engaged in a range of action-oriented initiatives that promote democracy, peace, justice and development throughout the world (PGA, 2008). PGA was established in 1978 in Washington, DC, with its Headquarters located in New York City, in close proximity to the United Nations (PGA, 2008).
22. WTO has 153 members, which represents more than 95 per cent of total world trade (Fergusson, 2007).
23. ICC was established in 2002 with 108 member states, a tribunal to prosecute individuals for genocide, crimes against humanity, war crimes and the crime of aggression, although it cannot currently exercise jurisdiction over the crime of aggression (UN, 2002).

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3
Citizenship and the Individual

Arthur Sementelli

Introduction

Over the years, the notions of citizenship and civic engagement have moved in and out of focus in discussions of public administration. While these carry a sort of abstract value based on the idea that citizenship and civic engagement are essentially 'good,' such a view could be understood as one side of a continuum. Such a continuum might also account for the notion of a knowledgeable self-actualized citizenship that can contribute to public-sector decision-making. The other side of the continuum might be described by Lippmann's (2008) understanding of a phantom public, referring to an almost diametrically opposite view of citizenship when compared to the more prevalent, positive ones espoused by Box (1998, 2007), King and Stivers (1998), and others. Beneath the surface of each perspective on citizenship, there are corresponding conceptions of the individual, expressed as the self (or the subject), in line with the thoughts of Rawls (1971), Foucault (1977, 1980), and Lacan (Fink, 1995, 1996).

By understanding these ideas, and later using them as a mechanism to understand the practical elements of contemporary citizenship, one might begin to peel away the idyllic veneer associated with the literature on citizenship and democratic theory to reveal the often less attractive, yet more powerful elements of current praxis. Additionally, including Lippmann's (2008) conception of the phantom public with a discussion of perspectives on the individual can reveal opportunities to understand citizenship outside the realm of mainstream democratic theory.

Discourse and the public

Discussions of citizenship in much of the literature often accept the idea that citizenship and civic participation are basically good or at least beneficial. This mainstream focus on the desirability of citizenship and civic engagement consistently embrace discussions of legitimacy, access, and communication by theorists. Most notably Habermas (1984) pointed to civic engagement as a mechanism to achieve these ends. At its core, this notion of citizenship is based on an idealized 'informed citizen who makes decisions based on rational, objective criteria' (Bybee, 1999, 24).

Scholars such as Dewey (1927) tended to view democracy, and thereby citizenship, as an embodiment of community life that is an integral part of mainstream discussions of civic life and participation (Bellah et al., 1996). It is important to remember that even though Dewey was a proponent of a positive view of citizenship, he recognized the limitations associated with it, and consequently was not yet ready to 'drink the Kool-Aid' with the other 'true believers.' Specifically, there was a series of intellectual debates between Dewey (1927) and Lippmann (2008) regarding issues of citizenship and how practical these mainstream assumptions are. In the contemporary media-driven culture, the concerns raised by Lippmann remain both troubling, and to some degree unanswered in many academic discussions of citizenship.

The phantom public

Lippmann (2008) argues against the notion that people can ascribe 'some intrinsic moral and intellectual virtue to majority rule' (p. 47). He further challenges the role of public opinion and civic education (p. 136), the notion that 'the people' can collectively be regarded as a single person (p. 137) and that people are 'omnicompetent' (p. 29) in practice. In essence, Lippmann challenges the conventional idealized view of citizenship that many contemporary scholars continue to cleave to. The idealized view is, however, unattainable and overtly tied to monistic theories of society (p. 163). In practice, we find this system to be particularly susceptible to group interests given common power relationships associated with politicized ritualistic actions (Goffman, 1967) and social structures in politics.

Specifically, Lippmann crafts an argument for a society of in-groups and out-groups that are self-interested. In practice, it tends to mirror the concept of prevailing communities of interests as discussed in an earlier research on justice (Abel and Sementelli, 2007, 7). If Lippmann

is right, then a belief in an overarching, monistic, rational public that can be developed through civic education is not merely an unattainable utopian ideal. Instead, such a notion of citizenship could be described as a Lacanian style empty vessel (Fink, 1995), or symbolically understood as an empty, denatured symbol (Baudrillard, 2000) waiting to be shaped by prevailing discourses. Some scholars assert that citizen participation is often limited in practice (Box, 2007), while others argue that participation is shaped (Bybee, 1999). Both might be the case because of an underlying desire for civic engagement to be undertaken by *docile bodies* (Foucault, 1977) interacting with a series of formalized discourses. In essence, there can be an underlying desire to employ a political spectacle (Edelman, 1988) that focuses on civic engagement as a ceremonial act, rather than the sort of engagement proposed by Habermas (1979, 1984)—that is viewed as difficult, time-consuming, and sometimes of limited value in practice.

In the context of the work by Lippmann (2008) and Bybee (1999), one might argue, these political spectacles (Edelman, 1988) have in many cases become the norms for civic participation rather than the exception. In brief, we find that citizenship, in practice, often reflects a desire for passive observation that can at best maintain the integrity of a constructed self (Fink, 1995) or a docile body (Foucault, 1977) shaped through sets of interactive processes or lived experiences. This, in turn, warrants a discussion of the concepts that underlie these beliefs and the associated conceptions of the *individual* as a mechanism to better understand contemporary citizenship.

Concepts underlying citizenship

Even though there is a multitude of different ideas that inform the study of citizenship, this chapter focuses on three constructs that help to explain the relationship to the individual. They are monism, tolerance, and perspectivism—all of which highlights specific, nuanced elements of citizenship in theory and practice. Even though these ideas are not typically recognized as 'core' ideas in many cases, the influence they exert on discussions of citizenship warrants careful consideration.

Monism

Monism is loosely understood as a philosophical view that there is one basic ontological category, and it is a central philosophical claim in many Western philosophies (Berlin, 2000). In brief, monism implies

there is a 'T'ruth and that it can be understood through a path that leads thinkers to true questions (p. 5). Anything that is not the 'T'ruth is therefore false. Most people recognize this as a belief that is part of some grand narrative (teleology). It provides the basis for much of the theory and science that has emerged since the enlightenment.

Monism informs discussions of citizenship by identifying the grand narrative, in this sense it is a sort of civic teleology (Shivley, 1997) that is held at least implicitly by many mainstream administrative theorists. Some of these assumptions include beliefs that citizens are rational people (King and Stivers, 1998), that community decision-making is positive and sound (Bellah et al., 1996), along with the whole host of notions regarding public spaces (Habermas, 1984), autonomy (Rawls, 1971), self-determination, and engagement, often emerging from Locke and others (Box, 1998). It is important to note that contemporary discussions of citizenship often take a more critical view of these monistic assumptions, though they do so without taking conscious steps toward some other sets of grounding.

Tolerance

Tolerance in general refers to some specified permissible deviation, in this case from community or societal norms. Marcuse (1969, 82) writes about how 'tolerance is an end in itself, as well as a precondition for the creation of a humane society.' This illustrates a sort of baseline level of involvement that governments ought to have in the exercise of a free society—ideal for the establishment of a Habermasian (1984) lifeworld. Marcuse (1969, 82) further argues that the exercise of tolerance in certain circumstances can strengthen the tyranny of the majority, as well as 'lead to repression' (p. 85). He also attempts to unravel the limitations of the assumptions of autonomy and self-determination illustrating how they are synthetic concepts (p. 86) based on the idea that the 'telos of tolerance is truth' (p. 90).

By understanding this argument, we can thus begin to see how truth is not always 'T'ruth, but instead is a function of established societal norms. The further someone's conception of truth deviates from these norms, the more likely tolerance will fall away, creating opportunities for both repression and resistance. In this case, tolerance helps define the time and extent to which the Foucauldian subject (1977, 1980) is shaped by governing processes (governmentality). This creates citizens that can function within the bounds of what is approximately a 'conforming behavior.' They become 'good' citizens.

Perspectivism

Perspectivism is a philosophical view developed by Nietzsche (1968) that is a bit different from relativism. Perspectivism claims that there are multiple conceptual schemes that can determine judgments regarding truth and value. It does not imply that all possibilities are equally valid. As knowledge is understood as being interpretable through multiple scenarios, there is a possibility for a socially constructed reality to conflict with other socially constructed realities given that they emerge from different sets of intersubjective beliefs (Finnemore and Sikkink, 2001). While it is possible to argue that there are different truths based on radically different, incommensurable schema for language and understanding, we end up creating the potential for multiple, sometimes competing notions of truth.

This potential can greatly inform how we understand contemporary citizenship. If one accepts Nietzsche's (1968) thesis that multiple schema can exist, and that these schema can be identified with some sort of particular language, culture, or prevailing community of interests (Abel and Sementelli, 2007), it is then possible to meaningfully describe and explain the kind of postmodern symbolic politics (Fox, 1996) that often informs or guides civic engagement (Miller, 1993) outside the realm of traditional democratic theory.

Approaches to the individual

As stated earlier, mainstream discussions of contemporary citizenship are typically grounded in sets of monistic assumptions that are implicitly often linked to broader notions of justice and egalitarianism. As such, there are assumptions made about what 'roles' individuals play in a just society. According to Rawls (1971), individuals start from roughly equal states, imputing a notion of individualistic egalitarianism into discussions of liberty and citizenship that favors a notion of an autonomous self. This conception also feeds nicely into Dewey's (1977) work that connects discussions of citizenship to discussions of justice, as well as an earlier study about prevailing communities of interest (Abel and Sementelli, 2007)—which reinforces the practical elements of this relationship.

The Foucauldian subject: The semi autonomous self

As a foil to this monistic, idealized, egalitarian view of the self, Foucault (1977, 1980) offers an alternative perspective. Rather than examining *the*

self or *the individual*, he makes a conscious choice to examine *the subject*. The shift in focus from the self to the subject represents an implicit movement away from something that springs forth, fully formed, self-aware, but offers a different interpretation—as someone or something that can be acted upon. This conception of the subject (as something being acted upon) shares elements of the mainstream conception of the self. Specifically, the self as conceived in the mainstream literature identifies an autonomous self-aware 'real' person. The subject also signifies a 'real' person, but that real person might not be self-aware or fully autonomous.

The Lacanian subject: The constructed self

A more drastic departure from the mainstream view of the self comes from Lacan (Fink, 1995). Lacan, unlike Foucault or the more mainstream approaches, identifies a subject that maps closely to the English notion of a client or patient (Fink, 1995, 36). At first blush, such a conception might make a reader consider that Lacan and Foucault had similar views of the individual. Lacan, unlike Foucault, draws heavily from Freud, and therefore arrives at a wholly subjective view of the individual. Lacan argues that the individual is really a function of the collection or fusion of images (Fink, 1995, 37) that emerge from intersubjective experiences. The Lacanian conception of the individual is best understood as being *purely mental* unlike the more tangible conceptions of the individual offered in mainstream discussions of citizenship and to a lesser extent by Foucault. Consequently, an individual, as understood by Lacan, is a subjective, relativistic entity that is in a constant state of flux based on changes in the day-to-day intersubjective experiences.

Competing hypotheses and explanations

Furthermore, Lacan offers the idea of 'manqué-a-etre,' where the subject fails to come forth and in essence 'has no being' (Fink, 1995, 51). Hence an individual that has no being in this sense is incapacitated and is, in effect, nothing. In practical terms, the individual could be expressed as a sort of infantilized citizen (Berlant, 1993) that is completely disconnected from civic practices (Sementelli, 2006). This disconnect, in turn, can create opportunities for meaning creation, oppression, domination, alienation, and unchecked authority (Sementelli, 2007). Table 3.1 provides a conceptual summary of the argument.

Each conception of the individual has specific consequences and relies on certain assumptions regarding how people act, react, and interact

Table 3.1 An interpretive taxonomy of the 'citizenship' experience

The individual	Basis	Concept	Roots	Space
Autonomous	Omnicompetence	Monism	Mainstream political theory	Lifeworld
Semi autonomous	Conformity	Tolerance	Critical theory	Institutions
Constructed	Symbolic politics	Perspectivism	Postmodernity	Phantom public sphere

as citizens. The Rawlsian (1971) and the more generally 'mainstream' views of citizenship assume autonomous, rational, omnicompetent individuals. As a set of omnicompetent individuals, they are assumed not to be unnecessarily influenced by media imagery, emotive processes, relativistic journalism (Bybee, 1999), and ultimately are capable of striving for the 'best' solutions, selections, and options within an idealized Habermasian (1984) lifeworld. In contrast, the Foucauldian individual is not fully autonomous, and as such can be influenced by external powers, emotive processes, and situations. According to Foucault (1977), these actions upon the subject tend to produce docile bodies, or in some circumstances modes of resistance (Foucault, 1980, 1985, 2001). These modes of resistance tend to be similar to what is often argued by critical theorists, though for Foucault they tend to embody an individualistic desire to thwart the acts of the powerful whenever possible. In practice, this is understood as verdiction or truth of action (Foucault, 2001, 229). From the Foucauldian perspective, the spaces for action become institutions such as hospitals, prisons, and so on.

The Lacanian subject is highly malleable, reacting to and changing with its intersubjective experiences. This makes a citizen from such a perspective susceptible to imagery, to emotive processes, to language, to rhetoric, and to power shifts. The Lacanian citizen can be made to accept a variety of irrational, illogical, symbolic arguments given the lack of a core notion of the self. Since the Lacanian individual is subjective in nature, they make up Lippmann's (2008) phantom public, while the space for action becomes a nebulous *phantom public sphere* (Robbins, 1993) which operates as a socially constructed reality for political action. Fostering a Lacanian subject would typically be seen as desirable for prevailing communities of interest in general and powerful elites in

particular. It more easily enables and reinforces the processes of govern-
mentality (Faubion, 1994a) allowing for governments and power elites
to produce the sort of citizens that are most suited to satisfying policy
and political goals.

Because the Foucauldian conception of the subject offers a less
straightforward route to subjectivation than the Lacanian one, the Laca-
nian citizen becomes more desirable to established power elites given its
penchant toward greater malleability. The Lacanian subject furthermore
plays more easily into the contemporary discourse of political processes.
Understood through the concept of hyperreality (Miller and Fox, 2007)
than the more traditional approaches to policy and politics, the oppor-
tunities for civic engagement are then recast as part of a greater political
spectacle with its associated language games (Wittgenstein, 1953, 1969).
Adding the Foucauldian and Lacanian elements to the discussion allows
for the expression of possibilities beyond those of autonomous, rational
individuals who weigh all the options and select a *Pareto optimal* solu-
tion. These might include options like (1) people change/conform, (2)
people resist/are marginalized, or (3) people feign change while resist-
ing within a social or organizational system (Alvesson and Wilmott,
1992). Relying on these three perspectives of the individual and the
epistemological ideas that inform citizenship, we are thus left with a
more complete picture in both theory and practice. In practice, it creates
opportunities for meaning creation as well as the ability to understand
contemporary citizenship outside of mainstream democratic theory.

Citizenship and the individual: After discourse

In most of our contemporary analyses of citizenship, the expression of
the individual (as subject/self) generally informs the center of discus-
sion. We discover that there are certain ritualistic notions (Goffman,
1967) associated with citizenship as a political spectacle (Edelman, 1988)
that guides how people speak or act, particularly in the face of power
differentials—understood as *verdiction* or truth of action (Foucault, 2001,
229). The choices associated with how one might speak or how one
might act can be ascribed to both how we understand citizenship as well
as how we understand the individual in its context. As stated earlier,
Foucault's subject/self is not wholly constructed as Lacan (Fink, 1995)
might argue. Instead, it is a semi autonomous individualistic composi-
tion of a subject/self (Foucault, 2001, 248). The individual can, in turn,
be influenced by different environments and experiences, implying the
possibility to socially construct *elements* of it. This is not completely

referential, driven by the media, images, and other perspectivist norms developed within social systems. It is at its core *grounded*, but remains malleable (sometimes by force) around some sort of tangible expression of the individual. In brief, it is the nature of the subject as proposed by Foucault (1985) that can create opportunities to understand contemporary civic practices, particularly how people react to political imagery, dogma, and discourse.

The notion of a semi autonomous self is helpful to understand, use, and discuss ideas relating to the *truths* of civic virtue, citizenship, and engagement. But we are still left with an incomplete picture. Appearing alongside these monist conceptions of said *truths*, we can also see a phantom public sphere (Robbins, 1993) that echoes the concerns raised by Lippmann (2008). As we identify certain postmodern conditions, these *truths* can become unhinged. Civic *truths* (virtue, rationality, omnicompetence, etc.) cease to exist as real goals. To develop this notion further, we must re-examine and unpack Foucault's understanding of the self/subject. He starts from a modernist perspective of the autonomous subject, then systematically demonstrates how this subject creates and is created through a relation of logos that involves a sort of inner hierarchy, practical reason, and some recognition of the self by the self (Foucault, 1990). Foucault did not appear to be entirely comfortable with this notion of a malleable self, as demonstrated across his writings. Despite the belief that the subject can be modified through external processes, in the end Foucault retains an element of the autonomous self.

This notion of an autonomous self is essential for the practical use, discussion, and intellectual discovery of ideas relating to the 'truths' (civic virtue, citizenship, ethics, and Constitutionalism) of governance. What appears to be happening as we move through these postmodern conditions is that 'truth' all too often becomes completely unhinged. It ceases to function within a monist context, or as an ideal that provides a basis for societal tolerance. Instead, these *truths* emerge as some sort of symbol or meme (Dawkins, 1976) that can be shifted, altered, or emptied (Baudrillard, 2000) for some set of social, political, economic, or other ends established by prevailing communities of interest. To understand this changing and shifting complex of imagery, discourse, and symbolism, we require a different conception of individuals, one best articulated by Lacan. To restate, Lacan (Fink, 1995, 1996) described the individual as a subjective referential self that could not be understood outside of its reference to something else. The individual conceived in such a manner establishes a relationship between various civic *truths*

and a self that parallels Polanyi's (1969) discussion of *knowing* and *being*. From a Lacanian perspective, as these civic *truths* change, the individual also changes—thereby opening spaces and opportunities for both alienation and engagement that are unburdened from other sorts of abstract grounding. This, in turn, can inform the kind of stylized, symbolic, and fluid civic discussions that often manipulate individuals through a variety of environmental and social structures.

One possible outcome of these fluid manipulations is the possibility of a loss of the subject. In this sense, it refers to the loss of individualism or autonomy via some social or political references. While the individual might still be understood as a person, he or she might not be seen as a citizen, a 'free' person, or someone of civic virtue. Instead, he or she might be recast as something else—such as a detainee, a criminal, a sick person, or a blight on society based on some of the current conception of *truth* adopted by a prevailing community of interest (Abel and Sementelli, 2007). The physical body of the person is not necessarily lost. In many cases, and if Foucault is to be believed, then a primary consequence is that these marginalized people become institutionalized (Foucault, 1994), imprisoned (Foucault, 1977), or otherwise removed from the system.

On the other hand, if Lacan (Fink, 1995, 1996) is to be believed, we then arrive at a different sort of deliberative space, a phantom public sphere (Robbins, 1993) with an associated *phantom public* (Lippmann, 2008) where individuals are continually shaped by discourses, symbols, and imagery. Within this phantom public sphere, democratic values can be unhinged from their traditional roles; the monistic notions of citizenship can unravel. Accountability and oversight can be lost in favor of the ideas, dogma, and conventions established by prevailing communities of interest. If the subject becomes lost, consistent with Lacan's (Fink, 1995) argument, we consequently lose some of the basis for our understanding of citizenship. Furthermore, the loss of the subject can undermine scholarship and professional practices of Public Administration. Without the public or citizens, to whom then is the profession accountable? Who are our clients, who are the real constitutional masters? (Rohr, 1986). What is most disturbing is that decisions and even the artifice of control can shift away from the hands of citizens to interest groups, social groups, or other powerful entities seeking only to advance their own interests, beliefs, norms, and ideals.

In practice, this moves the Lacanian understanding of the self away from the parent–child relationship (which has been thoroughly discussed in psychology) to a slightly different, broader conception

similar to that adopted by McSwite (1997, 2002), Marshall (2007), and others. Unlike McSwite (2002), I remain unconvinced that the artifacts of modernity or the monistic autonomous individual simply fall away through processes of psychological or psychosocial shifts. Instead, I am of the view that the proposition offered by Jameson (2005) appears more plausible, where the artifacts of modernity never truly fall away, but instead tend to re-emerge periodically or are uncovered like the ruins beneath Paris to cause both fascination and hardship. In this sense, we realize the possibility for a space where artifacts of modernity (namely power) can be wielded to shape postmodern or constructed issues leading to any number of possible outcomes including domination, alienation, and manipulation.

As stated earlier, alienation does not always lead to acquiescence. The possibility also exists for resistance, for refusal, and for challenge. Alienation, in practice, can also be understood as part of the regular processes of politics (Cigler and Loomis, 2006), as part of modes of resistance (Foucault, 1985, 2001), and as part of the process of shaping the self (Fink, 1995, 1996). In essence, as prevailing communities of interest move in and out of favor, members of alienated groups can also equally move in and out of favor as power shifts and as priorities change. In this case, there are opportunities and incentives to speak against authoritative bodies regardless of the consequences, and regardless of the *truth* given the possibility for shifts among different groups of interests.

From a Lacanian perspective, recasting the continuum of individual citizenship outside a notion of a wholly autonomous independent view of the self helps to better explain not only individual behavior but also how civic groups respond to events. For example, if someone were to completely accept Lacan's view (Fink, 1995), then an individual citizen could be understood as a reflection or mirror image of the activities and experiences that he or she has engaged in over time. In such a case, there is no real autonomy, and no real 'self.' Such a perspective, since it merely assigns a 'place' (Fink, 1995, 52), means that individuals can simply be reshaped by new sets of symbols, discourses, and socially constructed images pertinent to the evolving social order.

Conclusion

Until we accept that in our current discourses, policies, and actions, the idea of citizenship remains fractured both by our understanding of certain concepts and by our understanding of the individual, we cannot disengage from the mainstream, monistic discussions of citizenship.

In practice, the individual remains susceptible to domination, manipulation, and alienation often through the application of discourses, symbols, and imagery as we fail to recognize the emergence of a phantom public sphere (Robbins, 1993) in general, or a phantom public (Lippmann, 2008) in particular. It is also important to realize that the presence of a phantom public sphere does not necessarily supplant all other possibilities. Because postmodernism does not necessarily exhaust modernity (Jameson, 2005), the presence of a phantom public does not necessarily mean that the public sphere in general must be addled by vice, by public opinion, by a lack of knowledge or rationality. It seems prudent instead to realize that while opportunities and challenges do exist, they should be understood in the context of the evolving theories, interpretations, and praxis that confront the ideal of citizenship.

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4
Citizenship, the Public Interest and Governance

John Dixon and Mark Hyde

Introduction

Citizenship (Beiner, 1994; Clarke, 1994; Heater, 2004; Marshall, 1950, 1965) denotes membership of a polity, but it is more than a legal status in relation to a territorial political unit, for it constitutes a normative ideal that is manifest in a polity's set of written or unwritten citizenship rights and obligations (see Chapman and Sage, 2002). Such rights and obligations may be defined as moral constructs that assign, according to Freeden (1991, 7), 'priority to certain human or social attributes regarded as essential to the adequate functioning of a human being; that is intended to serve as a protective capsule for those attributes; and that appeals for deliberative action to ensure such protection.'

In this chapter the contention advanced is that what the priority citizenship attributes are that sanction the conferring of particular citizenship rights and obligations by a society on its citizens depends, very much, on how that society has decided to govern itself. In other words, how that society has chosen to balance *individual autonomy and responsibility* [rightful citizens self-governance (Hayek, 1960)] and *collective control and responsibility* (social control in the interests of citizens as members of a polity).

This balance settled upon reflects its preferred way of solving societal problems, or of creating societal opportunities and, thus, its preferred way of determining and advancing the public interests of its citizens. On the one hand, *individual autonomy and responsibility* gives rise to the case for the promotion of negative freedom—'freedom from' (Berlin, 1969).[1] On the other hand, *collective control and responsibility* gives rise to the case for constraining negative freedom so as to promote positive freedom—'freedom to' (Berlin, 1969). Two sets of rights can, thus,

be identified: negative ('civil' or 'liberty') rights; and positive ('social' or 'welfare') rights. These differ primarily with respect to the ends that are embedded in their specific normative rationale, and to the nature of the citizenship claims that each right embodies.[2]

Negative rights grant citizens *the right of self-determination*[3]—freedom from control, interference or exploitation—identified with the Hobbesian idea of the absence of constraint or obstacles (Hobbes, [1651] 1996). They guarantee that citizens are free from interference and coercion by others, thereby protecting their formal freedom, in that these rights define the legitimate scope of voluntary exchange, or action spaces—the freedom to engage in voluntary market exchanges. Such rights are concerned with processes, or procedural justice, with conferring the legal capacity on people to strive for what they want to achieve and possess. But as Marshall (1950, 34) observed, 'a property right is not a right to possess property but to acquire it if you can.' Presumed is the capacity of all citizens to act competently in the marketplace—to have the motivation to be self-reliant; to have the cognitive capacity to acquire and use relevant information to guide choices made in the marketplace; and to have the resources needed to engage in market transactions—and the capacity of sellers to meet, cost-effectively, the revealed demand. These rights impose on citizens an obligation to be self-sufficient, and self-controlled and self-restrained in the transactions with others.

Positive rights grant citizens the *capacity to exercise the right of self-determination*. They are concerned with securing particular distributive outcomes, or substantive justice, in recognition of diminutive capacity of those who lack resources to take advantage of the opportunities that are embedded in their legitimate freedoms deemed fundamental to individual autonomy. Historically, this collectivist ideology has been used in liberal democracies to justify the removal of what Freud (1951, 44) described as 'the social sources of our distress,' so as to promote social cohesion, integration and inclusion, and to permit progress to be made towards a free, equal and more secure society. Such collective responsibility has been justified in terms of three particular normative principles. The first is citizenship—all individuals should, by virtue of community membership, be guaranteed through legal entitlement access to essential resources (Roche, 1992). The second is distributive justice—resource distribution should be arranged so as to favour the least advantaged (Rawls, 1971), the intellectual antecedents of which can be found in humanism (with its emphasis on the dignity and worth of all people), romanticism (with its evoking of a sentimental passion for safeguarding the dignity and rights of the individual), utilitarianism (with its informing ethical

premise of the greatest happiness for the greatest number) and functionalism (with its emphasis on the way social institutions fulfil social needs by ensuring a society's survival, stability and well-being) (Dixon, 2003, see also Downie and Telfer, 1969). The third is human need—certain resources are so integral to a person's life-chances that their distribution should not be left to chance, as it would be in the market (Doyal and Gough, 1991; Titmuss, 1973). This requires a 'society working together for the good of the whole in a spirit that combines both altruism and self-interest. Individuals are taking collective responsibility for their welfare rather than individual responsibility' (Rowlingson, 2002, 625). These rights impose on citizens an obligation, as a moral imperative, to apportion part of their resources to allow others to facilitate access to the resources that guarantee citizens the 'freedom to have various things that are regarded as necessities' (Kelly, 1998, 22).

The citizenship attributes that are valued by a society, which sanction the conferring by that society of a particular collection of concomitant citizenship rights and obligations on its citizens, depend upon how it has decided to balance *individual autonomy and responsibility* against *collective control and responsibility*; in other words, on how it has decided to govern itself (societal governance) in the interest of its citizens (in the public interest).

Societal governance and the public interest

Governance[4]—derived from the Latin *gubernare* meaning to rule or to steer—has been defined by Mayntz (1993, 11) as a 'a mode of social co-ordination or order' (Dixon, 2003). Kooiman (1999, 70, see also Kooiman, 1993, 2000; Peters, 1996, 1998; Rhodes, 1997) defines societal governance as 'all those interactive arrangements in which public as well as private actors participate aimed at solving societal problems, or creating societal opportunities, and attending to the institutions within which these governing activities take place.' It is the exercising of political, economic and administrative authority to manage a polity's affairs, which is clearly broader than government. It is the process of establishing the 'conditions for ordered rule and collective action' (Stoker, 1998, 17). It constitutes, according to Garland (1997, 174), 'the forms of rule by which various authorities govern populations, and the technologies of self through which individuals work on themselves to shape their own subjectivity.' Kooiman (1999) identifies three 'governing orders': action contingencies between different partners (problem-solving and opportunity-creating); institutional aspects (conditions); and governing

principles (legislation, norms and economic development). It involves determining, protecting and promoting what is in the public interest (Brown, 1994; Dahl, 1982; Elster, 1991; Plant, 1991; Sandel, 1982; Walzer, 1983; Ward, 1983; Wolff, 1973).

The public interest has been conceptualised by Lasswell (1930, 264) as displaced private interests: 'the displacement of private affects upon public objects. The affects which are organized in the family are redistributed upon various social objects such as the state.'[5] It is premised on the proposition that the private sphere can do 'harm' to others, so justifying the public sphere's intervention to 'correct' the 'adverse' consequences of such private actions (Mill, [1859] 1963). There are, of course, rival perspectives on the knowability of the public interest and on the state's governance capacity (i.e., the state's capacity to acquire adequate and reliable knowledge of the 'adverse' consequences of the private sphere's actions in a timely enough manner to be able to 'correct' them—to resolve the conflicting public and private sphere claims—while maintaining an 'acceptable' balance between individual autonomy and societal control).

What, then, is in the public interest and how it is promoted and protected is a matter of societal governance. This essentially involves the polity balancing the interests of the state, voluntary communities of interest (civil society), and the marketplace, thereby settling on the set of priority citizenship attributes that sanction its particular collection of concomitant citizenship rights and obligations.

Governance modes

A society can choose to protect and promote the public interest by empowering one or more state territorial units to exercise the coercive power of the state (the hierarchical governance mode); by permitting or facilitating co-governance communities of interest to take on some of the regulatory responsibilities conventionally performed by the state and execute those responsibilities in an ethical and professional manner, whether or not it has the state's endorsement or involvement (the interactive governance mode); or by permitting law-abiding buyers and sellers in the marketplace to be self-regulating (the market self-governance mode). These contending modes of governance, as Hay (1998, 39) sensibly argues, do not exist independently of each other. Each has its own rightful individual autonomy–social control balance, which sanctions its particular collection of concomitant citizenship rights and obligations.

Hierarchical governance

This governance mode presumes that the private sphere should be clearly demarcated from the public sphere. The directing or administering of a polity is undertaken by societal governing elites because, in a democracy, they have been elected to do so. They would be perceived by those they govern as having the right to rule, although they would be expected to accept responsibility for those who give them loyalty and obedience. The political meta-narrative that legitimates this hierarchical bonding of individuals reinforces the supremacy of the collective over the individual in all spheres of life, and preserves authority structures—akin to Plato's guardian-style polity[6] (Hendriks and Zouridis, 1999, 125)—one that enables government to be elitist, stable and strong, ensuring the collective's responsibility to promote positive freedom and to constrain negative freedom in the public interest (Loughlan and Scott, 1977; Wilks, 1996). Authority under the hierarchical governance mode rests on the legality of normative rules and the right of those elevated to authority to give commands that facilitate orderly governance processes (see Hegel, [1806] 1998, [1807] 1977).

Public interest. Under the hierarchical governance mode, the public interest is knowable and grounded in the notion of societal common good, as articulated by a society's governing elite. This proposition is grounded in two principles. The first is that there must be continuity between the past, present and future, which only the state can preserve. The second is that as the public interest can only be defined, protected and promoted by the societal governing elite, who, themselves, must acknowledge that privilege entails responsibility, and who must be empowered, as necessary, to guide and control individual behaviour, to determine which human needs the collective should meet, and to decide who should have access to the collective's natural resources and on what basis.

Under the hierarchical governance mode, people, whether individually or in groups, are presumed to be willing to make any expected sacrifices for the collective, or contributions to collective action by the state, if they were deemed by the societal governing elites to be for polity's common good ('willingness to make sacrifices for the well-being of the other members of a group' (Beckert et al., 2004, 9) becomes an act of social solidarity).[7] Such sacrifices and contributions would be made because of their preoccupation with retaining the protection of a hierarchical social order that is based on positional authority.

Citizenship rights and obligations. Under the hierarchical governance mode, the concern is about achieving collectively determined goals by

constraining negative freedom, for the good of those whose liberty has been restricted, perhaps against their will, in order, and by promoting positive freedom, so as to permit greater capacity for individual autonomy, although this can become threatening if this empowerment enables the societal governing elites to be challenged. The citizenship rights and obligations that this governance mode gives rise to would include the following:

- The obligation to take control of one's life to achieve socially acceptable life goals.
- The obligation to be loyal and obedient to superiors.
- The right to life in a society that has social order and harmony.
- The obligation to make sacrifices for others.
- The obligation to make socially acceptable decision choices.
- The right to live a secure and safe life.
- The obligation to be a law-abiding citizen.
- The obligation to exercise personal freedom in a socially acceptable way.
- The obligation to engage in political affairs in a socially acceptable way.
- The right to criticise the conditions of civil and economic life.
- The obligation to exercise freedom of speech in a socially acceptable way.
- The obligation to make a contribution towards the cost of public collective action.
- The right, where necessary, to access resource of others to sustain a socially acceptable standard of living.
- The right to engage in socially acceptable voluntary market transactions.

Interactive governance

This mode of governance presumes that the public and private spheres should work together to promote, in the public interest, their categorical interests, which reflect their shared values, as determined through constrained, consensus-seeking values discourses. Streeck and Schmitter (1991, 236) argue that it is in the interest of organised groups to seek, for their own self-interest, a categorical good that is identical, or at least partially compatible, with a collective good. The directing or administering of a polity requires ordered rule and collective action, achieved

by individuals, or groups of individuals, voluntarily ceding some auton-omy to voluntary networks[8] to which they belong, in return for agreed common rights and acceptable common obligations (Kooiman, 2001; see also Kooiman and van Vliet, 1995). By so belonging, they share, with other network members, a commitment to a common set of gov-ernance values and a presumption that network interactions are on the basis of loyalty and trust (see Ring and Smith, 1997; Vangen and Hux-ham, 1998) and reciprocity (see Alcentara, 1998; Colebatch and Lamour, 1993; Jessop, 1997; Peters, 1998; Rhodes, 1996, 1997). This requires people to participate actively in, and give their consent to, collective decisions, thereby legitimising those decisions. They would thus, quite possibly, be in dissent with those who govern them, but, nevertheless, they would willingly engage in discursive governance processes in order to ensure that their values and beliefs, if not made the basis of collec-tive action, are at least heard. Indeed, if expressions of collective will about the common good can be captured and articulated as a categor-ical good then group members can embrace them in the belief that they are for their personal good. The political meta-narrative that bonds group members together—akin to Aristotle's deliberative democracy[9]—reinforces the collective's responsibility to promote on *positive* freedom to enhance equality, human dignity, and fellowship and community as inalienable moral entitlements.[10] This rests on the claim that 'mem-bers of a political society are related not just through their communities and their instrumental associations but also as fellow citizens … Some-one deprived of this equal enjoyment is a second class citizen' (Miller, 1991, 30, see also Castells, 1983). Authority under the interactive gov-ernance mode rests on the acceptance of the normative patterns of network-ordained social order.

Public interest. Under the interactive governance mode, the public interest is knowable and embraces an inclusive set of categorical inter-ests (or categorical goods) (Streeck and Schmitter, 1991, 236). This proposition is grounded in four principles. The first is that the public interest must encompass categorical interests of a group of people—a community of interests or an interest group with shared values and a common language that creates a social bond and a sense of identity—that are the outcome of a constrained, consensus-seeking values dis-course, determined by constrained, consensus-seeking group-norming and group-forming values discourses in Messner's (1997) *Network Society*. The second is that within those networks, all interpersonal interactions must be based on mutual trust about the interpretation of unwritten or ill-specified rules and codes of proper behaviour. The third is that

government could take on a role in networks that ranges from passive—merely being 'an actor among actors' (Klijn and Koppenjan, 2000, 151)—to proactive (Klijn and Koppenjan, 2000, 153–154), thereby making itself better able to ensure that the network's categorical interests are more in line with its perceptions of the public interest. The fourth is that those who accept responsibility for protecting the public interest, so defined, must be treated with constant vigilance, which involves all co-governing network members participating actively in, and giving their consent to, collective decisions.

Under the interactive governance mode, people, whether individually or in groups, are presumed to be willing to make any expected sacrifices for, or voluntary contributions to voluntary collective action by, their communities of interests. Such sacrifices and contributions would be made because they are committed to a set of agreed categorical interests, which they mutually agreed to be in the public interest.

Citizenship rights and obligations. Under the interactive governance mode, the concern is about how to enhance positive freedom a prerequisite for which is equality of outcome, which is taken as a value in its own right and justifies constraints being imposed on *negative* freedom. The citizenship rights and obligations that this governance mode gives rise to would include the following:

- The right to take control of one's life to achieve socially responsible life goals.
- The right to join with others in a community of interest.
- The obligation to foster in others close communal bonds.
- The right to be treated with human dignity.
- The obligation to treat others with human dignity.
- The obligation to respect others' shared norms, shared cultural and social practices, and shared language.
- The obligation to give others an equal opportunity to achieve socially responsible life goals.
- The obligation to be non-discriminatory in one's treatment of others.
- The obligation to engage in political affairs.
- The right to criticise the conditions of political and economic life.
- The obligation to exercise freedom of speech in a socially responsible way.
- The right to be treated equally before law.
- The obligation to make socially responsible choice decisions.
- The right to access resource of others to be able to live independently.

- The right to engage in socially responsible voluntary market transactions.
- The obligation to contribute to any collective action decided upon one's communities of interest.

Market self-regulation mode

This mode of governance presumes that the private sphere, where market exchange between individuals permits private ends to be peacefully pursued (Hobbes, [1651] 1968; Oakeshott, 1975), is always being threatened by public sphere, which should be made smaller wherever and whenever possible. This is the self-regulating market form of society (Hayek, 1991; Polanyi, 1957) in which the right to private property (Becker, 1977) is the most efficient way of running society, because it enables buyers and sellers to negotiate enforceable contracts, with a zero non-compliance tolerance and full restitution as the ultimate sanction. They conduct their affairs in accordance with their contractual obligations within the rules of the law of property, tort and contract. The directing or administering of a polity requires the market-determined public interest to be protected and promoted by self-regulation through enforceable contracts guaranteeing that contractual obligations are met (Bentham, [1789] 1970; Friedman, 1970; Hayek, 1960; Smith, [1776] 1977). The political meta-narrative that advocates the individual's moral supremacy over a collective, means that government is weak, unobtrusive and small—akin to Lock's protective democracy[11] (Hendriks and Zouridis, 1999, 126), reinforces the collective's intrinsic coerciveness and intrusiveness, which inevitably result in the imposition of unnecessary constraints on *negative* freedom and individual responsibility, which generate perverse incentives and constrain market behaviour. This limits a government's role to ensuring society's security and safety, acting as a Rawlsian agency of justice (Rawls, 1971), and providing a judicial-legal framework that defines and enforces property rights[12] (the fundamental right of people to use their private property, as they see fit, for their own benefit).

Government cannot claim legitimate authority because it perpetually acts as a pedantic rent seeker (see, for example, Epstein, 1985; Fischel, 1995), and, thus, held to be strictly accountable for its actions, so as to ensure not only that any private costs incurred are both minimised and compensated by the collective, but also that the market provision is maximised (see, for example, Kaufman, 1976; Weimer and Vining, 1992). Authority under the market self-regulation governance mode rests on enforceable contracts.

Public interest. Under the market self-regulation governance mode, the public interest would be knowable and can be promoted and protected but only when the societal governing elites' role is limited to ensuring society's safety and security, and to determining the legal framework that defines and enforces property rights, thus enabling the satisfaction of revealed market preferences. This proposition is grounded in three principles. The first is that those who seek to govern the polity cannot know the 'will' of the people (Riker, 1982, 238), as demonstrated by Arrow (1954), and, thus, they cannot take intentionally instrumental actions to enhance their well-being. The second is that the public interest can only be known as the 'will' of the market—the aggregation of individuals' preferences as revealed in the marketplace. The third is that law-abiding buyers and sellers, with a sense of personal responsibility that is a matter of honour, shame and guilt, must be free to negotiate enforceable contracts and to conduct their affairs in accordance with their contractual obligations, within the rules of the law of property, tort and contract.

Under the market self-regulation governance mode, people are presumed to be committed to their own self-interest, which only justifies them making voluntary sacrifices for the collective, or of voluntary contributions to collective action only when it was in their self-interest to do so (Olsen, 1965).

Citizenship rights and obligations. Under the market self-regulation governance mode, the concern is to maximise the citizen's *negative* freedom, so as to maximise personal autonomy, and to minimise the *positive* freedoms that constrain freedom of choice, because they deny people the right to exercise personal responsibility. The citizenship rights and obligations that this governance mode gives rise to would include the following:

- The obligation to take control of one's life to achieve self-determined life goals.
- The right to self-ownership.
- The right to own and benefit from private property.
- The obligation to meet contractual obligations.
- The right to enforce contracts with a zero noncompliance tolerance and full restitution as the ultimate sanction.
- The right to be free from the coercion and intrusion of others.
- The obligation to be personally responsible for one's decisions and actions.
- The right to engage in any voluntary market transactions.
- The right to make choice decisions in one's own interest.

- The obligation to ensure that one's decisions and actions do not cause harm to others.
- The obligation to ensure that the least advantaged in a society have access to the resources of others needed for them to live an adequate life style.
- The right to live a secure and safe life.
- The right to engage in political affairs.
- The right to criticise the conditions of political and civic life.
- The right to engage in free speech.
- The right to engage in or contribute to voluntary collective action.

Conclusion

The rights and obligations, written or unwritten, a society confers on its citizens depend very much on the balance between individual autonomy and social control that it settles upon, for this determines its priority citizenship attributes that sanction particular citizenship rights and obligations. The balance settled upon depends, in turn, on how a society decides to govern itself, which is reflected in its balancing of the interests of the state, voluntary communities of interest (civil society), and the marketplace in determining the best way for it to solve societal problems, or to create societal opportunities and, thus, the best way to determine and advance the public interests of its citizens.

Notes

1. Berlin (1969) was the first to draw the distinction between negative and positive freedom. Negative freedom is based on three premises: that individuals require the private space to identify appropriate personal goals and ambitions; that personal goals and ambitions have value only if they are freely chosen; and that voluntary action—choice and personal responsibility—enables individuals to meet important spiritual needs. Positive freedom is the right to be able to take control of one's life: freedom to choose and realise desired outcomes, achieved by empowerment, which is an inherently collective pursuit, identified with Rousseau's ([1762] 1973) notion of moral self-government. It is also based on three premises: that all individuals have capacities or latent, but desirable, qualities; that positive freedom consists of the realisation of these capacities, which may therefore be conceptualised, in the broader sense, as personal autonomy; and that social conditions are the decisive influence on the realisation of these capacities.
2. Marshall's seminal work (1950, 1965) has identified three sets of citizenship rights. The first is civil or legal rights, which enhance negative freedom and

include, notably, the right to own property, the right to engage in voluntary market transactions, and the right to freedom of speech. The second is social rights, which enhance positive freedom by providing the individual with a right of access to a range of resources. The third is political rights, which permit participation in political decision-making, and include the right to vote and the right to hold political office. Political rights are integral to citizenship in that individual participation in the political process can influence policy, which helps to shape resource allocation and to determine the prevailing individual autonomy–social control balance.

3. Underpinning this are the rights to full self-ownership, which means that individuals should have full rights over the use of their body, full rights to transfer those rights to others, and full payment immunities for the possession and execution of those rights (Vallentyne, 2001, 1–2).

4. Young (1994, ix) usefully distinguishes between governance systems ('social institutions or sets of rules guiding the behavior of those engaged in identifiable social practices') and government systems ('organizations or material entities established to administer provisions of governance systems'). Rosenau (1992, 3) observes that governance without government is 'a system of rule that is as dependent on intersubjective meaning as on formally sanctioned constitutions and charters … a system of rule that works only if it is accepted by the majority (or, at least, by the most powerful of those it affects)'.

5. Three traditions of political thought explicate the meaning of 'the public interest': *utilitarianism*—the proposition that the maximising of the well-being of society should be the overriding goal of public policy, which, in Benthamite terms, means achieving the greatest happiness for the greatest number of people (Bentham, [1789] 1970; Mill, [1861] 1968); *civic republicanism*—the proposition that the different interests that exist in civil society should be subordinated to the interests of all those in that society (Honohan, 2002); and the *general will*—the outcome when citizens make political decisions for the good of society as a whole rather than for the good of a particular group (Rousseau, [1762] 1973). It has two distinct formulations: the *common interests* of people as members of the public (Gross, 1964, 522); and the *aggregation of the private interests* of those affected or likely to be affected by a public policy or collective action (Apperley, 1996b). It overlaps the concepts of the common or collective good—the good that is commonly or collectively shared by a group of persons that cannot be disaggregated (Reeve, 1996).

6. Plato's articulated this in *The Republic*, where he argued that rulership should be entrusted to that minority of people who, by reason of their superior insight and virtue, are particularly qualified to govern (Hendriks and Zouridis, 1999, 125).

7. This recalls Hegel's ([1806] 1998, [1807] 1977) proposition that the state is a spiritual entity. In an organic community, the individual and collective interests are rationally in harmony, which means that citizens choose to obey and support the state, as the ultimate form of society. This makes the state a Divine Idea; the social mind incarnate. Hegel considered that the conditions for full selfhood can only be met in such a law-governed social situation.

8. A network may be defined as

> a relatively stable set of mainly public and private corporate actors. The linkages between the actors serve as channels for communication and for the exchange of information, expertise, trust and other policy resources. The boundary of a network is not, in the first place, determined by formal institutions but results from a process of mutual recognition dependent on functional relevance and structural embeddedness.
>
> (Kenis and Schneider, 1991, 41–42)

9. Deliberative democracy overlaps with the concepts of participatory democracy—with its emphasis on deliberation, inclusiveness and egalitarianism (Hendriks and Zouridis, 1999, 126; Sanderson, 1999); government by discussion (Barker, 1945, 32–48); civic republicanism—with its concern for mobilising public commitment (Arendt, 1958; Barber, 1984); consensual democracy (Elder et al., 1982; Lipjhart, 1984; Mansbridge, 1983; Phillips, 1995); discursive democracy—with its primary concern for deliberative processes within public communication in a decentred and self-critical society (Habermas, 1996a, 1996b; Young, 1990, 1995); differentiated universalism—with its emphasis on the differentiated notion of rights reflecting the multiple group differentiation that necessitates linkages to realise differential objectives (Lister, 1995, 1997, 1998; Yeatman, 1993; Young, 1989, 1990); and associative or associational democracy—resurrected by Dahl (1971) as the concept of polyarchy to capture the idea that representative democracy should involve a substantial degree of interest group influences on government (Cohen and Rogers, 1992; Hirst, 1994; Matthews 1989).
10. The proposition has been advanced that treating all people with due respect is the foundation of all other moral duties and obligations (Downie and Telfer, 1969).
11. Protective government draws upon Locke's *raison d'être* for government: 'the protection of individual rights, life, liberty and estate' (cited in Held, 1987, 6; see also Nozick, 1974).
12. The right to private property (Becker, 1977) is premised on the proposition that allowing people to own property is the most efficient way of running society. They would readily accept the proposition that owning property is necessary for personal development. They would, however, not only feel insecure and ambivalent about possession being the foundation of property ownership, but also feel heartily dismissive of the idea that ownership should rest with those whose labour is used to create property.

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5
When 'Good' Citizens Say No: Bad Laws and Law-Abidingness

William Richardson

Introduction

'The rule of law' is such an oft-used phrase that it has almost become a cliché. It seems incapable of inspiring the genuine awe that is quite properly its due—and which may be fundamental to its success in extended, populous regimes such as ours. In the world's oldest democratic republic, perhaps we shouldn't even pretend to be surprised at this. After all, a regime founded on a base of 'new science of politics' comes into being with an inherent suspicion about ancient ways and ideas (Hamilton, 1961). Nevertheless, it doesn't take much observation of the contemporary post-Soviet world to realize that our political stepchildren, the fragile democracies and republics of every continent, are struggling precisely because one of their key deficiencies is any kind of tradition in which law (rather than men or force) truly rules. Lacking that particular tradition, it is hardly surprising that the complementary one of 'law-abidingness' is similarly absent among those who not so very long ago were subjects rather than citizens.

Political philosophers such as Aristotle and Hobbes have long recognized that rule of law is a fundamental requirement for a dignified human existence. While there may well be many motives (including fear) for acceding to the law, acceptance of its desirability ultimately requires an act of intuition. In short, the successful rule of law involves a degree of *reasoned* acquiescence to its superiority by both the ruled and the rulers. From this perspective, the short-term prospects for law in such troubled lands as Iraq, Afghanistan, and Somalia are slim, for deep passions have been excited there that may not be subdued in our lifetimes.

However, establishing—and then maintaining—the conditions for the rule of law in a democracy implicitly assumes that the laws that

will rule are going to be substantively 'good' (or at least perceived as such). As Tocqueville famously noted, the American democracy proudly lauds itself in terms of the extent of its law-abidingness. But he then rather slyly asserts that 'though democratic laws may not always deserve respect, they are almost always respected, for those who usually break the laws cannot fail to obey those they have made and from which they profit' (Tocqueville, 1969). When the substance of certain laws comes to be perceived as morally, economically, and/or socially repugnant to significant portions of the democratically ruled, what are the regime consequences, short- and long-term, for the all-important habits of law-abidingness? This chapter looks at this issue from the perspective of three of the most controversial laws the American regime has ever embraced (and then somewhat rescinded): the Fugitive Slave Act of 1850, Prohibition, and the 55 mph speed limit.

Legitimacy: Who says I should obey you?

Before law can become the awe-inspiring 'rule of law' that is accepted by the members of a regime, it must first be made. And before that can occur, lawmakers must be selected who are prepared to give a definitive answer to a rather irreverent but most fundamental question: 'Who says I should obey you?' That is, why should anyone voluntarily defer to them? The answer to this question is politically all important and, not surprisingly, varies both over time and from regime to regime. Among other important consequences, the *source* of your power over another human being determines whether you are a legitimate or illegitimate ruler (or wielder of power).

Historically, one of the most obvious sources of such power has been force: you obey me (and my army) because I am clearly more powerful and your life hangs in the balance (Locke, 1947). But having conquered you, I generally discover that the extent of your acquiescence is directly proportional to the visibility of my threat of force. Fear may be a powerful motivator, but it needs to be continually stoked. If I am extraordinarily successful at maintaining the force that is the foundation of my rule, rather soon I may find that advancing age forces me to look for a successor. If I have been truly fortunate, my search extends no farther than my eldest child, who assumes the mantle of power by virtue of heredity. If he, in turn, is similarly adept at wielding (or showing) the sword, there may well come a time where an illegitimate rule by force comes to be seen as a legitimate hereditary power passed down from generation to generation (Machiavelli, 1964). From

a regime's standpoint, a major advantage of such hereditary rule may lie in its peaceful transfer of power from father to son or daughter. The ranks of the claimants here are few and, because of the need for credible blood ties, severely restricted.

At times it has helped to cement one's claim to rule by assuming a level of unchallengeable superiority. For mere human beings, what could be better than claiming that one's entitlement to rule rests on 'Divine Right,' that is, on the fact that God has chosen you to lead your people? Indeed, such claims have an ancient lineage at least partly because the very nature of the assertion is so difficult to deny. If you claim God personally selected you, how do I effectively refute you? Call you a 'liar'? Claim that God really chose me and so risk the charge of heresy? Despite the fundamental difficulties of establishing its bonafides, up until just 300 years ago Divine Right was the ultimate source of almost every monarchial claim to rule. Indeed, its allure sometimes seems irresistible even today.

While there are some other credible but less persuasive ways of securing the voluntary deference of others (such as the demonstrated superiority of virtue possessed by a Mother Teresa), the longevity and ultimate dominance of the American regime in the world has ensured the supremacy of today's democratic alternative: the selection of rulers by a majority of eligible citizen-electors. From rule by the strongest sword, the nearest in blood, and the closest to God, we have come to ground contemporary claims of legitimacy on the approval of the greatest number. Hence, now all but the most entrenched of tyrants eventually find it prudent from an international if not domestic standpoint to hold elections in order to demonstrate their standing with those they rule. These elections don't necessarily have to be competitive or even 'fair'; in the basest sense of the word, it's the *process* that is important. Thus, the Divine Rightist Ayatollah Khomeini finally held elections with clear Plexiglas ballot boxes, color-coded ballots, and a matching set of vigilant paramilitary troopers for each box. Is it shocking that he wins by margins that, under other circumstances, would have incited the envy of politicians worldwide? In such a regime, would any sane person willingly drop in a ballot of the wrong color?

Who rules and for what ends

As the dominant means of conferring legitimacy, elections reflect the twenty-first century's triumph of one kind of regime: democracy. While it is possible to maintain a non-democratic regime while submitting

to the democratic process of elections—Iran being an obvious case in point—the very fact that rulers feel compelled to utilize them represents a powerful concession to democracy's potent allure. Having conceded that their legitimacy is dependent upon at least the appearance of democratic means, such regimes may not be good candidates for resisting the other democratic pressures that will besiege them over the long term. However, in very fundamental ways, both the rulers and the elections by which they are chosen are still mere *means*. In other words, the majority's selection of certain rulers reflects a perception that those individuals will better pursue certain *ends* than their competitors would have. The triumph of the democratic regime, though, is unquestionably one of ends, for, unlike other regimes, it properly pursues the greatest good of the greatest number. While the greatest good of *the whole* is the grandest of Aristotelian ideals—and is the fullest meaning of the 'common good'—the lesser mark of the greatest good of the greatest number seems to be the best of which humans are really capable.

Within such a regime, the electorate is rather continually challenged to select an appropriate ruler from among several potential claimants who hold forth with different ideas or policies for achieving the desired end. Under different conditions, these claimants might have used the very basis of their claim—virtue, wisdom, and so on—as a source of legitimacy. The triumph of majoritarian elections, however, currently reduces them to mere contenders for the electorate's favor. One such claim is made by the Wise, whose justification for being given political power rests on the quite undemocratic principle of inequality—in this case, their possession of superior or expert knowledge that sets them apart from the ordinary citizen. Well ingrained within the American regime, this claim, of course, also became a fundamental defense for the powers wielded by our non-elected administrators. Indeed, the claims of 'meritocracy' were rather proudly stressed by large numbers of public administrators from the time of the New Deal on through to the era of the 'Best and Brightest' in President John Kennedy's 'Camelot.' In retrospect, however, the latter's somewhat hubristic appropriation of the name of the grandest of aristocracies was probably not the wisest of tactics in the grandest of democracies.

Competing and somewhat intertwined claims to rule on behalf of the electorate are also advanced in democratic regimes by the wealthy. Having amassed a great deal of a scarce good that is widely admired within the contemporary Lockean regime, the wealthy reasonably contend that they alone best know how to improve everyone's earthly lot. Indeed, in the present times of global economic crisis, such claims may

resonate with the electorate even more readily than they did at the time of the Founding. For good or ill, a combination of circumstances has even narrowed our recent choices of national leadership to established multi-millionaires such as Obama, McCain, Bush, Kerry, Gore, Reagan, and others. When one adduces the claims of still others—such as military heroes who have served the regime unstintingly in battle; the poor who, relativistically speaking, comprise the largest portion of the regime; the virtuous who propose to save either our secular and/or our immortal souls—it becomes rather readily apparent how easily a democratic regime can be wafted about (and, yes, even misled) by one or another of the competing claimants. Intimately understanding the peril such claimants can pose to the long-term health of a democratic regime, prudent Founders promoted the claim of one additional potential ruler over all others, namely, that of the law.

Law and law-abidingness

In a very fundamental way, democracies are among the best suited of regimes to the rule of law and, paradoxically, least able to do without it. In such regimes, the rule of law is chosen as much for what it does as for what it prevents. First, a law by definition is universal rather than particular, that is, it is designed to encompass as many members of the regime as possible. Ideally, a law should exclude no one, applying as readily to the behavior of the *lawmakers* as it does to the *lawabiders*. Second, a law by definition embodies an understanding of the principles undergirding the regime and should advance them (Rohr, 1986, 1988). Thus, since a democracy has as one of its most important principles the general preference of equality over inequality (especially in public matters), democratic laws cannot stray too far from that principle without coming into conflict with it. Third, a properly crafted law helps to assure uniformity of treatment across time, connecting the previous generations to the present one and all of them to future ones. This, in turn, serves as an obvious restraint on what can be done in the present. Fourth and, perhaps, most important, a law fulfilling the previous three requirements serves as a substitute for the rule of men. While it is possible that a ruler could be chosen who was just, temperate, courageous, and wise, such an individual would rule only for a relatively short time (whether that be a term or two in office or a lifetime). With such individuals, perhaps no laws are needed, for their word could be the law and it would be just. But what about after their rule?

History teaches many things and one of them is that such rulers are extraordinarily rare (and the likelihood of a similar successor is rarest of all). Indeed, the ruler whose word is constrained by no higher law historically has proven to be a source of the greatest tyranny. Among the advantages of looking backwards from the twenty-first century is that one doesn't have to search very hard for illustrative cases. Stalin, Hitler, Mao, Castro, Idi Amin, Saddam Hussein, and Robert Mugabe come readily to the fore as examples of totalitarians who were unconstrained by the laws of their respective regimes.

While law has all of these powerful reasons to recommend it, there are some troubling deficiencies in its actual rule. Perhaps the greatest of these arises from that all-encompassing universality that makes it such a powerful constraint on both the ruled and the rulers. The greater the number of heterogeneous citizens that a law is intended to encompass, the more general it must be in its language. Ponder for a moment the succinctness of that great Divine Law, 'Thou shalt not steal!' Conversely, the smaller the number of homogeneous citizens who are intended to be affected, the more specific and particular a law can be in its language. So concerned were our Founders about this aspect of law that they devised a constitutional prohibition against bills of attainder, which are aimed at only one person.

The problem, however, is that human behavior, far from being universal, is wondrously and even maddeningly particular. The universal law cannot possibly provide in its black letter text for every imaginable variant of human conduct that conceivably would come within its purview. For example, is it *really* stealing if you '*borrow*' a neighbor's crowbar for ten minutes to break open the door to the burning house next door? For this reason, laws are intended to be interpreted by the law-abiding citizen, the law-enforcer, and especially the judge who attempts to determine if this particular behavior was contemplated by this particular universal law. At every stage, there are numerous opportunities for a seemingly universal law to be applied differentially to a particular set of circumstances.

It is at this point that the importance of the *character or 'ethos'* of the individuals applying the law becomes obvious. Because the application of the law to a particular case requires *discretion*, there are opportunities for even a well-crafted law to be judiciously or injudiciously enforced. The police officer who stops a citizen for going 12 miles per hour (mph) over the speed limit and lets him or her go with only a warning is exercising discretion. The child welfare caseworker who personally shepherds a heartrending case out of the queue and expedites it is exercising

discretion. Similarly, the ambitious prosecutor who decides not to proceed with certain criminal charges against the son of a prominent local citizen is exercising discretion. However impractical the expectation, we have an ideal in mind about who should be wielding these unavoidable discretionary powers, namely, individuals whose character is at least faintly reminiscent of the just, temperate, prudent, and wise philosopher-king.

The Fugitive Slave Act of 1850

As these words are written, America celebrates a clear victory that affirms its status as a nation of laws: President Barack Obama will be the first president in 20 years to win more than a bare majority of the popular vote (Clinton never received a majority; Bush only did so once—and that was a slim 7/10ths of a percent in 2004). The fact that Obama considers his election a measurable fulfillment of the legacy of Martin Luther King and the Civil Rights Movement is understandable, for some of the most shameful memories of that era—the unfettered violence by fellow citizens and law enforcement personnel in Selma and Birmingham; George Wallace standing athwart the school house door—are still vivid in the minds of citizens of all races who lived during that time. From that perspective, the peaceful election and the impending transfer of power to a popular leader in whom the blood of two races flows is in and of itself a cause for genuine political and social celebration.

But as Obama and most other thoughtful observers certainly know, the road the nation traveled to get to this moment did not commence with Martin Luther King and his Ghandian non-violent principles. That earlier highway was poorly charted, unpaved, marked by divisive laws, substantial defiance, and, at one crushing point, the most devastating type of violence this nation has ever experienced: the Civil War. Then as now, prescient leaders attempted to head off—or at least postpone—the cataclysmic violence that, in hindsight, seemed inevitable. One of their most earnest efforts, though, may actually have exacerbated and hastened the slide toward that violent resolution of the fundamental issue of slavery.

In 1850, the nation was enjoying the benefits of population and territorial growth that had begun in earnest with Jefferson's Louisiana Purchase in 1803 and, more immediately, with the conclusion of the Mexican-American War in 1848. Inhabitants who poured into newly acquired territories predictably sought to get those entities added to the Union as states. For 30 years, the Missouri Compromise of 1820 had

maintained an uneasy political truce between the slave-holding and free states by attempting to balance their respective representation in the House and Senate. The 1849 application of newly acquired California for admission to the Union as a free state upset that balance and ultimately gave rise to Kentucky Senator Henry Clay's famous 'Compromise of 1850.' The Compromise was actually a compendium of five separate laws—and none of them would have been successfully passed had it not been for another famous Senator from Illinois, Senator Stephen Douglas, whose greatest fame would come from his subsequent role as the formidable opponent of Abraham Lincoln, whose own ascension to the Presidency signaled the start of the Civil War. One of those five acts abolished the slave trade in the ten square mile federal jurisdiction that was Washington, DC, plainly stating that any slave brought into the district 'shall thereupon become liberated and free' (An Act to Suppress the Slave Trade in the District of Columbia, 1850).

'Compromises' are labeled as such precisely because they are attempts to find common ground between two conflicting positions. If the positions being accommodated concern matters of self-interested economic advantage, well, both sides may consider the result the best attainable and be somewhat content with what they either got or at least still possessed. But what if the positions also involve deep moral and political principles—and ones that are passionately held by one or both sides? Contemporary issues that might be most comparable to that of slavery in terms of passions aroused and principles at stake would be abortion and, perhaps, the death penalty. Such was the case with what came to be known simply as 'The Fugitive Slave Act.'

In actuality, the Fugitive Slave Act of 1850 was a stricter—much stricter—version of a predecessor law that was enacted by the Second U.S. Congress in 1793 to implement the 'Fugitive Slave Clause' of the Constitution:

> No Person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.
>
> (Constitution of the United States of America,
> Article IV, Section 2, 1787)

The provisions of this revised 1850 law were intended, of course, to mollify and persuade the already skeptical Southern slave-holding states that

the forces of the Union would be energetically employed to apprehend, secure, and prosecute slaves so bold as to flee from their masters. Toward this end, the Act granted wide latitude to commissioners of the state and territorial courts and US Marshals executing their warrants—even to the point of providing for dire punishment of Marshals who neglected their duties under the Act and/or who were unfortunate enough to see captured fugitives escape from their custody. The most inflammatory provisions, however, were reserved for free citizens, who were legally bound to assist all proper agents in the pursuit of the escaped slaves.

> . . . it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act . . . should any marshal or deputy marshal refuse to receive such warrant . . . or . . . diligently to execute the same, he shall, on conviction thereof, *be fined in the sum of one thousand dollars . . .*; and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, *should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable . . . to be prosecuted for the benefit of such claimant*, for the full value of the service or labor of said fugitive; . . . and the better to enable the said commissioners . . . to execute their duties faithfully and efficiently . . . *they are hereby authorized and empowered . . . to appoint . . . anyone or more suitable persons . . . to execute all such warrants and other process . . . with authority . . . to summon and call to their aid the bystanders, or posse comitatus of the proper county . . .*
>
> That *any person who* shall knowingly and willingly obstruct, hinder, or prevent such claimant . . . from arresting such a fugitive from service or labor, either with or without process as aforesaid, or *shall rescue, or attempt to rescue such fugitive from service or labor, from the custody of such claimant . . . or other person or persons lawfully assisting as aforesaid, when so arrested . . . or shall aid, abet, or assist such person so owing service . . . or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person . . . shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months . . .; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars*, for each fugitive so lost as aforesaid, to be recovered by action of debt, in any of the District or Territorial Courts aforesaid, within whose jurisdiction the said offence may have been committed.
>
> (An Act to Amend . . . , 1850; emphasis added)

The reach of the law was breath-taking. However much one may dislike a particular law, all that is usually asked of most citizens is that they don't disobey it—at least not consciously and visibly. The revised Fugitive Slave Act, though, demanded, under severe criminal and civil penalties, that any and all citizens summoned by authorities actively participate in enforcing the law. When combined with the obvious fact that the actions prohibited by the law—escaping from slavery in a nation dedicated to individual rights and then insisting that individuals still in possession of their rights actively assist the government in depriving those other human beings of attaining their own—evoked deep and abiding passions, is it any surprise that free citizens would instead chose forceful resistance? 'The act enraged Northerners and persuaded many escapees in free states to move to Canada. Some who did not—even free blacks—were forcibly kidnapped and sent south' (Huntington, 2004).

Nearly four years of Northern resentment of enforcement measures under this harsh law reached a crescendo with the case of one Anthony Burns, a 19-year-old slave who had escaped from his Virginia master and made his way to Boston, a city proudly steeped in abolitionist activism. It is a stunning irony to note that renowned orator Daniel Webster, at the time a long-serving Senator from Massachusetts, had destroyed his political career by adding his powerful voice in support of Henry Clay's Compromise of 1850. His speeches were well received nearly everywhere in the nation save New England, where he became truly reviled and quickly incurred the enmity of intellectual powerhouses such as Emerson and Thoreau. Webster resigned his Senate seat before the Compromise was eventually passed.

Anthony Burns had settled quietly and rather easily into Boston life, prudently telling no one that he was a slave. Unfortunately, he eventually made one understandable but critical mistake: he sent a note about his whereabouts to his beloved brother, who remained enslaved back in Virginia. Their master, Charles Suttle of Alexandria, intercepted it and, confident of his position under the Fugitive Slave Act, sped to Boston to reclaim his 'property' (Leddy, 2007). He approached the US Marshal in Boston, who, being acutely conscious of the abolitionist sentiments of the city, prudently delegated the apprehension of Mr. Burns to his deputy. Deputy Butman chose to bring Burns to the courthouse under the false pretext of his having been a potential suspect in a robbery. Only when he was safely in a cell did Charles Suttle appear and triumphantly taunt him with: 'How do you do, Mr. Burns?' (Leddy, 2007).

From the date of Burns' arrest on 24 May 1854, until his departure back to Virginia on 2 June 1854, Boston was convulsed. During that

period the jail was stormed by a multi-racial mob of abolitionists, a deputy Marshal was killed, President Pierce ordered in a company of U.S. Marines to help guard the defendant, and some of the wealthiest and most talented citizens of the city mounted an impassioned legal defense of Burns. In the end, the presiding commissioner/judge rejected all 'higher law' arguments and chose to enforce the hated Fugitive Slave Act. Martial law was declared and the shackled, heavily guarded Burns was led to the wharf on 2 June through 50,000 Bostonians who lined the streets draped in funeral black bunting, booing, hissing, and screaming 'kidnappers' (Leddy, 2007).

While Burns' freedom was eventually purchased by the minister of his church and he returned to Boston, the city was fundamentally transformed. We went to bed one night old-fashioned, conservative, Compromise Union Whigs and woke up stark mad Abolitionists. The following Independence Day 'celebration' was anything but, as prominent Abolitionist William Lloyd Garrison first set a copy of the Fugitive Slave Act afire and then dramatically struck a match to the U.S. Constitution, 'condemning it as "a covenant with death and an agreement with hell" ' (Leddy, 2007). The violent disobedience and loathing inspired by the political and moral compromise that was the Fugitive Slave Act aptly presaged the passionate rendering of that same Constitution seven short years later when the South, feeling duped by this law that was no longer enforceable in the North, ignited the devastating Civil War that so many had attempted to postpone for so long.

The Eighteenth Amendment: Prohibition

If the Fugitive Slave Act was (among other shortcomings) a morally flawed example of the rule of law, the Eighteenth Amendment to the U.S. Constitution was a practical application of a fundamental Aristotelian tenet, namely that human beings form political ties for the furthering of moral—ideally, high moral—ends. Indeed, the Amendment was popularly considered to be a 'Noble Experiment' because of its assumed economic and moral benefits to the citizenry. Like all amendments, its wording was concise:

> Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.
(Eighteenth Amendment to the Constitution of the USA, adopted 16 January 1919; repealed by Twenty-First Amendment on 5 January 1933)

Organizations devoted to the moral improvement of our citizens have always been abundant if not necessarily prominent. However, the post-Civil War Women's Christian Temperance Union (slightly misnamed, since it was never concerned with the Aristotelian virtue of 'temperance') is justifiably given the major credit for the persistent push to secure the prohibition of all alcoholic beverages. Its efforts initially stressed individual reform through education and prayer, but some of its members earned national notoriety through their forays into saloons—which more than a few times escalated into the passionate wielding of hatchets on the offending bottles of intoxicating spirits.

[P]rohibition represented a response by rural, native-born, pietistic Protestants to the dramatic social changes occurring in the United States during the early twentieth century. Arrayed against these groups were 'wet' supporters, urban, immigrant, and ritualist religious groups who saw prohibition laws as a threat to their cultural beliefs and practices ... By attacking and eliminating saloons, then, prohibition supporters won twice; not only did they keep their supporters mobilized, they also eliminated sites of wet mobilization, thus potentially discouraging wet turnout ....

(Lewis, 2007)

Unfortunately, the facts do not support the contention that abstinence, wherever externally or internally enforced, brought *any* demonstrable moral, political, or even social benefits to the nation during the 14-year experiment with the Eighteenth Amendment. (The one possible exception to this statement might be a decline in cases of cirrhosis of the liver, about which the literature disagrees.)

The most dramatic statistic for the issue of law-abidingness involves the spikes in the crime rates. Among those spikes, the most reliable data

involves homicide rates, which had already been on an upward trajectory before implementation of the Amendment, but increased by 80 percent during Prohibition.

> America had experienced a gradual decline in the rate of serious crimes over much of the 19th and early 20th centuries. That trend was unintentionally reversed by the efforts of the Prohibition movement. The homicide rate in large cities increased from 5.6 per 100,000 population during the first decade of the century to 8.4 during the second decade when the Harrison Narcotics Act, a wave of state alcohol prohibitions [early successes of the WCTU at the state level], and World War I alcohol restrictions were enacted. The homicide rate increased to 10 per 100,000 population during the 1920s, a 78 percent increase over the pre-Prohibition period.
>
> (Thornton, 1991)

Even if we can't have the same confidence in the statistics for categories of crime other than homicide, we do have data on the increases: federal prison population (up 366 percent between 1915 and 1932); federal expenditures on prisons (up 1000 percent during 1915–1932); the number of citizens convicted of Eighteenth Amendment offenses (up 1000 percent between 1925 and 1930); and that fully 75 percent of all prisoners were guilty of alcohol violations (Thornton, 1991). 'The most telling sign of the relationship between serious crime and Prohibition was the dramatic reversal in the rates for robbery, burglary, murder, and assault when Prohibition was repealed in 1933' (Thornton, 1991). Much less well documented, of course, is the effect that Prohibition had on respect for the law at all levels.

The city of Chicago became almost synonymous with organized gang activities—perhaps most especially of such figures as Al Capone and Bugs Moran. The estimated 10,000 'speakeasies' that Capone reputedly controlled at one point thrived not just because Chicago was a boat ride away from 'wet' Canada and of its ample supply of spirits, or because political and legal protection was readily for sale, but because the citizens of that and countless other towns across the nation, sandwiched between the horrors of World War I and the deprivations of the Great Depression, willingly defied the law. The corrupt activities of municipal, state, and federal officials of that era could justifiably be compared to our public disdain for the contemporary efforts by Mexican officials to counter the arrogant lawlessness of drug cartels that are wealthier, better

organized, and uninhibited by the legal, moral, and political restraints of their counterparts.

The public attitude toward prohibition at all levels is captured by one of the early Gallup polls, which found that 64 percent of the respondents would never again vote for a national prohibition (Gallup, 1972). The fact that President Franklin D. Roosevelt sagely chose to campaign on a promise to rescind the hitherto despised Eighteenth Amendment—and that he promptly moved to fulfill that promise once in office—certainly provides another definitive perspective of public opinion on the issue. Of course, overcoming the longer term effects of 14 years in which the habits of law-abidingness were so thoroughly strained—if not outright undermined—was to be a task that might not have been properly fulfilled until the burgeoning anti-democratic forces outside America united the nation in defense of its most fundamental values—and ultimately gave rise to what one commentator came to call 'The Greatest Generation' (Brokaw, 1998).

The 55 mph speed limit: Costs–benefit and technology

The early 1970s witnessed a political tsunami that literally took the American nation by 'storm': the vibrant passions incited by the Vietnam War receded as the ultimately unsuccessful strategy of 'Vietnamization' was implemented; the tragedy and arrogance of Watergate brought down a personally and politically troubled president; the 1973 Arab oil embargo greatly exacerbated the energy crisis; the national spiral of wage and price inflation accelerated (remember 'Whip Inflation Now?'); and, finally, the National Maximum Speed Law (NMSL) of 1974 sought to reduce oil consumption, air pollution, the severity of accidents, and, implicitly, even wear and tear on vehicles.

Not surprisingly, a significant portion of the literature that seeks to examine the 13-year impact of the NMSL (it was repealed in 1987) focuses on data that can be more or less readily quantified in standard cost-benefit analyses. For example, one study estimates that the law lowered speed limits 'from 66.6 to 58.1 for cars, from 60.3 to 56.3 for trucks, from 65.1 to 58.4 for buses, and from 65.0 to 57.6 for all vehicles combined' (Kamerud, 1988). The lower speeds adhered to the basic laws of physics and had the benefit of reducing 'annual productivity losses' (from injuries) by roughly twenty one to forty million dollars in terms of 1983 value (Kamerud, 1988). However, it would seem that this economic advantage was more than outweighed by the estimated '413 million hours of extra travel [time] in cars and buses' between

1973 and 1974 alone (Kamerud, 1988). A more difficult statistic to measure involves the very rough estimate that as many as 2000–4000 lives were saved in just 1983. From the emotional perspective of loved ones who were never lost (as opposed to the comparatively cold calculations of actuarial tables), the value of even one death avoided is 'priceless.'

However non-scientific some of these cost–benefit calculations may appear when examined closely, they aren't the most important 'cost' of a law such as the NMSL. If significant numbers of citizens in a democracy become accustomed—for whatever reasons—to defying a disliked law, what is the effect on their long-term behavior toward other laws that may be less disliked? Even more importantly, what is the effect on their fellow citizens who gradually become tolerant of—even inured to—such open 'shattering' of one pane in the glass house that is the fragile rule of law? Some researchers have attempted to look at more than economic costs and benefits to explain citizens' compliant and non-compliant behavior toward certain laws, but they are relatively soon stymied by the realization that so many motivations are difficult or even impossible to measure. For example, compliance 'theories assume that the individual is a rational decision maker who engages in a cost-benefit analysis of compliance' (Meier and Morgan, 1982). But measuring rational calculations in these matters must attempt to accommodate opportunity (not every disliked law—consider those concerned with prostitution—affords every citizen an equal chance to disobey it), citizen attitudes (respect for government, a belief that government is the legitimate arbiter of law and value conflict), base self-interest, and scope of law enforcement, to name just a few.

The unfortunate reality is that compliance with the NMSL is clearly related to a hard-to-measure mix of enforcement levels (including the deterring presence of visible enforcement), citizen attitudes toward this particular law, and associated habits of disrespect. But hard to measure doesn't mean that there is no relevant data. For example, polls conducted during the first year of the 55 mph speed limit indicated that large majorities approved of it and its effect on drivers: 73 percent favored the law; 68 percent admitted it reduced the speed at which they drove; and 66 percent thought it reduced the speeds at which their fellow citizens drove (Gallup, 1978). After seven years of experience with the law, though, citizen attitudes had evolved—both positively and negatively: 75 percent now favored the law (predictably, perhaps, females were more strongly in favor than males), but the tensions between theoretical support and actual practice came to the fore when only

29 percent of the respondents would claim that they obeyed it 'all of the time.' Indeed, the related problems of respondents' veracity and the strength of their attachments to the law became more visible when the pollsters tried to gauge the effect of enforcement actions on citizen attitudes. When the questioning moved from the effect of the law on the respondent to its effect on their fellow drivers, a critical change was seen: 49 percent of fellow drivers were viewed as obeying the law 'not very often' (Gallup, 1982).

In a democratic republic, those who oppose a law have numerous opportunities to express their displeasure with its effect on them and their families, businesses, or fellow citizens. How effective their opposition varies by their knowledge and use of the political process? In many cases, their opposition to a given law may be ideological or even theoretical rather than experiential, for they may never directly feel its effects. For example, how many citizens have ever had to seek the protections of the First Amendment? Those who do depend on it—the media, political activists, teachers, religious leaders—have educated us about its fundamental importance to a free society, but most of us will live our whole lives without personally seeking its protective embrace. But such was most certainly not the case with the NMSL. Out of a 2003 driving age population of approximately 218 million, there were a little over 196 million licensed drivers cruising our nearly 3.9 million miles of public roads (U.S. Department of Transportation, 2004; RITA, 2000). The opportunities that individual citizens would have had to accept or violate the NMSL during its 1974–1987 lifetime are impossible to calculate with any pretense of accuracy, but are probably best classified under a heading of 'Tempted Daily.'

However significant the daily confrontations with this particular law may be to the critical issue of democratic law-abidingness, there is an even more telling indicator of citizen attitudes toward it: the ongoing willingness of citizens to purchase and use advanced technological devices to help them break not just this particular law but any and all speed laws on the books. It is no coincidence that the first commercial radar detector, the aptly named 'Fuzzbuster,' arrived on the scene almost simultaneously with the implementation of the NMSL (RadarBusters, 2004). While early sales figures are obscure, annual sales of detectors have fluctuated between 1.7 million and 2.4 million units of all types (Gilroy, 2003). What is especially noteworthy is that these anti-speed enforcement devices are experiencing this level of sales nearly 20 years *after* the NMSL was repealed. In other words, a significant portion of our 196 million licensed drivers not only have the daily opportunity to

violate speed limits, but they proactively use expensive technology to help them thwart whatever enforcement efforts the police may attempt.

At the same time, the battle between enforcers and evaders has propelled an escalating, expensive battle in which law enforcement seeks evermore sophisticated devices (K-band, lasers, toll-booth, and redlight photo technology) to counter the cutting edge counter-detection devices being purchased by determined evaders. One part of the law enforcement efforts are assuredly driven by the lure of ever-increasing revenues from fines—funding which helps defray the equipment and training costs for their side of the battle. A more pernicious effect, though, concerns the cynicism that experienced law officers must increasingly come to feel toward the citizenry, namely that so many of them will obey certain laws only under the threat of force. And so, one well-intentioned law devised in response to an immediate policy crisis comes to nurture some unintended long-term consequences: attachment to the principle of the rule of law and the fundamental habits of law-abidingness that make such rule possible are slowly eroded in both the ruled and the rulers.

Conclusion

From the vantage point of that most famous outside observer of the American regime, Alexis de Tocqueville, laws provide innumerable opportunities for the ordinary citizen to discover that he or she is (or is about to be) affected by an exercise of political power and to start learning how to mobilize against the intrusion (Tocqueville, 1969). Indeed, because of the generally agitated and reactive state of American political affairs, Tocqueville understood that a fair number of American laws and regulations would annually be 'retrievable mistakes,' that is, imprudently devised instruments that, after having elicited howls from those affected by 'unintended consequences,' could be corrected or withdrawn. In addition to the laws discussed above, the post-NMSL legislation issued from the various state legislatures pertaining to intrastate speed limits certainly had all the earmarks of this Tocquevillian phenomenon. In several memorable cases—Montana comes readily to the fore—the laws were experiments in which the proper resolution of two conflicting principles—the efficiency of swift transportation and the safety of those being transported—was left to be decided by a simple empirical test: how many fatal crashes would there be? The latter won, and quickly led to a course reversal and reimposition of the speed limit.

By the design of our regime, the self-interested citizen is expected to be relatively isolated from his or her fellow citizens. In order to be effective in challenging the substance and enforcement of a law by something other than 'mere disobedience,' this same citizen must engage in some of the very behavior that the regime structurally discourages because of the potential political dangers it could pose. Thus, the citizen who is politically aroused for the first time may not only have to master the intricacies of making his or her views known throughout the elected and administrative hierarchies, he or she also may have to learn how to mobilize like-interested fellow citizens. These are not easy skills to master but, once possessed, they paradoxically make for a more vigilant, public-minded citizen (who may well come to serve as another in a myriad number of regime checks on potential abusers of political power—as well as makers of bad laws).

The contemporary emphasis on a greater democratization of the political process (whether through an expansion of the eligible electorate or easier access to direct legislation through initiatives and referendums) may retard the governments' potential to abuse political liberties while simultaneously reducing their assumed role as protectors of those same cherished freedoms. It therefore becomes increasingly important for the citizens to assume more of the considerable burden of protecting their liberties from encroachments by governments and, most especially, their fellow citizens. The direction those conflicts will take, as well as one sound indication of the degree to which Americans are still habitually law-abiding, can be seen by the customary way we respond when suffering an injury to our persons, goods, or rights. Rather than picking up weapons to avenge a perceived injustice, we quite consistently opt for a too often maligned alternative: we sue, staying firmly within the legal system for resolving conflicts.

Experience with government tends to affirm that there isn't an unlimited supply of prudent, justice-loving, law-abiding fellow citizens who are likely to fill most of the nation's millions of elected and appointed offices. Additionally, the inherent universalism of laws requires that many if not most of these officials wield discretion in order to apply the 'rules' to the particulars of an ordinary citizen's behavior. But the mere possession of discretion—and the clear potential for abuse in its application—in a regime recognizing only elections as the primary source of political legitimacy all but invites the asking of that earlier irreverent question: 'Who says I should obey you?' If enough well-intentioned but nonetheless bad laws are being applied to enough citizens by enough discretion-wielding representatives of the government,

past experience demonstrates that the law-abiding attachments of all concerned progressively diminish. How many such highly visible laws, enforced over how many years, does it take for the attachments of just one generation to be so weakened that the fundamental legitimacy of the democratic regime begins to erode? In such situations, the question plaintively asked by the citizens subtly changes from 'Who says I should obey you?' to 'Why should you be trusted?' Answering these questions carries broad implications for the exercise of citizenship with attendant implications for the legitimacy of the democratic regime as well as the rule of law.

Note

1. A minor segment of the chapter (pp. 81–86) is a heavily revised version of an earlier essay: William D. Richardson, 'Law versus Ethics,' in Phillip J. Cooper and Chester I. Newland, eds., *Handbook of Public Law and Public Administration* (San Francisco, CA: Jossey-Bass, 1997), pp. 361–375.

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6

Reconceptualising Citizenship and Identity: Contextual and Attitudinal Responses Towards State and Civic Obligation in the United Kingdom

Nada Kakabadse, Andrew Kakabadse and Kalu N. Kalu

Existing literature on the determinants of citizenship and identity highlights perceptual differences in individual relationships to the state, its institutions, and the underlying value premises that shape individual attitudes and responses. However, a survey of several respondent opinions in the United Kingdom concludes that for the average individual, daily involvement and experiences in social or community affairs influences individual orientation toward citizenship. Furthermore, increasing exposure to technology and market forces lends more credence to the decline in participation in the democratic process resulting in an increasingly narrow and almost cynical interpretation of 'patriotism'. The orthodox ideal of citizenship as virtue is in danger of becoming more or less a matter of perception and interpretation, and its full meaning is revealed in how one projects one's identity unto others (the community) and to issues of the state.

Economic globalisation, although welcomed by some, has also been considered by others as contributing to the decline of the nation state (Kakabadse and Kakabadse 2001). As a result, citizen engagement in 'civic dialogue' has become less evident (Hughes 1994). In a similar vein, others argue that the 'new public management' (NPM), characterised by a reduced role of the state and a greater reliance on the market for the delivery of goods and services (Aucoin 1995; Rhodes 1996; Newman 2001), has also diminished the status of the citizen as 'altruism' itself has become privatised (Lawrence 1986; Putnam 1996; Crenson and

Ginsberg 2002). Hence, social capital as a distinct form of 'public good' embodied in civic engagement is being replaced by the concept of 'individual good' driven more by concern for self and the pursuit of personal prosperity (Putnam 2000; Leigh and Putnam 2002).

Furthermore, scholars and citizen groups argue that after the 9/11 terrorist attacks, rights usually taken for granted have come under closer scrutiny by an emerging legislation that affords the state greater power without citizen consent (*The Week* 2004) as evidences by the greater use of CCTV surveillance, particularly in the United Kingdom (Graham 1996). In fact, the United Kingdom now leads the world in its sophisticated electronic observation of public places (Graham 1996, 57), whereby 10 per cent of the world's 30 million CCTV cameras are located in the British Isles (*The Week* 2004, 19). Aside from the infringing influence of the state, citizen trust in government is portrayed as diminishing as the reputation of individual political actors and the policies they pursue have increasingly become tarnished (Kakabadse and Kakabadse 2001). Cases of corruption, which are viewed as spawning inefficiency and ineffectiveness, contribute to the decline of public trust, evident in the decline in traditional modes of political participation such as voting (Reiss 2004). In the United Kingdom, the ethical conduct of politicians has given rise to a series of formal enquiries, notably the Nolan Inquiry into the standards of public life (Nolan 1995), the Hutton Inquiry into the death of a senior public service scientist Dr David Kelly (Grice 2004) and the Butler Inquiry (dubbed as a 'white wash' by certain sections of the media) examining the motives for taking the country to war with Iraq (Hennessy 2004; *The Independent* 2004). Also, revelations concerning the British Government's spying on allies, including that of the UN Secretary General, Kofi Annan, brought to the public's attention in February 2004 by both Katherine Gun, employee of the electronic 'eavesdropping' GCHQ (Waugh and Sengupta 2004), and by the former 'New Labour' Cabinet Minister, Clare Short (Reiss 2004), all reinforce public mistrust in government.

The market paradigm: Bridging citizenship rights and effective governance

In keeping with developments in America, the United Kingdom has undergone considerable transformation from that of a 'welfare state' to 'corporate state' (Baubock 1994; Ritzer 2004). Certain scholars argue that citizenship rights are equally being curtailed by the increasingly business friendly policies that have led to increasing corporate influence

over governments and the categorisation of 'citizens' into 'clients' or 'customers' (Levitas 1998; Mishra 1999; Pierre and Slevin 2001; Crenson and Ginsberg 2002). This, however, is not by accident. The relationship between the state, private enterprise and the citizen has a rich historical tradition dating back to the seventeenth century, in the form of the British East India Company which ruled over a fifth of the world's population (Crenson and Ginsberg 2002). At its height, the East India Company generated revenue greater than the whole of Britain and commanded a private army of over 240,000 strong (Robins 2003). Such impressive foundations were equally prominent in North America through enterprises such as the Hudson Bay Company, whereby private capital played a dominant role in the evolution of the United States of America. It was such developments that led Chandler (1977) to remark that the nineteenth-century North American railway companies were amongst the first to hire professional managers.

The need for cost-effective administration spawned the emergence of market-driven governance as the predominant philosophy over both private- and public-sector administrative arrangements (Kakabadse et al., 2006). Despite the brief respite provided by 'New Deal' welfare economics in the early part of the twentieth century, the hegemony of the emerging 'New Right', championed by Ronald Regan, found its advocate in the United Kingdom in the form of Margaret Thatcher. Since the Conservative Government pledged in 1979 to cut public employment numbers as well as 'de-privilege' the civil service (McDonald 1992, 2), a number of strategic initiatives have been pursued by both the Conservative and New Labour Governments. Rayner's (1979) scrutiny of both the structure of the Civil Service and composition of civil servants was followed by a number of structural reform programmes including the Financial Management Initiative (FMI) of 1982, the Efficiency Unit's report, *Improving Management in Government: The Next Steps* (1988), the Citizens Charter of 1991, the *Competing for Quality: Buying Better Public Services* White Paper (Treasury 1991) and the *Continuity and Change* White Paper (HMSO 1994).

Under the auspices of '*The Next Steps*' (Efficiency Unit 1988), the structure of the Civil Service was reformed by separating the executive functions of government from that of policymaking. By 1998, approximately 77 per cent of permanent civil servants were working for agencies or organisations operating under the 'Next Steps' structure (Cabinet Office 1998, 6). The emphasis that New Labour inherited was that of doing more for less. The credo of 'performance capability initially serving the interests of a small and privileged section of the population',

namely shareholders, emerged as the new and unchallenged reality, labelled by some as 'Corporate Statecraft' (Walsh et al. 2003, 878). In fact, New Labour's modernisation programme placed explicit emphasis on citizen obligation rather than citizen rights (Perri 6 and Peck 2004, 91).

In the effort to redress the situation, the UK's 'New Labour' Party has attempted to rekindle public confidence in government institutions and processes, as well as paving the way for the next election through its media management expertise (*The Independent* 2004). Under Labour's liberal, pro-market policies, the principles of individual freedom and individual choice were positioned as the defining elements of citizenship (Webster 1998). Rights concerning individual choice were increasingly confined to the realms of the purchase and consumption of goods and services within private and public sectors through the introduction of a variety of initiatives, such as privatisation, competitive tendering and the Citizens Charter (Webster 1998). In so doing, specific private interests seem to have been given greater credence through political patronage particularly concerning the winning of contracts, the issuing of grants, the realising of tax benefits and the pursuit of programmes that employ or finance Labour's allies (Crenson and Ginsberg 2002).

In May 1999, the Labour Government published the much delayed and criticised draft of the 'Freedom of Information Bill' (Home Office 1999), passed in November 2000 but was enforced beginning in January of 2005. Earlier in 2000, Prime Minister Tony Blair had announced the target date of 2005 for simplifying citizen's dealings with government through electronic delivery (Blair 2000). Additionally, Labour introduced the topic of 'Citizenship' into the school curriculum in England and Wales (DfES 2002; BBC News 2004). Yet despite these initiatives, the UK government continues to send contradictory messages to its electorate, as well as its Continental European partners (particularly Germany and France), over proposed citizens' rights defined in the 'Charter of Fundamental Rights' within the EU's draft constitution. Labour's fear seems to be that the 'Charter of Fundamental Rights' may create new and unwelcome legal rights for the citizens of the United Kingdom (Castle 2004).

As a consequence, the interests of capital and the business class became more intertwined with the public interest through market mechanisms. Consequently, a disaggregated public was turned into private customers whose individual desires seldom coalesce into collective demands (Table 6.1). In effect, the public becomes further alienated from

Table 6.1 Customer vs citizen: a schematic profile of the differences

Parameters	Customer (client or consumer)	Citizen
Ideology	Individual purchaser seeking to meet private needs through a free market (i.e. consumer of services)	Member of a political community with a collective existence and public purpose (i.e. producer and consumer of services)
Metaphor	Social capital (i.e. market opportunity)	Civic Community
Service approach	Market segmentation (i.e. service according to ability to pay)	Needs as basis for services
Accessibility	Purchase capability, exclusivity	Equality of access
Core values	Individual choice	Liberty, equality, commonality
Provision	Private goods—customer-driven demand for services	Public goods—need-driven services
Allocative processes	Market mechanism (e.g. contract, litigation)	Democratic and administrative processes
Outcomes	• Desegregation of public into collection of public customers • Commercialisation of public sphere • Commodificaton of products, services, values and culture • Propagation of 'political patronage' for private interests • Promotion of 'personal democracy' according to personal wealth • Corporate governance	• Citizen participation in political processes • Publicly deliberated and negotiated societal values • Caring communities • Social welfare infrastructure (i.e. protection of political, economic and social rights) • Democratic governance (i.e. processes, organs) • Public emancipation
Entity	Profit maximising	Public will
Utility	Differentiated good	Common good

Source: Compiled by authors based on information from Rousseau (1974), Forrester (1989), Pierre and Slevin (2001), Crenson and Ginsberg (2002) and Alterman (2003).

the traditional Lockean-based democratic liberalism that guides human relationships, particularly that between the citizen and the state. In the role of consumer, the citizen thus becomes a cog in a large market-driven, purposeful machine, or in Weber's famous phrase, the citizen experiences a 'parcelling-out of the soul' (Crenson and Ginsberg 2002).

While similar ideas of the citizen–customer relations have been the hallmark of the NPM movement, its premise remains anchored in traditional Marshallian citizenship. Marshall (1970) has always argued that no matter who provides public services, the overall responsibility for the welfare of citizens must remain with the state. This then suggests that the primary role of the state is not necessarily that of a direct provider of services, but that of a guarantor or enabler of services, coupled with state finance and regulation (Powell 2002, 239). The market offers choices to citizens and also the opportunities for individual participation. The level of participation, however, is determined by an individual's independent resources as well as socio-economic status. While the general idea of the market is not necessarily wrong, the state must perforce offer enough regulatory and social incentives to mitigate potentially adverse consequences of unequal competition that generally work against the collective interest of the more disadvantaged in society. The move towards clientisation is recognised as diminishing citizen values and rights on the basis that clients who enjoy a higher disposable income can afford to secure a higher level of rights and opportunities (Pierre and Slevin 2001; Crenson and Ginsberg 2002). As a result, some scholars postulate that the continuation of unrestrained Rightist free-market ideologies removes whole aggregates of social norms from public questioning and discourse (Schroyer 1971; Forester 1989, p. 224; Alterman 2003).

On the assumption that citizen experiences of government activities affect personal identity, a study of the meaning of citizenship within the United Kingdom has been undertaken (De Tocqueville 2003). A literature review of the nature of citizenship is followed by an outline of the study which also identifies the demographic and methodological approaches adopted. Particular attention was given to the study participants' interpretation of citizenship and the underlying values supporting their perspectives. The range of meanings of citizenship captured in previous scholarly work and those emerging from the current study were contrasted. It was thus concluded that greater citizen participation in policy design would be required in order to stem the growing marginalisation of the citizen in national policymaking.

Citizenship and the 'polis': Competing epistemology

Classical (Aristotle 1958; Tacitus 1964; Plato 1987; Plutarch 1993) and more modern philosophers (De Montesquieu 1910; Machiavelli 1960; Locke 1967, 1979; Hobbes 1968, 1983; Hume 1985) have enquired into the meanings of citizenship as well as the level and conditions for effective engagement between the individual and the state in the quest for an ordered and stable society (Table 6.2). The term 'citizen' entered into the English language from the Latin *civic*, equivalent to the Greek *polites*, meaning a member of a *polis*, or of a political community (Walzer 1989). Historically, citizenship has implied participation in civic meetings, the making of speeches and engagement in public service provision, in effect, a proactive view of citizen involvement in the daily affairs of the political life of the state (Van Steenbergen 1994). The Jacobean phase of the French Revolution brought new meaning to citizenship, or *citoyen*, as the social glue that binds competing identities such as religious faith, estate, family and regional location (Walzer 1989). In turn, the singular and all encompassing Jacobean identity has been superseded by the more modern socio-integrative interpretation of citizenship whereby an individual can bear numerous identities all interwoven for the purpose of social cohesion (Budge 1996). For John Dewey (1927, 154),

> to learn to be human is to develop through the give and take of communication, an effective sense of being an individually distinctive member of a community; one who understands and appreciates its beliefs, desires and methods and who contributes to a further conversion of organic power into human resources and values.

Dewey's (1927) insightfulness, thus, seems to capture the spectrum of citizenship approaches delineated in Table 6.2.

In line with the perspective of scholars who stressed the importance of the integrative function of citizen participation (Barber 1990; Budge 1996; Putnam 1996; Popa 1998), contemporary views of citizenship have seemed to draw together nationality, ethnicity and religion as appropriate forms of identity (i.e. community) within the context of increasingly diverse societies. New terms such as 'multicultural citizenship' (Kymlicka 1995, 1998; Requejo 1999; Stevenson 2003), 'post-national citizenship' (Falk 2000a; Bosniak 2001; Habermas 2001; Basok 2004; Gifford 2004), 'post-sovereign citizenship' (Murphy and Harty 2003) and 'transnational citizenship' (Johnston 2003) have emerged on the horizon and have added a sense of urgency to the continuing debate

Table 6.2 Citizenship: meanings, constructs and levels of analyses

Authors	Citizenship conceptualisation	Construct	Level of analysis
Aristotle (450 BC/1958, 127)	A man who shares in the administration of justice and in the holding of office; ruling and being ruled by others	Participation	State/ individual
Cicero (1929)	Legal status with special rights and entitlements (Roman philosophy)	Contractual entitlements	State/ individual
Bodin (1566/1945, 158)	'One who enjoys the common liberty and protection of authority'	Rights	State/ individual
De Montesquieu (1748/1910)	To share in the common liberty	Rights	State/ individual
Saint-Just (1957, 197)	Replacement of religious faith and familial loyalty as the central motive of conduct	Identity and belief	Existential
Brinton (1934, 42–3)	Distinction between active and inactive individuals drawn on economic rather than political lines (introduced in the US Constitution in 1791 but withdrawn in 1792)	Eligibility	State/ individual
Marx (1844/1963)	Ideology and illusion in the modern state but a concrete and actual experience in ancient states	Experience	State/ individual
Mosher (1941)	Man's role, entitlements and obligations in society	Community	State/ individual
Marshall (1950)	Historical development comprising of duties, status and rights, which encompass legal, political and social rights	Rights	State/ individual
Flathman (1981)	Peers who share equally in the distribution of authority	Equality	State/ individual

Lowi (1981)	Political status, and role guaranteed in terms of qualifications, rights and obligations by constitution and status	Social contract	State/ individual
Long (1981)	Result of the interaction between the legal and the ethical dimensions of the constitution	Emergent experience	State/ individual
Sniderman (1981)	Civil 'temper' coupled with attitudes and values concerning the nature of political authority	Social contract	State/ individual
Cooper (1984)	Status and role that define authority and the obligation of individual members of a community	Social contract	State/ individual
Hart (1984)	Embodiment of virtues and moral character	Character and virtues	Existential
Van Gunstern (1988)	Institutional status from which a person can address governments and other citizens and make claims about human rights	Human rights	State/ individual
Frederickson (1991)	Enhanced and ennobled public, motivated by shared concern for the common good	Normative rights	Existential
Kymlicka and Norman (1994)	Expression of one's membership in a political community	Participation	State/ individual
Walzer (1989)	Members of a political community, entitled to whatever prerogatives and encumbered by whatever responsibilities, are attached to membership	Entitlement and obligation	State/ individual
Webster (1998, 81)	'Elusive submerged concept, difficult to define yet widely regarded as ever present'	Contextual/ experiential	State/ individual
Hutton (2002, 279)	'Participation in the totality of public choices, economic, social and cultural'	Participation	State/ individual

Table 6.2 (Continued)

Authors	Citizenship conceptualisation	Construct	Level of analysis
Crenson and Ginsberg (2002, 9)	Embodiment of virtues and values—responsibility for others	Virtue in action	Self-determination
Kalu (2003)	'Normative rights versus instrumental outcomes … shared responsibilities'	Rights and obligations	State/ individual

Source: Compiled by the authors.

about the ontological status of the state, nationality and citizenship identity (Heater 1999) in a changing global community.

Interpretations of citizenship within the scholarly literature are rich and wide-ranging. On the one hand, Marshall (1965, 110) construes citizenship as an instrumental value or 'an instrument of social stratification'. He explored the construction of a national political community through the gradual extension of citizenship that is consolidated by an extensive welfare state. But 'the current concern with citizenship reflects the breakdown of this form of organised modernity, and citizenship education represents an explicit attempt to generate social solidarity in the context of globalised risk societies' (Beck 1992, 1999). Additionally, citizenship is seen in terms of normative values such as the virtue and moral character of individuals (Hart 1984), as representing privileges and entitlements (Cooper 1984), and powerful in determining socio-political and economic outcomes (Kalu 2003). In turn, Hobbes (1968), Rousseau (1974) and Kant (1996) adopt a different perspective that relates citizenship to the consenting interaction between the person and the state, thus promoting the basis for today's legal framework of individual rights, freedoms and entitlements. However, closer examination indicates that the range of citizenship meanings and constructs emerging from the literature can be placed within three categories, namely citizen as participant, citizen as consumer, and citizen as legitimiser through the exercise of duties and rights of civic and political association. By properly delineating the 'social contract' basis of the state, we nonetheless are more able to reaffirm the existential character of the individual as one who is naturally given to making choices.

State and citizenship: How epiphenomenal?

Since the seventeenth century, the state has been the predominant, if not the exclusive form of political organisation in Europe as is elsewhere. State-building meant the creation of a unified legally homogenised and bureaucratically controlled territory, the gradual transformation of a seg-mented set of dissociated individuals, locked in particularistic feudal statuses and manifold local bonds, into the corporate unity of culturally and legally standardised subjects whose loyalty was forcefully directed towards the state. Eventually, it is transformed as the 'institutionaliza-tion of one supreme and exclusive coercive force within the boundaries of a territory—sovereignty' (Preuss et al., 2003, 4). Thus, describing his work on government as 'a search balancing the rites of the state and the duties of subjects', Hobbes (1983, 32) used the term 'state' to denote the highest form of authority in matters of civil government. From the Latin origin of *estat* and *stato*, which refers to an abstract entity as well as the standing (*status*) of each person within a commu-nity, the term became recognised by the end of the fourteenth century as the 'health' or condition of the realm (Skinner 1989, 90). Thus, in 'that great *Leviathan* called a Commonwealth or State (in Latin *Civitas*)', Hobbes (1968, 81) argued that in order to achieve civil peace, the fullest power of sovereignty must be vested neither in people nor in the ruler but in the figure of an 'artificial man' described as the state (Skinner 1989, 121).

While a 'general' agreement exists between social contract scholars on the need for a government, however its forms and characteristics are considerably disputed (O'Connor and Sabato 1995). Hobbes (1968, 108) promoted one interpretation of authority based on consent, thus arguing that 'a man ought to obey because he has promised and has authorized the sovereign to will on his behalf; but his voluntary act must be shored up by psychological motives, above all fear, because he will not always adhere to his bargains'. For Hobbes (1968), the sovereign is the source of law, is above the law and thus cannot be accountable to the law. While he held that 'natural law' is inefficient because words alone do not bind people together without means of enforcement, he also points out that 'covenants without the sword are but words, and are of no strength to bind a man at all' (Hobbes 1968, 109). Hence, 'without a state, there can be no citizenship; without citizenship, there can be no democracy' (Linz and Stepan 1996, 28).

'Born of French revolutionary action and Rousseau's philosophi-cal musings, modern citizenship supplies the essential bridge between

competing notions of individual autonomy and the exercise of sovereign state power' (Everson 2003, 57). The idea of 'natural rights' was meant to imply a recognition of man's 'natural' freedom and potential, with the intention of reducing political (state) interference to a minimum. Hence for the French, the concept

> of 'natural' rights stands as a manifesto against a hierarchical society and against privilege—a universalizing bourgeoisie pronouncement grounded in the general will of the people—thus establishing the distinction between man (as the depository of natural rights) and the citizen with rights, integrated into a political system (political citizenship).
>
> (Jelin 1996, 103)

Rousseau (1974) admired the simplicity of ancient states especially for their lack of individualism as he conceived man being a part of a larger whole arguing that the relationship between the citizen and the state can be best understood by considering the origin of their association. He held that the formation of a society is based on a critical human priority, the need for security and protection, stating that 'men being naturally, if not by nature perfectly independent, and society being made necessary only by the introduction of property, men unite by contract to preserve themselves and their property' (Rousseau 1974, 211). Therefore, 'the "incorporation of people into a society involves more than a mere contract, but the creation of a moral and collective body", which in turn, "receives from this very act of constitution its unity, its dispersed self, and its will" ' (Rousseau 1974, 273).

The resulting body politic is 'seen as having a life of its own and a general will that is distinct from an aggregate of individual wills' (Keeley 1988, 30). Rousseau's (1974) contention was that the creation of a state could be undertaken without sacrificing individual freedom. For him, 'popular rule means no more and no less than the occupation of the locus of sovereignty through the people; this locus of sovereignty exists only within the state, that is, it is bounded by a demarcated territory and by the people attached to it as subjects and as citizens' (Preuss et al., 2003, 4). But then, 'sovereign power was legitimate only to the extent that it served the preservation of natural liberty' (Everson 2003, 70).

Locke (1979), like Rousseau (1974), argued for less centralisation of government in keeping with the idea of 'authority based on consent'. Locke (1967) held that the consent of the people is the only true basis

of any sovereign's right to rule, thus making him one of the founders of 'social contract' theory. Locke (1967) held that men form governments largely to preserve life, liberty (both as consciousness and as property) and to assure justice. Locke (1967, 375, 445) also argues that the 'community perpetually retains supreme power' (over the 'Prince' or the legislature) and must, 'though having deputised him, have still the power to discard him when he fails in his trust'. Hence, if governments act improperly, they break their 'contract' with the people and therefore 'no longer enjoy the consent of the governed'.

The Lockean view of 'voluntary agreement' affords 'political power to governors for the benefit of their subjects and that God having given man an understanding to direct his actions, has allowed him a freedom of will, and liberty of acting' (Riley 1982, 61). Through conscious agreement, 'one sets up by consent and contract, a political system that guarantees the natural right that one has as a consequence of natural law' (Riley 1982, 61). Locke's (1967) argument assumes that it would be 'irrational' to receive benefit without expecting an obligation in return. In effect, consent theory postulates that what is offered is protection by the state, while the debt owed in return is obedience to the laws of the state. Regarding Locke's (1967) enquiry into whether citizens explicitly or tacitly consent to a government, Rawls (1971) examines the nature of citizen consent from the perspective of the 'fairness of treatment of the people' by government. Similar to Locke (1967), Rawls (1971) posits that if the state is just and fair, then those citizens that benefit are obligated to obey its laws. Thus, both Locke (1967) and Rawls (1971) consider justice and fairness as universally obligatory, but also that citizenship involves a distinct and consensual understanding of the critical obligations of the citizen and the state and to each other.

In keeping with the social contract philosophy of Locke (1979) and Rousseau (1974), Marshall (1950, 1965, 78) writing in post-war England argued that citizenship comprises of three distinct, albeit related, dimensions: the civil, the political and the social; and that its full expression requires a 'liberal democratic welfare state than can guarantee basic civil, political and social rights'. For Marshall (1950, 52), the civil sphere 'is composed of the rights necessary for individual freedom', whilst 'the political sphere involves the right to participate in the exercise of political power and the social element comprises a whole range of rights, from that of economic welfare and security' to 'the right to share in the full social heritage and life of a civilized being according to the standards prevailing in the society'.

This view also ties into the Report of the Speakers Commission on Citizenship (HMSO 1990, 42) which saw citizenship as a concern 'not only about formal rights, but also about the everyday participation in our society; not only about our own rights, but also about the rights of others'. Thus, influenced by a tradition of social consent, people in the United Kingdom have been afforded a series of fundamental rights and liberties through numerous codes of practice, conventions and customs laid down by Parliament and the courts. These codes and conventions seek to define individual relationships with the state in terms of status, rights and obligations (legal and political) as well as rights that relate to their economic and social well-being (Webster 1998). As Giddens (1998, 65) points out, the prime motto for the new politics is 'no rights without responsibilities'.

Political autonomy: Issues of rights and self-determinism

The issue of political autonomy relates to the scope of civil liberties and political expressions allowed by the state. As a conceptual scheme, autonomy and individual self-expression are particularly dependent on the host state's internal administrative and juridical structures as well as its sovereign identity. But when divorced from its formative context, autonomy is considered as equivalent to appreciating 'fragments of a conceptual scheme, parts of which now lack those contexts from which their significance derived', leading to a loss of comprehension, both theoretical and practical (MacIntyre 1982, 2). In fact, when fought to its logical conclusion, autonomy reflects a decisive and choice-driven act unencumbered by any thought of potential political or social sanctions. It allows citizens to act alone or in concert with others in the purity and isolation of their individual convictions.

'Organizationally structured ideological distortions block citizens' recourse to discourse and cripple political action because they distort citizens' basic abilities to make sense of the situations they face' (Forrester 1989, 244). In turn, these 'practical distortions are disabling, obscuring what is the case, subverting co-operative and reciprocal social relations, claiming legitimacy for the illegitimate, deceiving actors about the truth of events no less than about the truth of what they may do, or whom they may become' (Forrester 1989, 244; Alterman 2003). Trust in a movement towards self-determination and sovereignty can be substantially damaged if the process of political representation distorts dialectical dialogue.

Exposed to distortions, some scholars contend that the emergence of a unifying sense of citizenship occurs when formative concerns are addressed (Falk 1981, 1992, 2000b). The contextualist, in effect, highlights the fact that irrespective of whether a country's constitution provides guarantees of reasonable levels of citizen autonomy through institutional arrangements, particularly those concerning local autonomy, historical and national forces influence the nature of local communities' exercise of independence and control. The inherent struggle for control and balance of power is fundamental to the whole of our democratic scheme and, irrespective of universal human rights, is still critically determined by contextual considerations (Alterman 2003).

The contrast to the 'consent to be governed' principle is determined by each individual's sense of existence and purpose. This is not an attempt to change the ideal of citizenship but reflects an effort to reaffirm the sociological platform within which rights and obligations of citizenship are secured. As observed by De Montesquieu (1910), therein lies the paradox determining the nature of the state, whereby each individual is presumed to be self-governing and the counter presumption that legislative power resides in the whole community, suggesting that the architecture of the authority relationship between citizen and state is fashioned on the principle that 'power should be used to check power'. For De Tocqueville (1990, 57), such a paradox need not be a concern as the 'aggregate structure of the great experiment to construct society' is that 'society governs itself for itself'. But then what makes up the society, except the individual?

Teaching citizenship: The national imperative

The issue of citizenship education and its objectives has been an ongoing debate in UK politics since the early 1970s. 'This debate culminated in the setting up of the Advisory Group in citizenship education under the chairmanship of Bernard Crick. The publication of the Crick Report, *Education for Citizenship and the Teaching of Democracy in Schools*' (QCA 1998), has influenced the development of citizenship education across the United Kingdom from primary level to post-16. 'The starting point of the Crick Report is that British democracy is no longer secure and this is reflected in worrying levels of apathy, ignorance and cynicism about public life' (QCA 1998, 8). Hence, to the extent that 'the teaching and revival of ideas of democratic citizenship is viewed as the solution to this; the issue remains whether citizenship education alone can

have the potential to transform a political culture' (Gifford 2004, 145). While the Crick Report reinforces the idea of active citizenship, there was the realisation that citizenship could no longer be taken for granted, especially in an era where most people have become disillusioned with many facets of democratic governance. Hence to re-ignite the fire of active citizenship would require 'voluntary community participation and encouraging the development of skills and knowledge that enable political and community involvement' (Gifford 2004, 147).

The issue of public disillusionment about political governance and democratic processes was very much articulated in Giddens (1999) who saw it as a paradox of mature liberal democracies. Much of this new dynamic were reflected in the continued 'disengagement of the youth in mainstream form of political participation such as voting and party membership' (Gifford 2004, 147). In response, the Labor government initiated what it calls the 'Third Way'. Distinctly influenced by Giddens' (1998) five postmodern values, namely 'autonomy of action', 'no rights without responsibilities', 'no authority without democracy', 'cosmopolitan pluralism' and 'philosophical conservatism', it set the tone that became quite evident in the ensuing Crick Report. The Crick Report (1998) states that the aim is to change the 'political culture of the country both nationally and locally: for people to think of themselves as active citizens, willing, able and equipped to have an influence in public life' (Crick 1998, 1.5). It emphasises three elements of citizenship education:

- *Social and moral responsibility*—learning self-confidence and socially and morally acceptable behaviour.
- *Community involvement*—learning about and becoming helpfully involved in communities.
- *Political literacy*—learning how to be effective in public life, in other words, 'realistic knowledge of and preparation for conflict resolution and decision making related to the main economic and social problems of the day' (QCA 1998, 12–13; Gifford 2004, 146).

The general focus on diversity and plurality, hence, underscores the statement that 'a common citizenship must be secure enough to find a place for the plurality of nations, cultures, ethnic identities and religions long found in the United Kingdom' (QCA 1998, 17). While one is unsure whether the report calls for United Kingdom's acceptance of multicultural or post-national citizenship, it certainly seems to have been

based on normative considerations (rights) as opposed to instrumental outcomes (entitlements).

The study

A three-year qualitative longitudinal study conducted by Lister et al. (2003) surveyed the opinion of several British youth (East Midland city of Leicester) comprising 110 young people aged 16/17, 18/19 and 22/23 in 1999 on a wide range of topics concerning their transitions to citizenship. The study found that young people take seriously the question of their relationship to the wider society, hence were more likely to subscribe to the communitarian model of citizenship than otherwise. While few thought about citizenship in social-contractualist terms, they were more inclined in favour of citizenship responsibilities over citizenship rights. It is therefore not surprising that 'citizenship policies (and education) have become directed toward young people and immigrants as these groups have come to symbolise the breakdown of the national citizenship community within powerful political and media discourses' (Gifford 2004, 148). But Lister et al. (2003) conclude that the ways in which individuals frequently draw on a number of models simultaneously to make sense of citizenship and their own identities as citizens suggest that the 'lived citizenship' of young people needs to be understood in fluid terms, cutting across fixed theoretical categories.

Nonetheless, 'it remains the case that while much of the politics of citizenship may reflect global problems of social integration, a central focus for political debate and policy development continues to be the national arena' (Gifford 2004, 148). Hence, 'if citizenship education is to socialize young people into a national community, it is necessary to critically consider what meaning citizenship has within the national political discourse and the form of political community and participation that young people are being expected to engage in' (Gifford 2004, 184). Recognising the scale of change over the last 25 years and the contrasting role of context in contemporary interpretations of citizenship, this study seeks to explore the different ways individuals make sense of their daily engagements as citizens. This study differs remarkably from the Lister et al. study to the effect that we focus on adults as our population of interest, we draw upon the implications of structure and context in the formation of latent attitudes towards the state and citizenship, and we explored the views of native-born

and naturalised British citizens regarding various critical values that are generally associated with citizenship status.

A sample of individuals recognised as UK citizens either by birth or by naturalisation and those with a foreign passports but awarded UK residency status (i.e. in process of obtaining full citizenship) and involved in some ways in the provision of services on behalf of the state (whether policymaking or delivery) were identified. The sample was stratified according to gender, educational level, employment status and citizenship identity (birthright, naturalisation and residency). The study participants were considered as influential opinion formers that include journalists, educationalists, private-sector managers and public servants working in government departments and/or agencies engaged in the delivery of public service programmes either directly or through particular arrangements such as public/private partnerships, outsourcing and consultancy arrangements. All participants held higher academic degrees at master's (particularly Master of Public Administration, Master of Business Administration) and/or doctorate levels, hence were assumed to be in a position to form more sophisticated philosophical and political opinions. Forty-three semi-structured interviews were undertaken between March and November 2004 and each typically lasted about 60 minutes. While the parameters of the interview protocol were determined in advance, each discussion adopted a life of its own allowing for extensive probing of emergent themes (Harris and Sutton 1986). We find this general approach more comprehensive and robust in delineating the theoretical as well as political issues of citizenship.

Methodology

Being an exploratory study, a qualitative method of data categorisation and sub-categorisation was employed (Stutton and Callahan 1987). The findings reported in this chapter are drawn from an abstraction of data using QSR NVIVO 1.1 software, categorised according to the values determining meanings of citizenship. The assumption behind the study's coding structure is that values serve as guiding principles in citizens' lives and, on that basis, determine each person's objectives, ideas, intentions and desires that shape discernable behaviours (Rokeach 1973). Additional categories identified were drawn from the primary data using a grounded approach (Glaser and Strauss 1967; Strauss and Corbin 1998). To improve reliability, participants were asked to check their interview transcript for accuracy or capture of meaning, whilst two

colleagues unrelated to this study scrutinised the coding and data allocation for purposes of validity. The level of representativeness of field observations was determined by the ethnographic criterion of 'saturation' in that additional observations no longer provide informative insights or alternative data category for coding.

Findings: Assessing core values of citizenship

The objective-subjective dimensions

Three dominant approaches to citizenship have advanced important new ways of conceptualising the increasingly complex relationship between the state, nation and sense of belongingness at the turn of the twenty-first century: liberal nationalism, post-nationalism and cosmopolitanism (Murphy and Harty 2003, 183). But little work has been done on how context and individual perceptual evaluations shape understanding and legitimisation of the ideal of citizenship in modern society. The findings from this study point to the fact that there is no uniform interpretation of the meaning of citizenship as well as the normative values and sociological symbolisms which it represents. Rather, interpretations and/or validation of citizenship meanings are grounded in the psycho-structural differences that inform individual experiences or socio-economic status. There are two opposing forces that inform these differences in interpretation, and these could represent the building blocks of a new model of citizenship: the contextualist and contractualist paradigms.

The contextualist paradigm

Under this model, the idea of citizenship is a product of individual experiences, social and economic classification. It is more or less driven by environmental and systemic factors that may have domestic or international foundations. The political and economic structure of society and feeling that one's chances of advancement are either enhanced or diminished by it help to offer different interpretations of citizenship and the normative claims that come with it. Because the state and its institutions stand at the uppermost hierarchy of the political system and also preside over the framework of association that supplies the essential conditions for citizenship and democratic rights, any consequent analysis of citizenship status (positive or negative) is also projected unto the state. It should therefore not be surprising when one finds that those who are favoured by the status quo are more likely to have a favourable

opinion of citizenship, and those who are less advantaged are more likely to have a negative view of citizenship regarding their stakes in the society.

It is thus important to see citizenship not only in relation to a set of legal entitlements but as practices through which individuals and groups formulate and claim new rights or struggle to expand and maintain existing rights (Isin and Wood 1999, 4). Seen as a process, citizenship thus offers to each individual the instrumental basis for making claims against the state and its policies. Hence, variations in individual experiences will shape differences in individual interpretations of the meaning of citizenship. As Yuval-Davis (1999, 122) observes, 'citizenship needs to be understood as a multi-layered construct, in which one's citizenship in collectivities in the different layers—local, ethnic, national, state, cross or trans-state and supra-state—is affected and at least partly constructed by the relationships and positionings of each layer in specific historical context'. To the extent that these layers are interconnected, the exercise of rights associated with citizenship at one scale may be precluded by limitations on citizenship at another scale.

The stratification of society, whether at the political, social or economic level, offers a serious clue regarding how various individuals feel about their prospects in having equal access to all the incentives of citizenship. 'This was once a common argument of Marxists against the liberal emphasis on legal equality, and it is now frequently used to point out disadvantages of women or minorities vis-à-vis dominant majorities' (Van Oenen 2002, 117).

While there has been 'important structural or systemic limitations on the role of citizens in the government of contemporary states, however internally democratic they may appear to be' (Hindess 2002, 136), social class also serves as a limiting factor that restricts the extent to which one can broadly interpret issues of state and citizenship. The poor and the rich, even though they may see the same thing as it is, would most likely offer different interpretations as to the meaning derived from the same subject matter.

The priming effect of social status introduces arbitrariness and subjectivism in any analysis of citizenship rights as well as the state's role in providing the needed public goods. The diversification and fragmentation of public tastes, lifestyles, historical legacies, philosophical dispositions and idiosyncrasies stands at odds with any assumed cultural consensus on the rights and privileges of citizenship. The ideological perception 'that citizenship may be present in a state without yet being fully developed among its inhabitants, is the foundation of the modern

sociological theory of citizenship as well as its relationship to social pol-
icy' (Turner 1993; Turner and Hamilton 1994; Van Steenbergen 1994).
'What we need, therefore, is a more differentiated conception of citi-
zenship that allows for the possibility that not all citizens possess all
characteristics of citizenship in the same way, or to the same degree,
due to differences in social, cultural, or economic status' (Van Oenen
2002, 117–118). Hence from a policy perspective, the extension of spe-
cific rights and human goods (security, prosperity and freedom) should
place a greater emphasis on differences in social structure and individ-
ual status. There is a need for a balancing of claims between those who
hold a universalistic conception of citizenship and those who advocate
the particularistic alternative.

Whether operating from a contextualist or a contractualist paradigm
(Figure 6.1), we conclude that individuals make judgement about citi-
zenship status and the state based on objectivist or subjectivist premises.
As indicated in Figure 6.1, the contextualist who operates from an objec-
tivist premise sees the world of human nature as highly deterministic
and in which individuals operate as 'cogs in a machine'. They see their
own stake in society as essentially determined by forces beyond their
individual control. For them, society creates a world of competition

	Contextualist	Contractualist
Objectivist	Determinism Inequality of access Market-driven Differentiated goods Situationally determined Social structure Action driven by rules and regulations Universalism Relativism	Political obligations Participation Experiential
Subjectivist	Political obligations Collective rights Civic community	Individual choice Private needs and capabilities Belongingness and entitlement Individual rights and collective obligations Public goods Democratic governance Normative rights Discretionary

Figure 6.1   Contextual and Contractual responses to state and citizenship

between political and market forces where individual roles are shaped by hierarchical rules and procedures, inequality and uneven access to political opportunity, alienation and cultural relativism among social groups. Based on the responses from our study, what we may be seeing reflects, perhaps, more of a passive resentment of the structural basis of society and the seeming inequities in the distribution of social and public goods. Hence, citizenship is seen more as a progression from 'hierarchical to the horizontal, (for which) fixed positions of a formal status system (should) begin to dissolve under the impact of universalistic democratic rights of citizenship' (Turner 1986).

The very idea of the 'state' and its monopoly role in the authoritative allocation of values has come under greater challenge. Its role in shaping political identity, collective visions of culture and community, monopoly control of instruments of violence, right of taxation and economic control; and its role in determining how legal disputes between citizens will be resolved are issues that would need to be reconciled to any alternative model of governance and citizenship. Nonetheless, 'the interplay between the multiple factors mentioned above illuminates the contemporary triumph and challenges facing the modern state, its traditional position in political life and the prospects of the emergence of new forms of political community' (Linklater 1996, 83).

The contractualist paradigm

The contractualist view of citizenship, which forms the basis of contemporary liberal views, is rooted in the political philosophy of Locke, Hobbes and, more recently, Rawls (see Locke 1967; Hobbes 1968; Rawls 1971, 1993). It tends to be legalistic and has at its core a strong conception of individualism and individual rights (Conover, Leonard and Searing 1989). Hence the idea of a contract in the communal sense of the term is drawn from a basic philosophical argument grounded in the normative issues of birthright (legal citizenship or the 'bearer of rights'), cultural heredity and the obligatory issues of state and civic responsibility.

> Citizens are thus regarded as autonomous individuals who make private choices, and who are bound together by a 'social contract,' rather than as friends and neighbours. Political participation becomes instrumental and serves mainly private interests rather than a common good, while 'rights' are seen as providing protection for the

individual against interference from government or society with his or her autonomy—negative freedom.

(Conover, Crewe and Searing 1991, 802)

When citizens obey the laws of the state, cast their votes where popular elections are allowed, pay their taxes, abide by other social conventions, and 'rally-around-the-flag' as a demonstration of nationalism and support for the government, it represents an implicit recognition of an abiding contract between the citizen and the state. While the state (through its institutions and laws) maintains an overarching sovereignty, such is only possible when citizens accord it the legitimacy to do so. 'This perspective suggests that sovereignty is essentially a matter of the internal relations between a state and its citizens on the one hand, and of the capacity of a state to defend itself on the other' (Hindess 2002, 131).

In the contractualist view, states are construed as the product of formal (practical) and informal (abstract) agreements amongst various individuals, who in turn become subjects of the states resulting from those agreements. To the extent that citizenship can be construed as a fundamental identity that helps situate an individual in society, hence, is to say that people think of themselves as citizens is to suggest that 'they have self-schemata which intricately link their senses of self to their notions of what it means to be a citizen' (Conover, Crewe and Searing 1991, 805). It is this view of the state as constituted by real or imaginary agreements amongst its citizens (Hindess 2002) that underlies the different attitudinal and psychological responses to citizenship and the development of individual identity among the study participants. But in almost all cases, the 'social contract' remains irrevocable unless the person decides (voluntarily) to revoke it by seeking identification and citizenship with another state.

Meanings of citizenship: Empirical comments on theoretical themes

Two overarching themes seem to have emerged from the study: the first captures the values underlying meanings of citizenship, and the second draws upon specific philosophical and ideological elements of citizenship, namely 'citizen consent and patriotism'. The QSR NVIVO data allows us to highlight two main categories for analysing the meanings of citizenship: the contextualist (Table 6.3) and the contractualist (Table 6.4) interpretations. Because both categories capture the general

Table 6.3 Citizenship constructs and values: contextualist

Identity	Meanings of citizenship	Implicit values
UK/Northern Ireland citizen by birth (Participant 7) Male	'The meaning of citizenship is contextually defined. Basically it depends on the material condition one finds oneself. For example, if one is born into a community that is established and recognised, such as France, or in a community that is struggling to become a recognised state, such as Northern Ireland, different experiences of citizenship emerge.'	Contextual
UK citizen by birth (Participant 19) Male	'It means different things at different times. It is highly contextual and it depends how one experiences that context. Right now, for me, it means frustration with the current government.'	Contextual
Algerian citizen by birth, UK citizen by naturalisation (Participant 17) Male	'Citizenship means an understanding of the ways of a particular community at a given time. It also means active participation in that community, experiencing the pain, joy and development of that community.'	Contextual and experiential
UK citizen by birth (Participant 35) Female	'To appreciate the meaning of citizenship you have to experience it! If on the other hand your experience is that of a customer, then it has no meaning.'	Experiential
UK citizen by birth (Participant 37) Female	'Feeling of belonging and connectedness with my community. I think that the popularity of the Web partly rests on the Web's unique ability to simultaneously support physical communities and create new virtual communities of like minded Citizens.'	Contextual and communicative interdependence
UK citizen by birth, US resident (Participant 43) Female	'My relationship with other people and particularly how I expect to be treated and how I treat them on a broader level.'	Experiential

Participant	Quote	Category
US citizen by birth, French citizen by naturalisation, UK resident (Participant 28) Female	*'My belief of what citizenship is and my experience of citizenship, are very different. For me citizenship is belonging to a particular community where relationships are important and where you can trust your government. The reality is that basic human relationships have altered so much that they are now reduced to a means for achieving measurable objectives, so much so, that the time spent on relationships that do not have a distinct commercial outcome is devalued.'*	Contextual, experiential and identity
Brazilian citizen by birth, French citizen by naturalisation, UK resident (Participant 41) Female	*'How, can I trust government or institutions for which I am only a number within a particular class of customer who can pay for certain services and at the same time be continuously deceived under the rhetoric of democracy and patriotism.'*	Trust, contextual
UK citizen by birth (Participant 23) Male	*'In addition to legal formalities, I see citizenship as a psychological contract one makes with a particular community, a sentiment that may become comforting but also constraining as it may prevent one from development through joining other communities that are more aligned with ones value system.'*	Contractual

Table 6.4 Citizenship construct and values: contractualist

Identity	Meanings of citizenship	Implicit values
Greek citizen by birth, UK citizen by naturalisation (Participant 36) Male	*'Contractual relationship between Individual and the State with individual being at a distinct disadvantage unless the State actively pursues principles of equity and social care. Few states simultaneously and actively pursue equity and social care. It is citizens who push for equity and social care, which they realise as a result of endurance and considerable pain. Few states respect their citizens but expect that their citizens respect the State.'*	Social contract
Yugoslav citizen by birth, British citizen by naturalisation (Participant 11) Female	*'… it means legal rights, but also belonging and safety, as well as freedom to travel. Previously being unable to travel, as no western country would issue me a visa, is not only humiliating but also degrading and very constraining. It forced me to search for a new country.'*	Social contract
UK citizen by birth (Participant 31) Female	*'In many ways, citizenship defines my identity. It also defines my relationship with the community and state, which is simultaneously liberating and constraining. It grants me certain liberties but it also obliges me and constrains both my freedom and privacy.'*	Identity and social contract
Turkish citizen by birth, UK citizen by naturalisation (Participant 40) Male	*'Citizenship is a shorthand statement for one's identity, culture, background and belonging. It also provides certain freedoms and obligations.'*	Identity and social contract
Russian citizen by birth, Australian citizen by naturalisation, UK resident (Participant 24) Male	*'Citizenship is the source of my comfort and discomfort. It solves my dilemma of being bi-culturally marginal due to the circumstance of my diaspora. I am jealous of my children for having no citizen anxieties whatsoever.'*	Identity
French citizen by birth, UK resident (Participant 4) Female	*'Feeling that I am part of a community where I belong to a group and have an identity within a particular culture that shares the same values, but also having responsibilities. For example a right to vote carries within itself certain responsibilities.'*	Identity and social contract
UK citizen by birth (Participant 29) Male	*'Freedom of expression, participation and contribution to society at large!'*	Liberties and social contract

essence of the various constructs that were identified in our review of the citizenship literature (see Table 6.2), we are thus in a better position to articulate a new and evolving dynamic in the way we look at citizenship either as a right or as an obligation.

The emerging contractualist view of citizenship (Table 6.4) supports Etzioni's (1995) perspective that people are not only driven by self-interest and the desire for self-maximisation, but also driven by a concern with community. The sentiments expressed by some of the study participants are congruent with basic 'communitarian' ideals (Sandel 1982; MacIntrye 1992; Taylor 1985) identifying with collective responsibility, common social values, benevolence and attention to the welfare of others, close and distant (Etzioni 1995). Etzioni (1995) considers that the source of these values is found in the interactions between individual citizens and their societies and facilitated by prevailing institutional arrangements. The sentiments also represent the conclusion in Dean and Melrose (1991), as well as Conover et al. (1991), regarding those who define citizenship as 'being part of society and having rights and requirements of living within the law'.

While the respondents' views (see Table 6.3) seem to support the Kakabadse and Kakabadse (1999) thesis of the determinant effects of context on latent value premises, the formative context as emphasised by Etzioni (1995) captures the institutional arrangements as well as experiences which shape the ideologies, cognitive frames and daily routines of citizens. While contextualists appear to be more concerned with structural and institutional effects, the contractualists, on the other hand, see their views as being driven more by their experiences as citizens and how their individual priorities have been or are likely to be accommodated through state institutions.

Nonetheless, a comparison of citizenship interpretations arising from the review of literature (see Table 6.2) against the perspectives offered by the study participants (Tables 6.3 and 6.4) highlights obvious differences and a stark departure from previous scholarly work. Citizens' experiences involving sense of freedom and identity, social and personal obligation (psychological contract), understanding of self and others' circumstances and quality of interrelationship for the purpose of building trusting relationships emerge as key themes from the interviews. Although the concept of formal rights/duties is mentioned by a few of the participants, citizenship entitlement, the nature of duty, criteria for citizen membership and appropriate interaction between citizens are given considerably less attention by the study respondents than is the case in scholarly literature. In fact, equality and equity are reported by

majority of the participants as experiences one sees mostly in the relationship between the citizen and the state. Of the few participants who refer to rights, duties, membership and entitlement, being bounded by national borders does not emerge as a strong consideration in comparison to obligation to their relevant community, whether local or regional.

On citizen consent

A number of scholars identify 'citizen consent' as a fundamental principle of the democratic state (Locke 1979; Riley 1982; Webster 1998). Yet, the majority of the study participants are of the view that citizen consent is not sought by the state but rather its expression is taken for granted (Table 6.5). The study participants recognise citizen consent

Table 6.5 Citizen consent

'*Technically we are Her Majesty's subjects and not citizens. Therefore, government does not need our consent and government's recent actions certainly illustrate that. Take, for example, the issue of identity cards. They will be introduced without consent while government is portraying the issue through media as being desirable by the majority of Britons.*'

(Participant 23)

'*It is superficially obtained via make-believe citizen consultation and special interest group's version of designer information promoted by political spin-doctors … who gave government consent to take us to war*!'

(Participant 19)

'*Government assumes as much consent as they desire. England is the most surveyed nation in the world. We have ten percent of the world's 30 million CCTV cameras and one should keep smiling, as according to the statistics, one is caught on average 300 times a day on camera. I do not remember that we ever gave government and other corporations our consent for it.*'

(Participant 29)

'*… consent is defined on my behalf by the government and interest groups consisting of self-interested individuals and those whose sole purpose is wealth creation for their shareholder.*'

(Participant 28)

'*… it is an academic concept, that is increasingly being ignored by governments.*'

(Participant 17)

'*Consent is not a static concept but evolves over time. It is continuously renegotiated.*'

(Participant 11)

'*We are never asked big questions. We have been reduced to customers and have no role in policy design.*'

(Participant 41)

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as an occasional and weak interaction between elected political leaders and the electorate (visible at time of election) and recently as an IT-mediated relationship between citizen and public servant. Furthermore, the citizen is seen as increasingly exposed to ever-greater information manipulation concerning fundamental issues, such as that of identity cards, or the War in Iraq. Some of the participants highlight that the United Kingdom is some 20 years behind other commonwealth countries concerning freedom of information and that, in itself, is seen as an obstacle to building trust with government on the basis of lack of transparency and accountability in governance.

An additional factor considered as undermining genuine consent is the increasingly blurred relationship between the public and private sectors. The new role of citizen as 'customer' has been imposed without meaningful consultation. As pointed out by Participant #39 (a female UK citizen by birth, and a US citizen by naturalisation), '*In Anglo-American societies there is no role for citizens. The role of citizen is almost entirely replaced by customers, which implies consumerism and not political participation.*'

On citizen as consumer

However, the participants identify one positive perspective concerning the emerging consumerist philosophy, and that is the citizen's capacity to exercise choice, namely that of exiting the market or, in effect, changing nationality. Becoming a citizen of a country is equated with consumer choice—a sort of 'take it or leave it'. Although such choice is seen to be readily available, some of the study participants report the experience of change of citizenship identity as painful.

> *Perhaps the least understood of all feelings is the feeling of personal transformation resulting from the emotional stress one endures by leaving behind all the relationships one knows for new ones that one may develop. It has nothing to do with feelings of disloyalty or not being patriotic but, primarily, with the reconstruction of self!*

> (Participant 40, male)

Despite the distress experienced in changing national identity, the choice itself is reported as comparable to reconsidering brand loyalty, in effect, whether to continue to purchase an Armani or change to Dolce & Gabana. However, the exercise of citizen consumer choice, analogous

to that of the purchase of a luxury item, is experienced by some as unrealistic due to the implied costs, as opposed to the inhibiting influence of immigration laws and family ties. Simply put, certain people cannot afford to move just as they cannot afford to buy designer clothes.

> *In the corporatist state, where one is treated as a customer, the customer can exercise their consumer choice by staying in or exiting a particular market. Having said that, in reality, mainly customers at the higher end of the market can exercise that choice. The question remains, how the customer at the bottom end of the market can exercise their choice when they're faced with odious migration laws? It is these 'customers' for whom a Marseillaise's call 'Aux arms, citizens' becomes an option as we have seen in London, Seattle and other riots!*
>
> (Participant 35, female)

On patriotism

Originating from the ancient Greek, the term *patria* refers to the city whose occupants consider themselves as *politai*, or citizens (Dietz 1989, 178), hence the word *patriotism* draws from both the Greek and Roman interpretations of an act of heroic self-sacrifice. The term re-emerged in English politics in the eighteenth century and during the American War of Independence (Dietz 1989). Although given less attention in many of the citizenship literature, patriotism was identified by the study participants as a distinct element of citizen experience (Table 6.6). Contrasting views of patriotism were indicated, with only a minority of the study participants considering it as a positive attribute of citizenship. Those more positively inclined towards patriotism nevertheless questioned what construes a nation and, by implication, national borders. Their interpretations of patriotism challenge Marshall's (1964, 72, 92) position that 'citizenship' is by definition 'national' and as such requires a 'direct sense of community membership based on loyalty to a civilisation which is a common possession'.

> *Patriotism implies nationalism but that raises a question of what constitutes a nation and how you draw borders around it. This, in turn, calls in question cultural and/or religious uniqueness or ethnicity and whether that group of people are recognised as a nation.*
>
> (Participant 17, male)

One can talk about patriotism only in relation to one's national background, which also raises a perennial question about what constitutes a nation within a global economy.

(Spanish/Catalonian citizen by birth, UK citizen
by naturalisation, Participant 3, female)

Yet, irrespective of whether patriotism equates with nationalism or nationality, a significant number of the study participants portray patriotism as a damaging influence. This is more in line with Dunn's (1979) thesis that patriotism is the 'darkest political scheme of the twentieth century', and Schaar's (1981, 285) perspective on nationalism as 'patriotism's bloody brother', as opposed to the idea of 'love of country' and service and duty to the state (MacIntyre 1982). The sentiment strongly expressed by the participants is that, in an increasingly global market economy, patriotism lends itself to manipulation (Table 6.7). Pointed out is that the words 'patriotism', 'patriot', 'nationalism' and 'nationalist' are compelling elements of postmodern political rhetoric which only raise the emotional tempo for the purposes of promoting self-seeking interests. Many of the participants cited the Coalition governments' intervention in Iraq as a present-day example.

Table 6.6   Patriotism: positive interpretation

Participants	Meanings of patriotism	Implicit value
(Participant 40) Male	'*Respecting and, if need be, protecting ones community is a citizen's obligation that may be interpreted as patriotism. I think a citizen's duties and obligations are a more accurate terminology than patriotism which inspires mythological deeds which are often unhealthy.*'	Social obligation
(Participant 4) Female	'*Knowing my roots, I am proud of it. However, I am not too patriotic as I consider myself more European than French.*'	Identity
(Participant 11) Female	'*Patriotism for me is an appreciation of one's origin and tradition but if too emphasised can lead to fascism and that is ugly*!'	Identity
(Participant 31) Female	'*Patriotism represents a community's expectation from its members which may not necessarily represent the individual's sentiment. I consider myself a responsible and conscious citizen of my community.*'	Social obligation, expectations

Table 6.7 Patriotism: negative interpretation

Participants	Meanings of patriotism	Implicit value
(Participant 24) Male	*'Dangerous, as it is chauvinistic!'*	Chauvinism
(Participant 36) Male	*'Patriotism is reaction without reflection!'*	Mindlessness
(Participant 38) Female	*'Patriotism is mindless indoctrination by one's community or a state. Think of the Patriot Act!'*	Mindlessness
(Participant 39) Female	*'Patriotism is ignorance wrapped in rhetoric of nationalism that has no meaning for a reflexive free thinker. One should think about one's responsibilities, not only to one's own community but also to any host community one finds oneself in as well as the global community.'*	Ignorance
(Participant 11) Female	*'It is ignorance, promoted by a culture of obedience through a controlled press, media and education system. Patriotism is a language tool used by the governing elite, to justify their misdeeds.'*	Ignorance, manipulation
(Participant 28) Female	*'... the downside of citizenship. I can think of moments when I can cry when I see the Stars and Stripes but at the same time it brings anger, as I resent blind patriotism that I endured through the educational and media indoctrination. One can love one's country without being blind to its shortcomings.'*	Indoctrination
(Participant 7) Male	*'Patriotism as well as tradition are sentiments that provide comfort for those who are afraid to think outside the box. For a reflexive individual these sentiments represent the shackles that the community and the state use to control them.'*	Paranoia and control
(Participant 43) Female	*'Brings nothing but trouble, flags and symbols. It moves people away from reality. Emotions take over and thus people lose their global perspective.'*	Evokes hysteria, anti-globalism
UK citizen by birth (Participant 42) Female	*'Nationalism is intertwined with patriotism and holds the same limitations.'*	Self-serving indoctrination

Patriotism is a potentially dangerous concept. It refers in part to citizenship, but reduces it to a national border and puts the emphasis on (sometimes irrational) feelings rather than on reason and intellectually sound judgement. Historically, it has been used and distorted to justify crimes and conflicts and the excesses they engender. Since patriotism targets feelings rather than reason, it can easily misinform or not inform people who are then even more likely to yield to extremism such as fascism, xenophobia, etc.

(French citizen by birth, UK resident, Participant 15, female)

In line with contemporary neo-liberal thinking, some study participants also referred patriotism as a tool designed to damage multiculturalism (Delgado-Moreira 1997a). The predicament of the Moroccans in Spain, extremism in Southern France and Northern Italy, ethnic cleansing in Northern Ireland and the Balkans were offered as examples of *patriotic* manipulation (Netanyahu 1995; Delgado-Moreira 1997b). Another area identified by the study participants is the notion of patriotism in terms of 'being uncritically supportive of one's government' (Ball et al., 1989, 5). None of the study participants expressed an understanding that to be patriotic is to have the courage to take a principled stand against one's government (Ball et al., 1989, 5). Yet, ironically, challenging one's government has also been interpreted as a distinct act of patriotism. Jefferson (quoted in Stephenson 1990) held that 'dissent, is the highest form of patriotism'. Even in the USA 2004 presidential race, candidate John Kerry indicated that government derives its power from the consent of its citizens and when 'leaders abuse this power; it is the patriotic duty of all citizens to come together and effect positive change' (Edwards 2004, 1).

Despite the negative connotations and gender differences, the general views of the study participants seem to support the Greek interpretation of patriotism—of *partia*—an element of citizenship, within a cosmos or universal society where all humans belong (Wolin 1960, 77). The participants' views are also associated with pluralism, which is in keeping with Socrates' (Plutarch 1989, 56) declaration: 'I am not an Athenian or a Greek, but a citizen of the world.' But of note is that while the conventional interpretation of patriotism remains what it is in most societies, what we see here may be due to inter-generational value change, and the rising wave of anti-establishmentarianism throughout much of the Western world. This is also reflective of the search for new interpretations regarding such social and cultural issues as the meaning

of marriage, parental consent, school prayer, secularism and the Judeo-Christian origins of Europe. In response to the terrorist bombings of the train stations in Spain in 2004 which left more than 200 people dead, the anger of the Spanish population was surprisingly turned inwards, and this time against their own government and its foreign policy. They voted to replace the government in power. What therefore explains this level of public frustration or what most people would see as a seeming absurdity—to 'blame the mouse for being eaten by a cat?'

Conclusion

The results of this exploratory study illustrate that the concept of citizenship is mediated by the nature of individual experiences, as well as a retrospective evaluation of a presumed 'social contract' between the citizen and the state. Hence, when government is perceived as promoting a rhetorical agenda that falls short on delivery, public disenchantment is high. In a way, some of the participant responses could reasonably be seen as a form of passive protest against the state and its policies. Nonetheless, the findings highlight the fact that meanings of citizenship are strongly determined by the contextual experiences of individuals. Context-specific similarities in experience emerge irrespective of the citizenship status of the respondent. In effect, whether being a UK citizen by birth, or naturalised, or a UK resident, both similar and contrasting views of citizenship and patriotism emerge according to the nature of the experience of each individual. Identity, therefore, plays a minimal role in individual interpretations of the meaning of citizenship; rather, context seems to play a greater role in shaping both attitude and perception towards the state as institution as well as the character of public goods that it offers. This dynamic certainly draws from emerging variants of cosmopolitan democracy sweeping through the United Kingdom, and which, in a broader sense, could be highly consequential as Europe braces for a post-Westphalian orthodoxy anchored on the European Union. This, in itself, raises further questions concerning the exclusionary nature of sovereignty and the traditional ideas about citizenship (Bull 1977, 1979; Derrida 1992), since it (citizenship) has generally been inextricably tied to the idea of a state with clearly defined and internationally recognised geographical boundaries.

The study findings support the results of previous research that highlights the diminishing impact of the citizen in the shaping of policy outcomes (Rhodes 1996; Crenson and Ginsberg 2002; Alterman 2003). The presence of citizenship in the political process is identified as being

reduced to that of a customer polling exercise, gauging levels of ser-vice satisfaction. 'Big issues' such as addressing the increased inequality between the 'haves' and 'have nots' have remained deprived of proactive citizen involvement. The study results affirm previous scholars' argu-ments that the 'new public management agenda' diminishes the role of the state whilst simultaneously becoming more dependent on the mar-ket for the provision of public services (Rhodes 1996; Benington 2000). This new public managerialist ethos is portrayed as 'modernising' the citizens' relationship with critical democratic institutions (Mishra 1999; Hutton 2002; Crenson and Ginsberg 2002).

Furthermore, the study participants confirm Habermas's (1992) argu-ment that with increasing marginalisation of the citizen, the connection between citizenship and nationalism is partly coincidental, partly a mat-ter of timing and partly as a reaction against the political processes of the day. Similarly, Soysal (1994, 167) holds that 'national citizen-ship is no longer an adequate concept upon which to base a perceptive narrative of membership in the post-war era'. The study participants' responses seem to be in line with Habermas's (1992) and Soysol's (1994) observations that citizenship is positively related to the experience of interaction within the local community and negatively oriented in terms of patriotism and the nation state. No surprise that those dis-satisfied but with financial means desire to move to another country location. But then, they are still confronted with the same dilemma, and as in the Sartrean encounter with the other, they tremble at the prospect of shame for once again seeing themselves immersed in that endless search for self-discovery and happiness. A recent series of sur-veys identified that 54 per cent of Britons would emigrate if they had the financial means (CNN.com/world 2002). It is further predicted that 6 million Britons will move overseas over the next 15 years due to their dissatisfaction of living in the United Kingdom (CNN.com/world 2002). But this is hardly an explanation, since more people from other parts of the world are also moving or aspire to move to the United Kingdom.

Thus, the need for a more positive, encompassing relationship between the individual and the state emerges from the survey reported in this chapter. The socio-integrative function of participation, namely the exercise of political rights and a sense of equity and fairness, is seen as promoting citizen's sense of community and fraternity (Barber 1990; Popa 1998). In keeping with such a view, a recent UK Parlia-mentary Select Committee report called for more sustained and close contact of the government with the public than is permitted through

annual or occasional public meetings or publications (House of Commons 1999, 54). Nonetheless, the difficulty in determining when a policy outcome is equitable or fair depends on which side of the divide you are, and in most cases, the minority are the ones who often cry foul.

However, in order to encourage greater identity with the state, it is contended that enhanced citizen involvement in the deliberative processes of public policymaking encourages self-pride in the discharging of social obligations. The reverse is captured in the responses of the study participants, namely that when citizens do not feel that policy-relevant decisions are the result of democratic deliberation, they are less inclined to accept them (Cohen 1977; Habermas 1979). Irrespective of citizenship status, the study results strongly suggest that there is a rising tide of unease among the UK public; and most people have become keen in offering alternative explanations regarding the status and utility of many institutions of government, including the state itself. The more far-reaching implication is that a new brand of social constructivism driven by the increasing role of information technology in social interactions may have forced many more people to start thinking outside of the traditional notions of community and citizenship. Nonetheless, 'there are practical things that can be done in terms of empowering individuals, creating local arenas for them to act, and educating them into willing acknowledgement of the duties involved in the practice of citizenship' (Oldfield 1990, 187). As Oldfield (1990, 187) argues,

> it is not the size and complexity of modern society that vitiate the practice of citizenship, for what size and complexity do is multiply the points of entry into the political system where the practice can be engaged in. Hence, the lesson from our civic-republican tradition is that it is the will to engage in the practice that is crucial.

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7

The Citizen and the State: A Progressively Subversive, State-Determined, and ICT-Mediated Relationship

Nada Kakabadse and Andrew Kakabadse

Introduction

Since the origins of humanity, the accident of the place and time of one's birth has had a profound effect on the continued sustainability (or not) of one's life with regard to adequate food, health care, education and general life opportunity (Shachar, 2003). Communities centered on an implicit (or explicit) contract with the state under the rubric of citizenship replaced early communities, organized by complex kinship systems and deep tribal loyalties. Strongly held norms or customs and common mores regulated the early ethnically homogeneous communities, or *gemeinschaft*. A 'unity of will' governed them (Tönnies, 2001: 22). In contrast, modern civil society embraces regulated association, or *gesellschaft*, whereby individuals act in their own self-interest and through so doing, minimize the importance of shared norms and customs.

As a result, an elaborate division of labor externally regulates these societies (Tönnies, 1957). *Gemeinschaft* communities, based on organic ties, where relationships were grouped through kinship clusters, possessed a moral cohesion often founded on common religious sentiment (Tönnies, 1957; Elkin, 1979). However, the citizenship concept of *gesellschaft* subordinates kinship systems (Elkin, 1979). Today's practice of citizenship represents 'one of our major practices of drawing lines, of including and excluding those who are or are not political agents in a political community' (Walker, 2002: 20). Affinities of individual interests have increasingly diluted the concept of citizenship. With advances

in information and communication technology (ICT), and the capability to reposition ourselves in response to global developments, we have developed a new lexicon of terms as 'world citizen', 'netizen', 'cybercitizen', 'e-citizen' and the like (Falk, 2000). This has led some scholars (Ong, 2003; Nyers, 2004) to argue that Marshall's (1965) classic account of citizenship is inadequate to address the reality of current circumstances (Table 7.1).

Whilst ICT helps to overcome barriers to large-scale citizen participation by making geographical and mobility-related limiting factors less relevant, and whilst citizens have also shown an increasing demand for greater democratic governance, it is ironic that studies have shown that citizens' participation in civic and political activity has been declining in recent years, particularly in the USA (Lyons and Alexander, 2000; Putnam, 2000). For example, using Hanifan's (1916) concept of 'social capital', defined as 'those tangible substances that count for most in the daily lives of people' (Bourdieu, 1986), Putnam (2000) argues that social capital is a key component for building and maintaining democracy, and that it is undergoing a dramatic decline in modern American society to the point of threatening the very functioning of its democracy. Putnam (2000) views social capital, including social networks determined by trust, solidarity and reciprocity, as a community asset rather than as an individual asset, the opposite to the current functioning of the USA.

Despite considerable similarities, the prominence of social capital in the UK has not experienced the same decline as the USA (Johnston and Jowell, 2001; Hall, 2002, Curtice and Seyd, 2003; Pattie et al., 2004). Reasons include the significantly expanded access to higher education and government action supporting community involvement (Hall, 2002). However, the UK has seen a decline in social capital related to voting turnout, the resurfacing of ethnic and racial tension and an increase in crime rates (Johnston and Jowell, 2001; Van Dijk, 2008).

However, voter passivity are not just a US and UK phenomenon. Visible voter apathy in many developed economies suggests that there is a growing disenchantment with citizen rights. At the same time, there is a growing willingness on the part of individuals to participate in political action aimed at undermining the corporation (Hertz, 2001). Corporations, defined as 'legal entities with rights and duties, in effect, "citizens" of states within which they operate' (Marsden, 2000: 11; Seitz, 2002), have increasingly acquired power at the expenses of traditional citizens, namely the people.

So, on this basis, we are unclear as to what motivates citizens to adequately participate. In assessing citizenship literature, interestingly,

Table 7.1 Citizenship: historical perspective

Characteristics	Biblical time	Modern state	Electronic space
Status	Membership	Citizenship (a membership in a political community—originally a city or town now usually a country. It embodies modern claims to liberty, equality, rights, autonomy, self-determination, individualism and human agency)	*Netizen* (also 'net citizen', 'e-citizen' or '*cybercitizen*'—a portmanteau of Internet and citizen, members of unstructured forums of the Internet of common interest)
Derived from	*jus sanguinis* (right of blood') or accepted by community (e.g. tribe)	*jus soli* (right of the territory'—place of birth) or acceptance by a state according to a set of criteria (i.e. naturalization)	*jus droit/choix*—personal choice (e.g. functions similar to unions or political parties)
Bounded by	Homogeneous group of people	Geographical boundaries, often occupied by heterogeneous group	Availability of e-communication and personal interests
Contractual entitlement (rights and obligations)	Implicit status determined by relationships within the group—normative rights and obligations	Legal status with special rights and entitlements (Roman philosophy)—institutional status and obligations	Normative rights and instrumental outcomes and obligations
Relationships	Implicit, idiosyncratic, negotiated, high connectivity with people	Explicit and a legal relationship with the state based on rules and regulations and impersonal, low connectivity	e-mediated, high connectivity, multiple, negotiated

Table 7.1 (Continued)

Characteristics	Biblical time	Modern state	Electronic space
Participation	Active or passive—defined by the leader	Active or passive depending on the social status	Active or passive depending on personal choice
Mobility	Group bound	Controlled by the state	Personal choice
Identity	Familial loyalty (i.e. tribal)	State, ethnicity (i.e. *jus sanguinis*), self-determination	Self-determination
Obligations	Implicit moral obligations (e.g. family, others)	Formal rules and regulations (e.g. tax, defense)	Implicit moral code
Entity	Elites will	Elites will, public will and/or profit maximization	Individual and group will
Allocative processes	Idiosyncratic leadership	Democratic and/or administrative and/or market mechanism processes	Purchasing power
Metaphor	*Gemeinschaft* (i.e. familial or community ties or tribe)	*Gesellschaft* (i.e. civil society)	*Netzgemeinschaft* (i.e. e-community)
Core values	Loyalty	Liberty, equality, commonality, individual choice	Individual choice, 'subsidiarity' principle
Utility	Differentiated good	Common good—differentiated good	Differentiated good

Ideology	Member of community with collective existence	Member of a political community with a collective existence and public purpose (i.e. producer and consumer of services)	Individual purchaser seeking to meet private needs through e-market. Autonomous, distributed and collaborative network of networks, bottom-up, open, vernacular, local optimum with global coordination
Dialogue practice	Speaking *with* and *to*	Speaking *for* others	Speaking *with* and *to* as well as speaking *for* others
Derived risk	Desertion	*coup d'état*, revolt	'Hazard'—online crime (i.e. technically based); and 'outrage'—non-technical/community perspectives and perceptions

Source: Compiled by authors.

there is a lack of study on civic pride, satisfaction with social achievement, a sense of purpose beyond nationalism, a sense of loyalty beyond those in power or beyond their slogans. Civic pride motivated citizens of nineteenth-century England to construct some of the greatest buildings in the country, including town halls, libraries, art galleries, museums and urban parks. They also introduced measures to improve the health and quality of life of the poorest inhabitants. Today, civic pride attracts little interest and little study. To counter such disinterest, Olson (1965) suggested that citizen participation would increase if some of the perceived benefits of being a citizen could be restricted to those who participate.

In contrast, the recent European Social Survey (2002) examining the nature of social capital across the European countries in terms of trust, fairness, helpfulness, satisfaction with life, satisfaction with democracy, happiness, quality of friendship, feelings of safety and health showed that in order to ensure for full participation in the institutions of civil society, it is vital to have a long established welfare state offering extensive provision of services, along the lines of Denmark and Norway (Delaney and Keaney, 2005). The Anglo-American economies, as well as other developed countries, have displayed deterioration in this domain over the last few decades.

Bearing in mind the shift from *gemeinschaft* to *geselleschaft*, the reduction of welfare provision in the Anglo-American economies and the extensive adoption of information technologies into both the corporation and the nation state, this chapter explores the changing role of citizenship and the citizen's relationship with the state through the use of ICT. First, we examine ICT-mediated communication between the citizen and the state and the emergence of the 'netizen'. Next, we discuss ICT's potential to offer hope for greater participative democracy, as well as increase in state control. We next scrutinize the epidural use of radio frequency identifiers (RFID) for increased citizen control. The chapter concludes that the ICT-visible qualities or characteristics, as well as unseen (invisible) characteristics, require deeper evaluation and debate and not unthinking adoption, if democracy is to prosper.

Communication development and effects

Since the mid-1990s, advances in ICT, notably the Internet, have facilitated increased flows of communication, trade and investment. This, in turn, promotes capitalism's transnational circuitry and further globalization. Globalization facilitates the formation of a transnational capitalist

class (TCC), which is articulated as belonging to the still nationally defined spaces (i.e. territories) within which world capitalism is structured. The irony is that in an era of global deterritorialization, '... spatial relations have been territorially-defined relations' (Robinson, 2007: 14). However, this 'territorialization is in no way limited to social relations and may well be fading in significance as globalization advances' (Robinson, 2007: 14). The Internet has transformed ways of knowing about the world, forging a deterritorialization and despatialization of interaction. It has eroded the 'traditional symmetry of place and identity, with its strong ties between social structure and a mappable space of places' (Adams, 1997: 160). The Internet has redefined the relationship between play and digital technologies by recombining different knowledge sets, allowing 'segments of different behaviors to occur in combinations and permutations seldom possible in the non-play contexts' (Miller, 1973: 89).

But whilst capital and the TCC class may not recognize national borders, the same is not true for ordinary citizens whose movements are often restricted and in some instances prohibited. Similarly, the other emergent transnational class of 'netizens' (members of a virtual web-based community), organized by interests, are able to articulate their views globally, and successfully merge their new real-life and virtual images while they still occupy nationally defined spaces. Thus, although 'the basis for the distinctive character of democratic governance is found in legal, not economic theory' (Kobrak, 1996: 207), citizenship is still an inclusive and exclusive experience, determined by who is politically acceptable to that community, irrespective of whether that community is territorially based or virtually based.

In cyberspace, someone with basic ICT skills can relatively easily 'navigate', 'flow', 'surf', 'swim' or 'sail' fluidly through 'oceans of data' like a ship 'through different times and places, always moving and changing, adapting to each port of call but anchoring nowhere' (Olalquiaga, 1992: 32). However, one can only stop and anchor at certain 'ports' (a metaphor and a technical term) where one has permission or breathing rights that are usually granted through registration and/or payment of an appropriate fee. The Internet is a disembodied (deterritorialization and despatialization) and compressed form of time and space, or rather a 'system of interacting nodes' (Adams, 1997: 164). It allows a netizen 'who may occupy numerous, even contradictory social positions and inhabit multiple, overlapping communities simultaneously' (Warf and Grimes, 1997: 270) to navigate between land and sea, past and present, transcending many territorial and time boundaries (Starrs,

1997). Moreover, the 'theoretical density' of possibilities that the Internet creates through new perimeters of connectivity also opens 'space for real thinking' (Cassano, 1998: 55), and over time evolves into centers of thinking, often morphing into centers of power. Thus, whilst a netizen can act at will, the same level of freedom of movement and residence is not available to ordinary citizens. Ordinary citizens' rights and limitations, historically and legally accrued, are often restricted to economically active and (to a greater extent) economically deprived people.

The quest for balancing order and stability and for upholding democratic values and norms within the democratic political-administrative structure persists (Kakabadse et al., 2003). Scholars can argue that 'rather than acting as a revolutionary tool rearranging political power and instigating direct democracy, the Internet is destined to become dominated by the same actors who currently utilize other mediums' (Davis, 1999: 5). Certain commentators view the 'current forces dominating political news delivery' as dwarfing independent efforts and overshadowing independent efforts on the Internet (Davis, 1999: 5). Moreover, we do not always use technology in the manner its inventors originally intended or in the way it was originally implemented. Studies have shown that 'there is a strong possibility that technologically-induced goals are incompatible or out of line with the values or practices of the reception culture' (Leonardi, 2007: 981). In addition, the Internet provides a 'space' distinct from reality, in which 'free activity standing quite consciously outside "ordinary" life executed within certain fixed limits of time and place, according to rules freely accepted but absolutely binding' (Huizinga, 1955: 32), is now an established norm. However, part of the Internet is not ordinary or real life; rather, it is 'a stepping out of real life into a temporal sphere of activity with a disposition of its own' (Huizinga, 1955: 26).

ICT: New hope but old controls

Citizen involvement in public decision-making is a valuable resource as it improves decision-making processes (Walters et al., 2000), increases citizen trust in government (Berman, 1997) and improves social justice (Frederickson, 1997). Many advancements in ICT, including the Internet, are based on voluntary coordination with no central control and an autonomous, distributed and collaborative arrangement of networks (i.e. open, end-to-end architecture). As such, ICT has captured the imagination of many proponents of open society, as it has the potential

to give marginalized and disenfranchised minorities a 'voice' through the ability to engage in dialogue in an electronic format. Some hail the Internet as the new nirvana (Barbrook and Cameron, 1996; Hauben and Hauben, 1997; Aizu, 2004) because it helps to achieve geographic, economic and cultural diversity. Evolving from a technical community (i.e. collaboration between engineers, mostly at university, private sector entrepreneurs, governments and users), the Internet has gained popularity amongst its active users, who are sufficiently represented in civil society and have gained the new status of 'net citizen' or 'netizen' (Hauben and Hauben, 1997), 'cybercitizen' (Kush, 2000) or 'e-citizen'. Cybercitizens claim greater flexibility and efficiency than incumbent institutions through their ability to cross national borders. They also claim greater geographic, economic and cultural diversity (Kush, 2000). Some have argued that while ICT media (such as 'blogs', online 'web logs' or journals in reverse chronological order) are not as accessible or tangible as the face-to-face settings of the coffee shops and salons of eighteenth-century public spaces (Habermas, 1996), ICT media do provide an important avenue for democratic discourse—they provide a forum for conversation and exposure to views different than one's own, which is of mandatory importance in democracy (Mendelberg, 2001; Mutz, 2002).

However, the Internet also has downsides, as 'prejudices, chauvinisms, inequalities, and hierarchies internal to societies that have excluded individuals and groups from full citizenship status on the basis of race, gender, caste, sexual orientation, religion, region, and other factors' (Nyers, 2004: 203), still persist. Moreover, growing numbers of international refugees, displaced persons, indigenous peoples, people in occupied territories, and even people living in modern democracies increasingly experience their citizenship rights curtailed and in some cases completely ignored, creating a 'citizenship gap' of startling difference over the rights and benefits of citizenship (Brysk and Shafir, 2004; Nyers, 2004). The freedom of expression shared by both open source engineers and netizens—the current core principle of e-civil society—is in danger of being captured by technocrats, economic elites and 'Smart Mobs' (Rheingold, 2003) who use the Internet as a tool for online crime (e.g. online fraud, spam, virus promotion, copyright infringement, child pornography) or to pursue the particular interests of business and bureaucrats. In addition, techno-centrism and the lack of human viewpoint (i.e. technology self-reproducing in an 'out of control' way) can lead to e-civil society subversions. Subversions related to business interests could include a corporate-centrism that lacks social justice and a

techno-bureaucratic lack of accountability and transparency, undermining the public interest and allowing, even inviting control by a few. The four different protocol layers and governance mechanisms, upon which the Internet function is based, including the physical layer, transport layer, logical routing layer and application/service layer, could be compromised by the ambitions of wealthy elites pursuing their particularist ambitions.

To achieve coordination between Internet layers, a small number of closed circle members may make decisions to further their own interests and thus realize an unfair advantage. People who spend all their time on the Internet already have derogatory names such as 'netties', or 'netters' or 'net-heads'; though in the same space net heroes exist, including Yahoo's founders David Filo and Jerry Yang, Google's founders Larry Page and Sergey Brin, and other great inventors of ICT tools such as Tim Berners-Lee of the World Wide Web (WWW) (Aizu, 2004). The current lack of Internet checks and balances (which a self-certification mechanism could resolve) can lead to techno-capture or an invisible barrier termed 'electronic harems' (Korac-Kakabadse et al., 2000). In these 'electronic harems', many things are forbidden by the few in power who provide the language for debate about governance, democracy, global information infrastructure and other global issues. ICT infrastructure operators, whether traditional or emergent, do not necessarily share an open society vision in the true sense. They might see an opportunity for profit accumulation, asserting their central control in such a way that is convenient for their efficient operation and for their many 'passive' consumers, thus encouraging a 'clickocracy' rather than a true democracy.

The contrast to this view is that ICT has enormous potential to serve as a vibrant component of the public sphere, as a place where the life-world crosses over to the system-world (Habermas, 1996).

We can undoubtedly consider technology amplification theory (Agre, 2002) and the ICT ability to amplify citizen democratic participation by providing electronic public forums and electronic voting (i.e. functional amplification; Fountain, 2004) as a force for good. But we cannot escape the ICT dark-side, including Bentham's (1995) 'Panopticon vision', the seeing and controlling center explained by 'technology reinforcement theory' (Agre, 2002) as well as 'technology enactment theory' (Fountain, 2004) which hold that ICT provides mechanisms to further reinforce existing power structures and social controls, mostly through increasing surveillance.

Although both amplification and reinforcement theories provide different analytical frameworks, they often come to the same conclusion,

namely that ICT does not create a new political order (Agre, 2002; Kakabadse et al., 2007). Electronically mediated political activities are embedded in broader social processes, with ICT itself being only one element of the ecology of communication media and socio-political life (van Dijk, 2001; Kakabadse et al., 2007). As such, ICT is considered by academic and political commentators as a tool for 'reinforcement politics' and is less applicable to the 'creation of new forms of democratic public spheres than to the support of already existing ones' (Buchstein, 1997: 260). For example, News Corporation chairman, Rupert Murdoch, has admitted he has 'editorial control' over the *Sun* and *News of the World*, his most read papers, and can thus promote the interests of particular political parties, endorse general elections and shape the line each party takes (Woodcock, 2007). In effect, the public sphere is and always will be a much larger phenomenon than any ICT-mediated forum (Kakabadse et al., 2007).

It is important to note that whilst participating in ICT-mediated forums and interest groups, such experience remains considerably different from being a citizen in a 'real' community. Being connected to others via ICT is being part of a virtual community, whilst being a 'grounded' citizen is to be bound by geographical orientation and an actual neighborhood. Although netizens are often people with a desire, understanding, concern and focus to make the Net a vibrant virtual community with many resources, many also come for selfish reasons, as well as 'clickocracy' satisfaction, dissent and indifference.

In the trawl for citizenship meaning, it is becoming increasingly clear that the relationship between the Internet and political participation is contentious. The Internet has the potential to facilitate democratic—albeit virtual—public space and to enhance citizen participation by offering multiple new possibilities. These include new connectivity and participation mechanisms (e.g. online voting), instant access to legislative deliberation, direct access to elected representatives, more access to information, new opportunities for cultivating civic skills (Dahlberg, 2001; Kakabadse et al., 2003) and greater provision to access government information (including, but not limited to, government forms and services, public policy information, employment and business opportunities, tax filing, license registration or renewal, payment of fines, and submission of comments to government officials, voting information and research information).

At the same time, the Internet does not necessarily improve citizens' motivation, capacity and skill to participate (Davis, 1999; Stanley and Weare, 2004). For example, 'blogs' fulfill all five of Simmel's (1978)

criteria for what makes a space a public space (Urry, 2001). However, while they possess democratic potential, 'blogs' and other Internet media are accessible only to those with computer access. Thus the 'digital-divide' (i.e. disparity in access to ICT), 'e-exclusion' (Korac-Kakabadse et al., 2000; Hargittai, 2004) or the dark side of info-age social networks in the public sphere may lead to creeping crises (Korac-Boisvert and Kouzmin, 1994). The digital divide does not only reflect economic disparities (i.e. the economically disadvantaged have the lowest levels of access, yet may need higher levels of interaction with government than others); it also reflects education levels, awareness, confidence and accessibility (i.e. whether individuals with disabilities can use e-government websites) necessary for Internet access (Korac-Kakabadse et al., 2000).

Moreover, the higher information capacity offered by the Internet may neither translate to higher levels of citizen awareness nor translate to higher levels of political knowledge. Individuals acquire and interpret information selectively and subjectively, and information overload may impair sound judgment (Kakabadse et al., 2007). Online forums including 'blogs' may not enhance participants' civic skills because the Internet can encourage both instant response and antisocial expression (Sclove, 1995). Institutional arrangements are strong mediators of the relationship between citizen and state. Institutional factors (including the form of government) and managerial attitudes toward citizen participation also moderate the relationship between government and citizen, whether it is direct or electronically mediated. However, the average citizen lacks the time, inclination and resources necessary to become an issue expert (Arterton, 1987; Johnson and Kaye, 1998; Thomas and Streib, 2005). e-participation opportunity may not change this. Likewise, public officials and government may not take citizen participation seriously. Thomas and Streib (2005) suggest that citizens visit government websites more for the purpose of e-commerce and e-research rather than e-democracy or e-participation.

Thus, while e-forums and e-government provide opportunities for citizen involvement, the relationship between the citizen and the state should not be taken merely as a technical issue of applying web-based technologies for better cost-saving and administrative efficiency. The relationship between the citizen and the state has democratic implications; it requires conditions in which the arrangements of institutions and government shape the development and utilization of technology to make it an enabler of democratic governance and participation. Kettl (1993, 17) noted that 'the government's fundamental challenge in serving the public interest is balancing the pursuit of efficiency with other

goals that have equal, sometimes greater importance, such as individual rights'. Government has adapted competing values to shape the public interest, such as efficiency vs. effectiveness, capacity vs. responsiveness, and trust vs. confidence to act. Such tensions have been increased through ICT adoption.

The concern is that ICT adoption favors the efficiency side of government but not the citizen in terms of loss of privacy and discrimination. Concerning privacy, personal anonymity is erased when electronic databases and other centralized structures for protecting the privacy of citizens share and match personally identifiable information with ease. Discrimination concerns arise when homeland security or other e-government sites collect information about users and restrict it according to a user's profile (Korac-Kakabadse et al., 2000). From space satellites (such as the Global Positioning System) to the Internet, from the mobile phone and public CCTV to office and home electronic gadgetry, every minutiae of human activity is monitored and its data is collected (Korac-Kakabadse et al., 2000). ICT's '*reflexive*' ability to monitor itself creates and recreates new structures and new futures (Whitaker, 2000) that have been referred to as 'virtual feudalism' (Mowshowitz, 1997), the 'post-national state' (Whitaker, 2000), 'new serfdoms', 'IT-harems' and 'electronic shoguns' (Korac-Kakabadse et al., 2000; Kakabadse et al., 2007) – all of which depict control mechanisms over citizens which are increasingly invisible, all-seeing and all powerful. No wonder that Bentham's (1995) concept of the 'Panopticon' has been used both by novelists (Zamyatin, 1921/1924; Orwell, 1949) and scholars (van de Donk and Tops, 1992; Mowshowitz, 1997; Whitaker, 2000; Korac-Kakabdse et al., 2000; Kakabadse et al., 2007) as a metaphor to raise awareness of the increased abuse of ICT in the collection of citizen information. This abuse of ICT can occur through overt and covert surveillance mechanisms, for the purpose of inducing social control as well as for trading and/or creating criteria for predicting and controlling the behavior of particular individuals or segments of society (Kakabadse et al., 2007).

RFIDs and citizen control

Both Plato and Aristotle were fearful that *techne*, application and practice, would be adopted as an end unto itself. They believed that technical knowing should be connected with *theoria* and *praxis*, in essence, the theoretical and political ways of knowing. However, in the twenty-first

century, *techne* is emerging as increasingly unconcerned with the common good. *Techne* is in danger of becoming an end in itself. Nowhere more so has this been the case than with RFIDs.

In the last few years, without much public debate or policy consultation, governments of various countries have implanted citizens with microchips, a move that has serious repercussions for privacy and freedom (Foster and Jaeger, 2007). For example, the Department of Homeland Security (DHS) and dozens of medical facilities in the United States now encourage the use of various types of RFID microchips, all of which can be simply implanted under the skin. Some 68 hospitals and medical facilities are already using Applied Digital Solution's VeriChip implant, which the US Food and Drug Administration (FDA) approved for medical use in humans in 2004.

The 'VeriChip' is a glass-encapsulated RFID tag that is injected into the flesh in order to uniquely number and identify the individual, analogous to a human barcode (US FDA, 2004). RFID technology enables wireless communication within the range of 30 feet and beyond between a transponder (i.e. tag) and a reader by means of radio frequency. Although the RFID tags are currently predominately used externally, R&D innovation will increasingly allow for penetration of the human body. The identification numbers stored on RFID tags are increasingly linked to a variety of databases containing information of digital images of fingerprints, photos, medical records and past behavior.

Enabled by the McKinney Act (NCH, 2006) and substantial federal grants, the US Department of Health and Human Services has embarked on a pilot scheme for tagging homeless and mentally ill people wandering the streets of New York City, San Francisco, Washington DC, and Bethlehem, Pennsylvania. These citizens have been implanted with RFID chips, enabling police and social workers to monitor the implanted people's movements, ostensibly to keep them from shoplifting and to track them to check on whether they were visiting clinics for inappropriate medication (FTC, 2004; McCullagh, 2004; Worthington, 2006; Weinberger, 2007). Notwithstanding that the RFID 'benefits for consumers remain largely hypothetical, while the privacy-invading threats are real' (Stajano, 2005: 31), public policy is noticeably silent on homocentric RFID issues. Some organizations, including CityWatcher.com (a Cincinnati, OH video surveillance company), have already required RFID implants for some of its employees (Slashdot, 2007). Further, the US Defense Department's plans to study implanting microchips in soldiers (Worthington, 2006) suggest that a number of them have already been implanted with epidermal chips.

Although RFID technology appears to be a new invention, it has been in the making for nearly a century. Its brief history with significant dates follows:

- 1917: Nikola Tesla invented the first primitive radar unit, which, in turn, led to
- 1920s: RFID conceptualization
- 1940s: 'Identification of friend or foe' (IFF) programme saw the emergence of the first generation of identification RFIDS, during World War II
- 1950s–1960s: Radio frequency first used for the identification and monitoring of nuclear and other hazardous materials
- 1960s: RFID experimentation was undertaken on unaware mentally ill patients, radical groups and incarcerated individuals, both in developed and developing economies
- 1970s: RFID growth accelerated as developers, inventors, companies, universities and governments began to actively develop RFID applications in their laboratories
- 1980s: Nursing-homes in USA gave patients RFID tags
- 1990s: General use of RFIDs in products, animals and humans
- 1991: The first mass-market deployment of RFID was in electronic toll collection (in Oklahoma, USA)
- 1997: US patent 5629678 for 'Personal Tracking and Recovery System' (i.e. RFID epidural implants for humans)
- 1998: Kevin Warwick, Professor of Cybernetics at University of Reading, implanted himself for experimentation
- 2001: 250 individuals associated with the VeriChip Corporation were epidurally chipped
- 2004: FDA approved the 'VeriChip implant' for medical use in humans
- 2004: Carlos Altamirano, Mexico's attorney general, and 160 of employees underwent epidural chipping to allow access to secure areas
- 2004: Nightclubs in Rotterdam and Barcelona used membership implants instead of membership cards.

As described, scientists first conceptualized the RFID tag, or 'spychip', as an integrated technology that can be attached to or incorporated into a product, animal or person in the 1920s, experimented with it in the 1960s, and brought it into general use in the 1990s (McIntyre and Albrecht, 2006). Researchers carried out early experiments on

unassuming mentally ill patients, incarcerated individuals and other disenfranchised groups. These experiments included 'chipping' nursing home patients in the mid-1980s according to Data Inspection's former Director General Jan Freese (Luukanen-Kilde, 1999). Also, Swedish state documentation, *Statens Officiella Utradninger*, reveals that the Swedish Prime Minister Olof Palme gave permission to implant prisoners for experimental purposes (Luukanen-Kilde, 1999).

However, it was not until October 2004 that the US FDA approved the first RFID tags specifically intended for human implantation, the 'VeriChip implant', thereby making the use of the VeriChip in humans legitimate (US FDA, 2004). Even before its approval and legitimatization in 2004, there were about 250 individuals, most of them associated in some way with the VeriChip Corporation, who had already been chipped (Associated Press, 2004). By 2004, Applied Digital Solutions sold around 4 million chips into the animal market and about 7000 microchips for human use worldwide (Associated Press, 2004; Murray, 2004; Lewan, 2007a, 2007b). More than one-tenth of those microchips intended for human adoption have been sold in the United States (Associated Press, 2004). For example, the California Department of Corrections uses the VeriChip as a means for tracking prisoners (Foster and Jaeger, 2007). In 2004, the Mexican Attorney General admitted that in order to restrict employee access to a new federal anti-crime information center, he and 160 government officials had been 'chipped' (Murray, 2004; Weissert, 2004). The US Department of Defense has made plans to implant microchips in soldiers for monitoring their health information, and has already awarded a $1.6 million contract to the Centre for Bioelectronics, Biosensors and Biochips (C3B) at Clemson University for the development of an implantable 'biochip' (Clemson University, 2007).

However, the military can use the 'biochip', which measures and relays information on a soldier's vital signs 24 hours a day, to put the soldier under surveillance even when he/she is off-duty. In addition to a loss of privacy, wearers of the chip also face a significantly increased risk of false positive identification (i.e. being wrongly identified) because the technology is not reliable or could be misused. Implants in soldiers' bodies also raise strong concerns for other potential uses (Altmann, 2006). For example, US Patent Application No. 2004174258, a 'method and apparatus for locating and tracking persons (MALTP)', is able to do more than just track runaways, the incarcerated, military personnel or others (Angel, 2005). MALTP devices can correlate the user to databases for identity verification, medical records and other information, and

can also vibrate, electroshock, and broadcast messages, among other features. Of greater concern is that RFID-enabled chips are implanted in such a way that they cannot be removed without surgery, especially as they can be located in poorly accessible parts of the body such as the uterus, gastrointestinal tract, head and deep muscles (Angel, 2005). Moreover, whilst RFID technology as a tracking chip is in its early stages of development, the potential exists for nanochips that are programmed with far more information than an identifying number, thus expanding the potential domain of their use and abuse.

Redefining the citizen and state relationship: Need for new social contract

A world of difference exists between the individual or the state being 'accountable' to others (i.e. the need for an individual or a state to demonstrate that tasks have been discharged in accordance with stated obligation) and they being 'responsible' for others (i.e. the obligation an individual or a state has for the completion of a set of tasks, Broadbent, 1998). Broadbent (1998) argues that policymakers need to be aware of the tensions between the delegation of responsibility and the need for accountability, and adapt their systems accordingly to meet these tensions. For example, in countries where a more paternalistic conception of government exists (e.g. Switzerland and Japan), the focus is on 'responsibility for' the people, which reflects substantial citizen of *trust* in the capacity of governments to provide adequate public services (Guthrie et al., 2005). However, in countries such as the UK, USA and Australia, the focus is on being 'accountable to' the people (Guthrie et al., 2005).

Irrespective of whether cultural differences make a government 'accountable to' or 'responsible for', both parameters are important and have deeply influential consequences. Today's emerging trend is that governments implicitly ask people to give up more rights in exchange for social order, yet they increasingly give back fewer social benefits. In this sense, accountability predominates over responsibility. We have reached the point where the task of government subsumes feeling responsible for the quality of life of the citizen. On this basis scholars argue that we need to re-examine the state role. It is Rousseau (2007, 3) that indicates, 'war then is a relation, not between man and man, but between State and State, and individuals are enemies only accidentally, not as men, nor even as citizens, but as soldiers; not as members of their country, but as its defenders'. If 'each State can have

for enemies only other States, and not men' (Rousseau, 2007: 3), then the question should be asked as to whether a war on terror is legitimate, and if it is, does it necessitate the drawing of a new social contract?

Certainly, economic globalization has enabled the drafting of a new social contract which has contributed to the decline of the nation state (Kakabadse and Kakabadse, 2001), and thus reduced citizen engagement in 'civic dialogue' (Hughes, 1994). Increasing economic liberalization has reformed many democratic governments into a sort of 'corporate state', in the economic sense of the term (Ritzer, 2004). Economic liberalization has reformed social capital, combining a distinct form of 'public good' embodied in civic engagement with the concept of 'individual good' driven more by concern for self and the pursuit of personal prosperity (Leigh and Putnam, 2002). Liberal, pro-market government policies promote the principles of individual consumer choice as the defining element of citizenship (Webster, 1998). Cost-effective, market-based administrations have spawned the emergence of market-driven governance as the predominant philosophy over both private- and public-sector arrangements (Kakabadse et al., 2006), and these have given corporate citizens more rights than individual citizens. Moreover, through increased privatized public services, 'corporate citizens' (i.e. corporations) increasingly are gaining and exercising their control over individual citizens' quality of life, creating a new space in which citizens, or rather customers, pay for the services rendered if they can afford them.

Whether or not the liberal individual, or the contractor, is conceived as Hobbesian (1997) man, Locke's (2003) proprietor, Rousseau's (1987) 'Noble Savage' or Rawls's (1971) person in the original position, he or she is historically different from an individual in today's liberal Western democracy. Historically, a liberal individual (as argued by Macpherson, 1973) was Hobbesian (1997), of a bourgeois man of early modern capitalist Europe. Like his or her predecessor, the liberal individual of the twenty-first century continues to believe in myths about social contract theory and human dignity (Mills, 1997), in the sense, that everyone is equal, that all will be treated the same before the law and that a democratic government is committed to equality and freedom for all persons. However, as was the case for his or her predecessor, the twenty-first century liberal individual's political reality is different and depends on his or her social status—some individuals will be granted the rights and freedoms of full liberal persons, whilst the rest are being and will continue to be treated as partial persons.

Where to from here?

If a 'democracy is an open society in which all state power is derived from the people', whilst it 'guarantees human dignity' (The Strasbourg Consensus, 1983: 1), then the essence of liberal democracy does not amount to just occasional voting. Democracy is about citizen engagement in policy and political deliberation, voluntary interest aggregation, and a guarantee of constitutional rights and the right of self-determination. It is the deliberative component of democracy that provides democracy's authenticity, or 'the degree to which democratic control is substantive rather than symbolic, and engaged by competent citizens' (Dryzek, 2002: 42). Thus the debate over the future of democracy needs to grow louder as ICT becomes more commonplace in every walk of life. Proponents of democracy and entrepreneurship can look forward to a wealth of new opportunities, thanks to ICT. Yet without studied care and regulation, these new media might set civil liberties at risk (Kakabadse, 1999). In principle, that is nothing new, for democracy has always meant tension between what is good for the individual and what is good for the community. How society resolves this dilemma depends on context, culture and the activism of the individual. This chapter queries the opportunity for activism on behalf of the individual, which if subdued leads to a culture of compliance.

Could citizens, their elected representatives, the media and private corporations all be about to trade places? (Kakabadse, 1999). Does the democratic process need reforming to take advantage of the greater scope ICT offers in asserting community values, boosting public debate and involving the citizen more in processes like policy review and reformulation? (Kakabadse, 1999).

The challenge of technology has been ongoing for many centuries. Plato's articulation of metaphysics some 2500 years ago as a dual arrangement between creativity and destruction, both being deeply embedded in the ideas of determinism and free will, was one of the first expressions to draw attention to this issue. Thus, '*the* question for our generation' is 'how can we relate ourselves to technology in a way that not only resists its devastation but also gives it a positive role in our lives?' (Dreyfus and Spinosa, 1997: 159). That is, how can we live and work in an ICT society whilst not becoming dominated by and becoming part of the emerging technical devices?

The will to answer this question will determine whether people will be enslaved by other people through ICT control, or will regain the notion of original freedom as noted by the eighteenth-century commentator,

Jean-Jacques Rousseau (1968, 49), who famously declared that 'man is born free; and everywhere he is in chains'. Moreover, history will judge whether man in our society has or lacks an 'intellectual, moral, or spiritual reference point for judging and criticizing technology' (Ellul, 1980: 316). In other words, history will judge whether he/she can make informed and ethical choices.

Considering that all ICT is more than just visible qualities or characteristics, including both seen and unseen characteristics, or what Heidegger (1959) described as an unconcealment (*aletheia*) and concealment (*lethe*), a disclosure and hiding, citizens require education in the art of both harmony and appreciation in order to better inform themselves and, in turn, make well-informed choices about their lives and the configuration of their society. Perhaps the way forward is to not lose sight that democracy is 'more than a mechanism for determining government, rather it is a genuine opportunity for popular participation, open and accountable government, broad input into the debate, and the promotion of informed and critical citizens ideas' (Kakabadse et al., 2003).

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8

Council-Manager Government at 100: Facilitative Governance and Citizenship Ethics in the Administrative State

Vera Vogelsang-Coombs, Lawrence Keller and Sylvester Murray

Introduction

This is the second of our two projects about council-manager government in postmodern society. In an earlier 'Council-Manager Government at 100: Transformational Leadership, Facilitative Governance, and Active Citizenship' (Vogelsang-Coombs, Keller, and Murray, 2008), we argued that the classic manager form of local government, though adopted in 1908, is the best form for twenty-first-century governance. The classic city manager form rightfully understood and constitutionally practiced facilitates the governance of localities based on active citizenship. Active citizenship is not a neglected reality under the classic manager form but makes it the absolute necessity for effective municipal governance.

In this chapter, we deepen our argument about the relevance of council-manager government in the twenty-first century by thinking institutionally about citizenship ethics. Institutionally, the council-manager government vests executive power in a non-partisan professional manager (rather than an elected mayor) within a unitary structure. The outcome of this structure is facilitative governance and empowered citizenship. Professional city managers are transformational leaders who emphasize transcendent and constitutional values over bureaucratic means in governance while focusing on the needs of potential followers (Burns, 1978). Their constitutional orientation nurtures a strong public service culture that enables citizens to enjoy the rights, duties, and obligations of self-government. In contrast, the structure

of executive power in a non-council-manager local government allows for a system of transactional relationships designed to enlarge webs of political and electoral dependency. We conclude that council-manager government gives a city the highest quality of life because it reinforces empowered citizenship and the ethics of constitutional practice.

For us, the structure of executive power is the key to postmodern governance because it determines to a great extent the public life of citizens. Twenty-first-century governance requires effective local government, and the foundation of local government is empowered citizenship. As its etymology reveals, citizenship is city-based. Empowered citizenship involves face-to-face relationships in which the duties of living together are to the democratic political community (or polity) and are broader than voting or attending meetings. Empowered citizenship depends on the use of executive power by administrators who act 'as' citizens and 'with' citizens whom they regard as equals in governance processes (Stivers, 2001, 595). Active citizenship also rests on the foundation of facilitative governance. Our notion of facilitative governance derives from Chester Newland's (2003) theory of the facilitative state. Facilitative governance includes normative public administration, such as political neutrality, the management of collaborative networks, and 'a robust facilitation of the public good' (p. 395).

Our analysis also suggests that the separation of powers may work differently locally than at the national level. The US founders separated the national government's political institutions to protect citizens from the problems of an extended republic and the executive aggrandizement of power. Most US cities are not extended republics and do not need this institutional device to protect the citizenry. Moreover, the separation of powers in many cities has permitted elected mayors to extend their powers beyond their formal authority. By practicing citizenship ethics and facilitative governance, the classic form of council-manager government enables inclusive actions that extend democracy and build the democratic political community (Nalbandian, 1999). The implication is that council-manager government better protects and empowers citizens than in municipal settings because its structure both constitutionally enables and restrains their actions and those of local officials.

Constructing empowered notions of citizenship for the administrative state

Citizenship is a multi-dimensional phenomenon that has produced differing views of the concept. Postmodern analysis has helped in

deconstructing these multiple, even incompatible, views, which have exhibited what Thomas Kuhn called 'incommensurability' (Kuhn, 2000; see also Burrell and Morgan, 1979). In terms of general knowledge and science, Kuhn described a growing gap. In his view, progress in knowledge creation grew best in small academic communities in which a shared paradigm directed research. Within a community, however, researchers may use paradigms and methodologies that were incommensurate. As a result, knowledge integration became more difficult. Similarly, studies of citizenship encountered problematic research dynamics, which, in turn, complicated attempts to synthesize older views with more current ones.

In many ways, incommensurability has taken place in the field of public administration, where a variety of methods have created distinctive ways of knowing (Bryer, 2006; Keller, 2007). Public administration research has illuminated issues and concerns but does not permit generalization from one perspective, particularly a positivist perspective. Herein, we extend our argument that active citizenship is most effectively practiced in the city where the idea originated. This reconceptualization of citizenship ethics, combined with an infused practice, seeks to surmount the classical perspective. Classical perspectives assumed objective knowledge, and, thus, cannot lead to a notion of empowered citizenship within a complex system such as the administrative state.

By contrast, contemporary science and professions may profit from multi-paradigmatic approaches. In many ways, the variety of views embedded in postmodern analysis better captures complexity. In fact, a multi-paradigmatic approach can build on some foundations of public administration that also address the issues critical for empowered citizenship, such as community, deliberation, and choice. Specifically, the works of Mary Parker Follett (1918, 1942) and John Dewey (1927) centered on precisely these critical issues. The public administration profession and theory did not follow their conceptions of citizenship because their paradigms were different from the positivist approaches that underpinned behavioralism. In particular, Follett remains invisible in mainstream public management that continues to follow a positivist path.

It is important to note that Dewey and Follett explored the issues of community from both the macro (system) and micro (individual) levels of analysis. Their approaches provide better specifications for analyzing the nature of citizenship in the administrative state. Examining the nature of citizenship in the administrative state is necessary to avoid uncontextualized abstractions and romanticized notions that

are contrary to political and social reality. Therefore, our argument is that empowered citizenship occurs in local communities where citizens can interact face-to-face. However, contemporary citizenship studies overlook, even deplore, the administrative state because they conceptualize the state as beyond the practice of effective citizenship. Nevertheless, as John Rohr (1986) noted, the administrative state is real and will continue to exist. Inevitably, the analysis of citizenship in the administrative state begins in what we call the 'administrative city' (Keller, 1992). The administrative city is the modern municipality characterized by professional public administration as constitutionally organized.

At the most fundamental level, citizenship must mean something for citizens. To make citizenship meaningful, citizens must be actively involved in governance. The connection between meaningful citizenship and active governance stems from the idea of community as a polity organized to handle the public matters of collective life. This idea draws etymologically from the root meaning of a *republic*. A republic contrasts with the idea of a democracy. Whereas a democracy emphasizes the decision-making authority of citizens, a republic relates to citizens as officeholders within a constitutionally structured system (a polity). The purpose of a political system is to 'allocate values authoritatively' (Easton, 1965). The authority to allocate values requires a political system to have legitimacy. Political legitimacy rests on the system's legality and on the perceptions of citizens who believe in that system. Both forms of legitimacy are rooted in the concept of a constitution. A constitution delineates the structure of a polity based on shared political values that both citizens and officeholders respect. This respect requires an ethical system of governance to guide the interaction of citizens with key critical officeholders, such as legislators, executives, and public administrators (Cooper, 1998; Stivers 1994).

As John Rohr (1986) argued so eloquently, the constitutional foundation is the basis of robust notions of citizenship in the administrative state. Moreover, a robust notion of citizenship is much more than how individual citizens interact with public administrators or with each other. Rather, it extends to the macro-level of action, that is, of how a political community structures its governance processes to engage citizens. By broadening our focus of citizenship, we are drawn to Chester Newland's (2003) theory of facilitative governance. Building on Newland's work, we will examine the following two questions. First, what does facilitative governance require of citizens in a political community? Second, what do these requirements mean for the administrative state?

Citizen action in the administrative state

We will now turn to a discussion of how decisions ought to be made in a polity beyond the criterion of self-interest. We have not based our discussion on an unduly exalted view of human nature. Our assumption is that self-interest is not sufficient to engage citizens in meaningful governance. Self-interest, if pursued within a structure that balances interests and what the US founders called 'factions,' may inhibit the dominance of any single interest or faction. Although inhibiting the dominance of a single interest may be a valuable outcome in the administrative state, this will not engage citizens fully. Perhaps the pursuit of interests may produce coalitions around issues that determine national policy. This process assumes a pluralist system that operates with a level playing field so that interests involving a significant group of citizens have relatively equal opportunities. As E. E. Schattschneider (1975) observed (and subsequent studies have shown),

> The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent. Probably about 90 percent of the people cannot get into the pressure system.
>
> (pp. 34–35)

Interest group politics privileges some interests and marginalizes others. The selectivity and bias of the pluralist system make it an instrument for only a small segment of the community.

An alternative approach emerges out of the scholarship of Richard Box and Curtis Ventriss. Box (2005) argued that public administrators must engage in critical theory so that they can examine the biases inherent in governing a political system. Critical theory provides a normative perspective based on the Constitution and citizenship ethics. Citizenship ethics, for Ventriss (2007), is predicated on the values of dissent, non-compliance, and the moral questioning of policy assumptions (p. 39). At the national level, this normative perspective supports the use of administrative discretion aimed at providing for a more inclusive governance processes and social equity. As Rohr (1986) argued, constitutionally minded public administrators at the national level are ethical public servants who serve as a balance wheel among the three branches of government; their use of administrative discretion can offset the actions of 'conspicuously undemocratic' political institutions. At the local level, constitutionally oriented public administrators can facilitate citizen-driven decision-making by applying Follett's notion

of constructive compromise achieved through deliberation. The works of Box, Ventriss, Follett, and Newland round out the notion of facilitative governance that underpins the constitutional administrative state.

Although the jousting of citizen interests takes place in formal and informal organizations, citizen action at the national level involves the mediation of organized groups. Among the major organized interests are those in the political economy, such as labor unions and business associations. Another set has mobilized around public interests, such as environmental justice. Other sets involve the national political parties, whose primary purpose is to win elections so that their members can hold formal power as well as informal authority within the administrative state. Despite its obvious flaws, the two-party system in the United States is perhaps the only feasible medium for the broadest expression of citizenship in a complex administrative state. If, however, the political parties are to operate constitutionally, then public administrators must heed the call of Camilla Stivers (2008) for actions that facilitate a more equitable political economy.

Citizens have influence through interest groups and party organizations, but the process of winning elections does not produce the most robust forms of citizenship. Empowered citizenship only occurs in a system that engages citizens in face-to-face deliberation over the fundamental values of the political community. We argue that the best political setting for empowered citizenship is in the municipality. However, active citizenship requires constitutionally organized municipalities that operate with the least amount of mediated citizen action. The best municipal setting to achieve empowered citizenship, in our view, is the classic form of council-manager government (Vogelsang-Coombs, Keller, and Murray, 2008). For the sake of analysis, we will refer to the classic form of council-manager government as the 'administrative city.'

Empowered citizenship and facilitative governance: The council-manager system

City managers are professional administrators dedicated to ethical action, and they are the chief executives of municipalities appointed through national searches. Thus, city managers draw their identity from their municipal citizenship and dedication to professional standards; they do not lose their identity in the politics of a particular

municipality. City managers are in, but not of, the specific municipal political economy. Their professional dedication to citizenship ethics reminds city managers that their ultimate moral obligation is to uphold the sovereignty of the people (Cooper, 1991). The Code of Ethics promulgated by the International City/County Management Association (ICMA) codifies the principles of citizen sovereignty and constitutional discharge of duties in professional practice. The structure and ethical foundation of the council-manager system reinforce Terry Cooper's (2004, 295) admonition for city managers to raise the following big governance question before they take action: 'Are [we] acting on behalf of broad shared interests or limited particular ones?' This question calls on professional administrators to act on their ethical obligations to the broader political community and democratic governance as opposed to partisan governance.

As Rohr (1989) noted, the constitutional foundations of the system, from the US Constitution to the municipal charter, are the ultimate basis for all actions of city managers. City managers exemplify Bob Bland's (2008) concept of public service in the postmodern context. A capable public service, he opined, preserves a great nation (and a local community) during a time of crisis. According to Melvin Dubnick (2003), normative public administration and citizenship ethics embody the constitutive elements of a city manager's job. Those who serve as city managers must be more than experts in management. The structure of the council-manager system reinforces the constitutive elements and constitutional performance of city managers. City managers, though chief executives, serve at the pleasure of their city councils, the elected representatives of the people. Council members are in constant contact with their city managers and, thus, are aware of how effectively and equitably professional managers conduct municipal affairs. In other words, council members cannot discharge their constitutional duties of political representation if city managers do not constitutionally fulfill theirs. In addition, council members are obliged to hold city managers continually accountable and constitutionally responsible.

Furthermore, the advancement of city managers involves their moving to a bigger city but only after they have achieved professional success in managing smaller communities. To advance in their careers, city managers must discharge their formal constitutional duties as well as engage in ethical behavior generally. However, city managers cannot behave ethically if their city councils do not constitutionally discharge their formal obligations. Consequently, most municipal charters provide for a public hearing if the city council fires the city manager. In

a public hearing, the city council must state the grounds for the decision to dismiss the city manager. Though seldom invoked in practice, this charter provision sets limits on council behavior. City managers are normatively obliged to resign if their councils do not fulfill their constitutional duties. In effect, city management in the 'administrative city' is a profession that regularly experiences resignation. The power of city managers to resign is also a strong institutional constraint on unconstitutional council actions.

Council-manager government provides a unitary structure that is different from council-mayor municipalities that have a separation of powers. This structural variation promotes behavioral differences in institutional accountability and citizenship ethics. We contend that council-mayor municipalities (or the political city) promote non-constitutional behaviors. Our contention does not suggest that no effective municipalities exist under the council-mayor form of government. But we mean that the council-mayoral form does not empower citizens to the extent of the council-manager system. The mayor is the chief executive officer in the political city. The career advancement for ambitious and term-limited mayors involves their seeking higher political office, such as that of a state legislator or even a governor.

To advance in their careers, these mayors must remain popular and win the confidence of voters beyond their municipality. The broader electorates seldom hold former mayors accountable for their conduct of municipal affairs. Issue politics and party support are more significant for their electoral success at the state and national levels than their effectiveness in running a local government. Given that mediating organizations channel citizen participation at these levels, the mayors running for higher office may accumulate considerable power beyond their formal authority. Moreover, mayors are full-time officeholders, and they often become iconic political figures that garner media attention. By contrast, council members are part-time officials, and their power resides in the city council as a group. These differences tend to diminish the ability of local political systems with the separation of powers to provide facilitative governance, thereby limiting the active participation of citizens on community-wide issues.

To achieve the potential of the council-manager system, city managers must pay attention to the constitutive nature of their positions. How effectively the office of city manager operates determines if the municipality can build facilitative governance and empower citizens. Paying attention to the constitutive side requires a kind of constitutional behavior that we will discuss in the following section.

The constitutive job of city manager

According to Brian Cook (1998), questions about what is effective local government is a normative one. From this perspective, city managers have the critical responsibility to create a constructive tension between the 'constitutive and the instrumental' nature of the regime (p. 225). By recognizing the constitutive dimension of municipal administration, the city manager must wrestle with the core values of constitutional governance, such as increasing racial tolerance. To pursue constitutional governance, the city manager shapes the regime's values to pursue collective ends rather than acting as an instrument of the regime in the pursuit of efficiency through management.

Political institutions, certainly, do not change on their own. Ethical action based on constitutional values is necessary to alter the inherent biases of political institutions. Conceptually, if key political actors do not pursue regime values constitutionally, then the polity will experience entropy. Political entropy can lead a municipality to revert to personal and partisan politics focused on individual and organizational agendas rather than the broader public interest. In large part, this concern for constitutional action was the impetus for creating the council-manager form of government. The original Progressive reformers believed that efficient management was sufficient to accomplish constitutional governance. They overestimated the potential of science-based management and decision-making. Nonetheless, they assumed that the city manager could undertake a political (though non-partisan) leadership role.

Although we construe the political leadership role of a city manager in the philosophical sense of community leadership (Harrell and Weiford, 1959), the city manager is not only an institutional leader in a municipality but a crucial one. The city manager's political role stems from the office's 'authoritative allocation of values' that aims to achieve a just and inclusive community. These outcomes are never static or optimal because justice and inclusiveness are controversial values. Therefore, they are continually subject to community deliberation and changes in political interpretation (Vogelsang-Coombs and Bakken, 2003). Consequently, it is necessary for the city manager to provide the leadership for insuring that the community's deliberation is open, constitutional, and constitutive. By doing so, the city manager maintains and renews a constitutional municipality.

To maintain and renew a municipality as a constitutional polity, the city manager must facilitate a process of community-wide deliberations.

This community-wide process must tap into the emotions as well as the intellectual commitments of citizens to constitutional values. Brian Cook argued that the job of city managers is to transform collective processes when deeply held values of citizens are in conflict and thus cause emotions to soar. The transformational leadership of city managers insures that the decisions of government express, maintain, and enhance the fundamental values reflecting the US Constitution and other constitutional documents such as state constitutions and city charters. Thus, the constitutive job of city managers requires a willingness to stand up to an established regime to pursue a more just society.

In his seminal essay 'Ethics and the Public Service,' Stephen K. Bailey (1964) identified three moral qualities that support the constitutive job of city managers—optimism, courage, and fairness tempered by charity. We will show how these three ethical values have guided the practice of a constitutionally oriented city manager, in this case our co-author Sylvester Murray. Sy Murray was the city manager of Inkster and Ann Arbor, Michigan; Cincinnati, Ohio; and San Diego, California, the largest council-manager government in the United States.[1] In 1990, he joined the public administration faculty of the Levin College of Urban Affairs at Cleveland State University, where he also provided technical assistance to cities through the College's Public Management Program.

Bailey's first moral value is optimism. Optimism allows the ethical public administrator to see professional possibilities and constitutive opportunities as political priorities change. Becoming cynical is easy because of constant shifts in political priorities. Cynicism, for Bailey, is a source of corruption that can ultimately cause a polity to fail. The higher standards of public service embodied in ethics codes are legal means to curb corruption. Another method to instill optimism in local governments is through the city manager's capacity to identify and develop talent. Through professional organizations, such as the ICMA, the National Forum of Black Public Administrators (NFBPA), and the Ohio City Management Association (OCMA), Sy Murray created leadership development programs that have groomed the next generation of city managers. As a faculty member, he required his MPA students to write and present conference papers. He reviewed his students' written work and public presentations in depth so that they were first-rate. Besides impressing potential employers who attended those ICMA, NFBPA, and OCMA conferences, Sy Murray's students experienced firsthand the professional practice associated with the transparent hiring processes of council-manager governments. The incorporation of fresh perspectives into a local government is a bulwark against cynicism.

Bailey's second moral quality is courage. Courage entails the willingness to speak truth to power by standing up to majority opinion and in the pursuit of a just society and social equity. While serving in San Diego, Sy Murray chose to retire after he had differences in styles of management with a newly elected mayor. This mayor opposed the city's implementation of an affirmative action plan in 1988. The purpose of the city's plan was to create a more representative bureaucracy by hiring more qualified females, Latinos, and black administrators to fill key management positions. The theory of representative bureaucracy is that a government performs better if its administration is demographically consistent with the descriptive characteristics of its citizenry. Murray's resignation both expressed and upheld fundamental constitutional values.

Subsequently, Murray, as a professor of public administration, studied the issue of representative bureaucracy with his Levin College faculty colleagues, thereby becoming a reflexive practitioner. Reflexivity enables a city manager to integrate critical theory and constitutional practice. In particular, Professor Murray and his colleagues (1994) revisited Adam Herbert's thesis. Herbert (1974) found that cultural and racial biases impeded the employment of minorities in upper-level positions of the federal bureaucracy, making the national government of the United States less responsive to the needs of all citizens. Herbert concluded ten years after the passage of the landmark Civil Rights Act in 1964 that

> Public agencies, however, must begin to recognize and accept the reality that in light of the problems confronting our society, it is in the public interest that minority administrators not forget who they are, or from where they have come.

> (p. 563)

In 1994, Murray and his Levin College colleagues found that the federal bureaucracy was more representative in the 1990s than it was when Adam Herbert studied it. The Murray-inspired study found that minority public administrators designed strategies that balanced their role as advocates for the needs of minority communities with accountability to elected officials, agency missions and policies, and commitments to professional development (Murray, Terry, Washington, and Keller, 1994). Through courageous managerial action in San Diego and scholarly analysis in Cleveland, Murray generated new knowledge about the American race dilemma and the political equality of all citizens. In addition,

Murray's scholarship highlighted the role of a diverse higher civil service in facilitating institutional change in harmony with the US founders' constitutional principles.

Fairness tempered by charity is Bailey's third moral quality. According to Bailey, fairness compensates for the subjective nature of administrative decisions. It also incorporates a vision of the 'good society.' For Bailey, a government without this vision becomes a defender of existing patterns of privilege. Sylvester Murray showed this moral quality in his work in Parma, Ohio's seventh largest city. In 2006, he and two graduate assistants from the Levin College facilitated the work of a Blue Ribbon Commission. Empowered by the Mayor of Parma, this Blue Ribbon Commission of Parma sought to help this financially stressed inner-ring city and reformed how the police interacted with minority residents. The commission also developed strategies to improve the city's image and diversity. According to the chairperson, the Commission's work transformed the city.

> What was once seen as challenges can also be seen as [the city's] great advantages ... our vast ethnic diversity, our changing business environment and also our multi-faceted religious representation, to name a few. New collaborative efforts have already begun as a result of the Commission's work; efforts that are fostering the right environment for brilliant minds to work together for the common good ... This city offers a place for everyone, regardless of race, color, or creed. As we all work together ... passions will be stirred, standards will be raised, and dreams will become reality ... even in the face of, and often because of, the challenging obstacles that we will face and overcome as one. Parma will continue to be a vibrant city that represents all the good that is America.
>
> (Biermann, 2007)

The collaborative efforts of active citizens, as facilitated by Sylvester Murray, enabled this council-mayor municipality to create an environment of community trust in political leadership where polarization and conflict had once existed. However, a municipality cannot sustain this type of constitutive leadership unless its citizenry changes the form of government. While a financial crisis drove the mayor to share power with citizens, citizen empowerment was an instrument that helped to maintain his political support in a changing and increasingly diverse community. Bailey's inventory of the moral values and Murray's application provide a real-world basis for the normative theory and constitutive

practice of citizenship ethics in local government. The structure of council-manager government creates the conditions for the facilitative governance and empowered citizenship that reinforce the sustainability of constitutional polities.

Conclusion

Citizenship in the administrative state is both an elusive and a conceptually difficult enterprise. The scale of the administrative state has eclipsed the classical notions of citizenship and this reality suggests that different conceptualizations of citizenship ethics could equally be appropriate for different political settings. In this chapter, we argued that empowered citizenship is most likely to occur in the 'administrative city' (i.e., the classic form of council-manager government). The professional management of the administrative city, by carrying out facilitative governance practices, opens many opportunities for meaningful face-to-face citizen participation. By professional, we do not refer to expert credentials. Professionals are the institutional leaders who act out constitutional values (Green, Keller, and Wamsley, 1993). Brian Cook's (1998) call for the constitutive behaviors of professional administrators may be necessary to facilitate an empowered citizenship.

At the state and national levels of the US federal system, the classical notions of individual citizenship have less applicability. Advances in technology may provide the means for meaningful individual actions but not for the mass citizenry. Citizen participation at both the state and national levels remains thin because interest group politics and party organizations exclude most citizens. As a field, public administration has neglected to study citizenship as mediated by interest groups and the major political parties. Ironically, interest groups and the political parties are the primary outlets for the collective expression of citizenship in the contemporary administrative state. The gap between the practical realities of public administration in the administrative state can be closed through the application of critical postmodern perspectives. Professional managers who heed Richard Box's call to apply critical theory to their work can enhance citizen governance in the administrative state. A postmodern approach to twenty-first-century governance is imperative because interest-group politics nationally and at the state level may render many issues and concerns of many citizens irrelevant. According to Kalu (2003), 'experience confirms that in those circumstances in which our administrative practices have not been known to

correspond to our constitutional foundations, inequality prevails and our sense of communal citizenship dissipates' (p. 426).

Ultimately, citizenship must become a multi-paradigmatic discipline in public administration. In doing so, the field of public administration is better positioned to train professional administrators who understand the variety of theoretical approaches, and observe constitutional perspectives and citizenship ethics in practice. By reconceptualizing citizenship, the discipline and practice of postmodern public administration can attain the outcome as summed up by Box (1998). Taken together, the concepts discussed (here) and the community policy orientations supply the citizen, representative, and practitioner with tools for understanding the nature of community governance (Box, 1998, 65).

Besides achieving this deeper understanding, officeholders and professional public administrators would have the normative knowledge to serve as the cultural and moral agents of change and citizenship (Kalu, 2003). As cultural and moral change agents, they can ameliorate the inequities engendered by the limited interpretations of citizenship. Through their dynamic administration, they can help to close the gap between the realities of postmodern governance and the ideals of constitutional practice.

Note

1. San Diego subsequently abandoned the council-manager form, and a mayor went on to become the governor of California.

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9
Does the Notion of 'Corporate Citizenship' Make Sense?

Yvon Pesqueux

Introduction

This chapter will evaluate if the concept of citizenship applied to the company makes sense because of the today current use of the notion of corporate social responsibility. After a definition of the notion of 'citizenship', this chapter will approach the modern meaning of citizenship. It will then consider the links with the notion of responsibility before concluding on the impossible notion of 'corporate citizenship'.

The notion of 'citizenship'

While it is undeniable that a company is a community of people and a center of power, those investigating the subject of 'corporate citizenship' should resist the temptation of transposing, through implicit assimilation, Plato's or Aristotle's account of the government of the city to the management of companies in the present day. The widespread use of woolly and naive expressions—'corporate patriotism' and 'corporate citizenship' to name but a few—only encourages this bent, as does the tendency among local politicians, ministers and civil servants to compare themselves to business leaders.

As the company is too readily praised or blamed for behaving like a 'state within a state', the modern company and the ancient city state should be properly compared, before dealing with the question of the 'corporate citizenship'.

The city—from Greek *polis*—has a heavier political connotation than our word 'state' and signifies sovereign authority recognized as such by a nation or a given population in return for being provided with what it needs—law, order and security, at the very least—to live as a body. This minimalist definition implies the existence of rights and duties for all

citizens, the exercise of political power and recognition of a sovereign authority.

The word 'company' has been used in the sense in which we employ it here only since the second half of the nineteenth century. In this short space of time it has come to acquire a complex meaning loaded with emotion, images and history. It is certainly tempting to compare the large groups, which have made industrial history—the railways, mining companies and many others—to the city states. They immediately conjure up—in the collective mind—images of powerful, largely self-sufficient organizations, encompassing, as it were, the organizational agents' whole existence. They illustrate what is meant by paternalism: an industrial system which, for better or worse, seeks maximum autonomy through a high degree of vertical integration. The paternalistic company is ruled by a sort of benevolent king and provides its members, as far as possible, with all the goods and services they need in return for 'devotion'—indeed unqualified submission—to the cause of the group. It operates as a well-run town with its own institutions, resources, hospitals, schools, businesses, security of employment, and system of values, not to mention morality.

These images and recollections leave an even deeper mark on our minds because they are reinforced by what we know about the big German groups, the might of Fiat in Italy, Michelin in France, the saga of the great American companies like General Motors and Ford, powerhouses in their own right, and by what has recently been claimed about the prodigious success of the Japanese giants.

The word 'company' emanates from this jumble of images and memories: it denotes the power to bow heads and marshal thoughts, the passion for money, the arrogance of leaders, and, of course, a force which both threatens the state and forms a state within a state. That is why it is so tempting to draw parallels between the large autarchic corporations and the Greek city states, which, for all their autarchic principles, found it hard to check their expansionist drives or overcome their rivalry with each other in every field.

Few companies can claim to have ever been for their employees anything even remotely approaching the city. In fact, a company is nothing other than a profit-seeking organization, where capital and labor combine to sell goods and services and where employees work in return for a salary.

The company's raison d'être is economic. It can only survive by virtue of its economic performance and is, consequently, expected to obtain results. For it must not only not lose, but also make money. Free

enterprise, by encouraging competition, forces a company to grow and to renew itself. But to expand, a company must increase its capital, and to increase its capital it must remunerate its shareholders. Moreover, to assure its future it has to be self-financed. It must therefore produce more wealth than it consumes. In short, it has to function as a kind of wealth-creating machine. Unlike the laws of nature according to which nothing is lost and nothing is created, or the laws of mathematics which stipulate that the whole is equal to the sum of its parts, the company must manufacture products/services that can be sold to its customers at a higher price than the sum of its costs. That is also the benchmark by which a company and its managers are judged, a company's worth determined and its future secured or destroyed.

The state exists in itself and has no end other than itself. In a democracy—like ancient Athens and the major liberal economies of today—the people are clearly sovereign. They decide, act as they please and are not bound by anything. They can dismiss their ministers—minister means servant who exercises power in their name. They cannot be judged by anyone. Nobody can require them to get results or speak of measuring their performance. The state is by definition a stable power, a power whose prime function is to establish stability throughout the territory where it is exercised. The laws of the state, for the most part, pass from one regime to the next, from one republic to the next, surviving revolutions and restorations. When a state law is revoked, it is replaced by another. The state is required neither to produce, nor to take risks, but to preserve. In an independent state, preservation primarily involves maintenance of the state's independence. Naturally, the notion of self-sufficiency, which the Greeks, in particular Aristotle, made the ultimate aim of the city-state, has undergone something of a transformation in the modern world. For the Greeks, a city-state meant a group of people largely capable of providing for themselves.

On the other hand, the company is by nature dependent, whatever its degree of vertical or horizontal concentration. It cannot do without partners for the simple reason that it is itself a conflux of various types of flow: flow of purchases, flow of sales, flow of money and flow of work. It is the customer's decision to buy or not to buy a given product/service at a given price from a given company that dictates the company's success, as it endorses or fails to endorse the value of the product/service. An unsold product/service is worthless. A low-selling product/service prevents the company selling it from making more value for the product/service than what the product/service consumes: that is the product/service is rejected by the customer. In policy matters, the state, not the company, invariably has the last word. The company,

whose very existence depends on selling and selling well, is forever at the mercy of its customers' verdict on its products/services, activities and work.

There is thus no such thing as the solitary company. To survive, every company needs to find its place in the industrial fabric where all companies are interdependent. Regardless of the complex ramifications of the fact that some companies are both customers and suppliers of other companies, the staff of each are customers of the whole.

The main differences, even oppositions, between the company and the city largely outweigh the facile and enticing comparisons between the two. They help us better understand what a company is, what its dependence consists in, and what its weaknesses are in relation to the state which, by nature, is independent and stable. The company's raison d'être inspires it to new endeavors, drives it to achieve an endless series of goals and subjects it to trials where its very right to life is judged every day. The state, on the other hand, cannot disappear and cannot be judged. Only the people who work for it and represent it may be judged, and they are replaceable without posing a threat to the state's existence.

It is the market and not the city that serves as reference to the activity of the company. Could the market be considered as a 'fair city' and then be used as a reference to a 'corporate citizenship'?

In Philosophy, the market appeared with Adam Smith in *The Wealth of Nations* (1776; 1995). Put in parallel with his *Theory of Moral Sentiments* (1759; 1998) a nearly complete philosophical construction (with the exception of Aesthetics) has been built. In a way, Adam Smith has offered a philosophy where metaphysics of the moral sentiments (including the 'private' interest) could transcend both an ethics of politics and market that is anchored on a tradition of fairness. It is necessary to underline the extreme importance of this concept of market, a concept which possesses at the same time a theoretical and a practical aspect. A theoretical aspect because it establishes the basis for a theory of transactions (Williamson, 1985) and a practical aspect because transactions are the indisputable result of the division of labor (Smith, 1776), in a certain way possible to be considered as 'objective'.

But can the market base a citizenship? The answer to the question is difficult without referring to the citizenship in the modern age.

The citizenship in the modern age

Citizenship is tightly linked to the modern conception of the Republic (Rousseau). It is a conception where the American and French

Revolutions have played a central role in the genesis of what is citizenship today.

According to this perspective, republican citizenship can be considered as the main mode of political identification in the outlines of a territory, that of the nation state, a perspective coming today to be substituted to the dialectic of the master and the slave, a dialectic characterizing aristocratic regimes. The destruction of the legitimacy attributed to the dialectic of the master and the slave can be symbolically dated by the battle of Valmy (in September 20, 1792 in France). A popular army defeated an aristocratic army and destroyed, at the same time, the figure of the master. The aristocratic master was legitimate because of his military commitment for the defense of the territory.

The reference to a citizenship was then substituted for the reference to an aristocracy. The citizenship is a synthesis between rights and political duties inside the territory of the Republic. It contains the idea of obedience in the general will because being a citizen (Rousseau) also means participating in the construction of this general will. Such a conception of the citizenship puts in correlation the 'legal' and the 'legitimate'. It is from this correlation that the credibility of a citizenship is arising. This conception of the citizenship denies any kind of possibility to discriminate among the citizens, considered (at least in theory) as free and equal.

Citizenship is an active identification in the nation considered as the homeland, in a kind of extension of the family logic (the private sphere) toward the political sphere. It is also one of the expressions of the sovereignty of the nation. Citizenship is characterized by an interiorized process of identification in the nation because of republican values (patriotism and the peaceful will, equality before the Law, the protection of the weakest), republican symbols (the flag and the national hymn) and because of a mode of government marked by the superiority given to the representative democracy (Condorcet). But today, the modern conception of citizenship is discussed because of the decline of the reference to the nation, the communautarian logic of the exclusion of the Other, which questions the regime of tolerance and the contents of the notion of secularism. A social crisis has developed and induced a discussion about the value of equality (equality of opportunity, republican merit, solidarity and social contract) and a redefinition of the republican safety. Is it the citizenship as well as the public-spiritedness and its modes of expression which has become controversial?

The citizenship of the modern age also often refers to the notion of responsibility, their links being far from evident.

The use of the word 'responsibility' is recent and it has been increasingly mentioned since the end of the eighteenth century. From the time when codes—civil and penal responsibility—were drawn up, it has radically orientated its content from a legal perspective. In this sense, responsibility implies both obligation and commitment.

For Desportes et al. (1997), the difference between civil and penal liability (responsibility) is based on three criteria:

– the role played by each of these two responsibilities,
– the generating deed involving responsibility,
– the conditions of implementation (with the question of competent jurisdictions).

As far as roles are concerned, the first distinction concerns the difference between civil liability (duty to repair the damages done) and penal liability (duty to undergo a punishment). The concept of responsibility also contains a victim-compensation function based on the construction of a link between damage and compensation. The concept of responsibility in public matters fulfills not just one, but two functions: a disciplinary function toward the person responsible, on the one hand, by forcing this person to conform to the legal norm, but, on the other hand, a function of compensation toward the victims.

The objective pursued through the idea of committed responsibility is an objective of justice, in the context of an individual behavior management project. This 'management' goes through the process of stating what is forbidden and of displaying the sanctions, in case of an infringement, by means of three functions: a 'retribution' function in compensation for the damage done to society, a function of 'eliminating' the harmful individual, and an 'intimidating' function for all. The responsibility is therefore committed from a dual perspective, a repressive and a preventive one (cf. Michel Foucault).

Responsibility in the legal sense of the word also implies a reference to a generating deed, being the triggering constituent, an essential constituent and a justifying constituent (on the socio-political level, this constituent indicates why the responsibility is fair). The behavior deemed as normal is that of a 'good family man', a man who is normally cautious and well-advised, and the offense is defined as a failure in relation to the behavior which should have taken place. It is therefore valued in reference to a standard. This detour from the legal responsibility helps us to better place the essential function of responsibility toward society (monitoring of the individual's behavior).

The issue of responsibility appears, in philosophy, as a second-level issue, which indicates that there are 'first-level' issues (action, freedom, causality, for instance). It forces a necessary reduction of the philosophical scope, without which the issue becomes elusive (but, after all, can the issue be seized?). The qualification most commonly associated with the concept of responsibility is that of obligation. Responsibility would therefore depend on the combination of situations and entities holding them.

For Abel (1994), the concept of responsibility has two poles:

– an institutional pole, where obligation is transcribed in a standard or law,
– a subjective pole which corresponds in a way to the 'sense of responsibilities'.

These poles are also complementary because neither is sufficient to exhaust the responsibility situations.

According to Ewald (1986), this division line differentiates between the various social diagrams, ever since codes have included the following phrases:

– the predominance of the subjective 'liberal' inspiration pole, at the time when codes were written, with the acceptance of poverty and adversity by morale, and foresight as a virtue corresponding to the exercise of responsibility,
– the rising power of the institutional pole in the mid-nineteenth century, due to pauperism linked to the development of industry, with the notion of society's responsibility and of an imposed duty of safety,
– the current crisis phase, characterized by the underlining of the boundaries of both poles; this makes prescription by such or such category possible (company managers, in this case, in the name of legitimacy, which is today the legitimacy of lobbying; company managers would then, in the name of their expertise, be the best judges of the responsibility to which they are committed and which they use in the name of their company).

This perspective is appropriate to the categories of a communautarian liberalism, which takes the interests of each category as a legitimate reference, and which proposes to the state to articulate these interests. And it is under this perspective that 'responsibility' and 'citizenship' are articulated, but with a different conception of citizenship.

The concept of responsibility also raises the problem of its conditions of possibility, combined to the question of charging and the charge–reward duality. Charging depends on the methods used to assign responsibility to the subject and on the methods used to judge the events (by physical causality, because of the association between the deed and the subject, forcing the subject to acknowledge the deed, the foresee-ability of consequences, the intent, the justification linked to the deed).

The issue of responsibility therefore asks what the obligation to answer is based upon. We find the formal characteristics of obligation in the obligation to answer: the responsibility is aimed at a person responsible, without whom it would neither be meaningful nor be real. But, in addition, the authority by which the agent is made responsible must be offered to him as a legitimate power proposing a method of assessment (Antigone, condemned on Creon's order [both heroes from the Greek period], wants to be liable in the eyes of the law).

When the company refers to a corporate social responsibility as a basis of its citizenship, should this connection be considered as sufficient?

The 'impossible' notion of 'corporate citizenship'

There are multiple reasons to refer to a 'corporate citizenship'. The first reasons are linked to the context of what has been called 'globalization': a social fracture, an interrogation on what should be politics in terms of sensemaking, the impacts of information technology but also questions on the borders of the responsibility of the company.

Internally, this theme is reducible neither to the legal obligations in labor law, nor to the human resources management. It is also not the question of the 'social' in the company. Externally, this subject does not only concern the 'classic' interlocutors of the company (suppliers, customers, subcontractors, shareholders, etc.) but also concern the whole 'community'. Corporate citizenship is a generic term and at the same time a question about the nature and circumstances to which companies could be held socially accountable. It is also the sign of the passage of a managerial focus on the tasks to a managerial focus on the persons.

Corporate social responsibility then appears as a materialization of 'corporate citizenship' (CSR as a notion appeared after 1995). Regarding 'corporate citizenship', it is at first necessary to underline its ambiguity. It would be a scandal that a company did not behave as a citizen! In fact, it is the importance given to an involvement of the company toward the 'diffuse' stakeholders like local communities, poor areas,

and so on, which allows the making of a distinction between companies formally responsible and 'engaged' companies. It is doubtless this distinction, which allows clearer outlining of corporate social responsibility as well as 'corporate citizenship', these terms being applied to 'engaged' companies, beyond the cynical ambiguity of formally responsible companies.

According to Business Ethics, the figure of a 'corporate citizenship' is an assertion claimed by business circles today. Corporate social responsibility issues are a concrete translation of a 'corporate citizenship' with the so-called trilogy of 'Profit–Planet–People' awareness as the assertion of a license to operate. In France, at the end of 1980s, the 'corporate citizenship' issue had been put in the agenda by the CJD,[1] one of the constituents of the CNPF[2] (the MEDEF[3] today), both at the level of its annual conference as well as in a manifesto. In both cases, 'citizen achieving' has been a central reference, nevertheless remaining implicit. And it is the continuum 'corporate citizenship–citizen achieving', which will be discussed here. What is the meaning of the notion of 'citizen achieving'? With this notion, is it or not a question of citizenship?

At first, it is necessary to raise the question to know for what a company can claim the qualifier 'citizen' according to a 'citizen achieving'. The term 'corporate citizenship' is new, correlative of the 'liberal period', which began in the decade 1980, its legitimacy being asserted and claimed today. We could say that it is a political project, at the same time concerted and emergent, of dominion of the world made by the leaders of the multinational companies. This project is expressed, for example, through the assertion of the necessary and inescapable evidence of globalization. This assertion is that a 'customer of the world' has vocation to represent a 'citizen of the world'. It also contains the superiority given to the representation of a world of organizations, where the multinational company could be its archetype and where the organization is the key place for social activity according to the managerial categories of the private enterprise. These managerial categories should have vocation to be applied everywhere (particularly to public utilities, which would then have vocation to be privatized or, at least, to be managed as companies). This imperialist aim of de-institutionalizing the institution is the first representation of a 'citizen achieving', that is an efficient achieving in the service of this 'customer of the world'. To work according to this perspective is taken as being public-spiritedness within the framework of the market (and no more the nation considered as an institution of the previous time). It builds a cosmology where market categories (like competition, efficiency) are taken as references. A 'citizen achieving' is

corresponding to the utopia of a universal and fair market, the 'citizen achieving' being organized by the 'citizen' company. This confusion of Economics and Politics induces to implicitly assert that working for a company (and thus according to its interests) is constituent of the 'citizen achieving', with a 'citizen achieving', 'citizen' goods and services, with citizen 'goods and services', a 'corporate citizenship' and with a 'corporate citizenship' a universal market. The subterfuge consists in saying that the company is going to take charge of the citizen and to make credible that the company can make collective investments by investing for its private development. Would the shareholder's status then become a constituent of citizenship? When the state corresponds to the citizen and to the company the shareholder, is it the confusion of 'company–citizenship' that allows opening of the occurrence of a 'citizen achieving' of the company in the classic categories of the ideological masking of private interests?

What does the notion of 'citizen achieving' mean? Let us begin by quoting the fact that it is first a useful utopia to legitimize a project of fulfillment in the service of private interests. The discourses on a 'corporate citizenship' appeared in France at the end of the decade 1980, a decade which can be considered as 'dreadful' in terms of unemployment and of increasing precarious employment. Is working in a company and for a company a sign of citizenship? The 'manifesto for the "citizen" company' has come to underline that employability is a presupposition of a 'citizen achieving'. It is widely focused on the guarantees to be brought to the most vulnerable workers. But, in this context of an increasing precariousness according to the argument of flexibility, it is nevertheless difficult to answer with motivation to the injunctions. At the end of the decade 1990, this discourse of the 'corporate citizenship' and, in continuum, of the 'citizen achieving', is going to appear in counterpoint of the superiority given to financial value. The 'citizen achieving' allows to maximize the financial value while pretending to take care of the weakest through the social effects of the corporate social responsibility policies. It is otherwise difficult to legitimize a fulfillment in a work which fruits are intended to 'others'. The laminations of fixed salaries and of social security systems are correlative of major financial surplus. And the subterfuge of pension funds (in the service of the employees) as well as that of the 'employee–shareholder' activism can be counterweights, even in the name of a citizenship. The 'citizen achieving' offers a wholesome relay to the financial cynicism by allowing to legitimize its continuous collection of productivity gains. Beyond the fact of making acceptable new conditions of exploitation, it

offers the possibility of basing a demand of submission for the company, which could take the same meaning than the submission in the general will. The 'good worker' is the one who adheres or, in other words, the one who obeys the orders on quality and productivity emitted by the head office in the name of the utopia of a rationalist managerial voluntarism. But this expected obedience is raising the question of its motives. The citizenship refers to human rights and to justice and not to economic life.

But what is the citizenship question here? Is it the citizenship of justice because of the consequences linked to the consumption of such product/service, circumstances of its marketing, the uneven exhibition to advertising, and so on or more? It is with the law that the notion of responsibility is the clearest. To be a citizen is to be legally, politically and civically responsible but not ethically, as it is today asserted. Therefore, how does such thinking link with the notion of corporate social responsibility. The 'citizen' and responsible company would be a company declaring to offer the conditions of development of a 'citizen achieving' 'inside' and 'outside' according to the categories of communitarian liberalism, that is through the recognition and the respect for diversity (of age, gender, religion, race, customs of their organizational agents). It is what authorizes, under the argument of diversity, differentiated treatments which makes that, in the company, we are not all born free and equal in rights like in the republican citizenship. We are considered free and equal in keeping with the criteria of communities recognized by top managers, 'objective' criteria for some of the organizational agents and managed for others but never representative in terms of democracy. It is the case with quotas reserved for certain categories, which, at the same time, justify the disparities of treatment among superior, average and lower categories of employees. The 'citizen' and responsible company also addresses the criteria of a 'citizen achieving' 'outside'. It is there the question of stimulating the organizational agents to accompany the elements of corporate social responsibility policies on the basis of an essentially curative treatment of social issues by helping the most discriminated categories, whether they are in a developing country or in a developed country. It is also the question of taking into account the impacts of the activity of the company on local communities distinguishing then between the 'contractual' stakeholders (customers, suppliers, shareholders, etc. and finally employees) and the 'diffuse' stakeholders (the others) to give a content, through a 'citizen achieving' (with societal guarantees 'verified' by 'independent' bodies), to the notion of 'license to operate'.

It is this aspect which allows corporate social responsibility to qualify as being a 'societal' responsibility. It is also what seems to give the appearances of a kind of citizenship. It is also a question of communicating on corporate social responsibility with all the ambiguity of hierarchy which is then established between action and communication because communication is finally stronger than action. Is it a question of communicating on actions, of acting to communicate or even to communicate by minimizing action? The shifting of corporate communication from the company toward citizenship and the appeal to a 'citizen achieving' is a mark of the invasion of the political arena by the corporate communication categories. This shifting is efficient to a point where it is considered that democratic principles should eventually be based on application of those of the company if we refer to the notion of governance. But we should not forget that corporate governance has been built for shareholders, figures of another essence than citizens.

'Citizen' company and 'citizen achieving' build a discourse, which is so performative that it infers the creation of numerous 'elements of reality' according to this discourse, even though it is more a monologue than a dialogue. It is more a monologue because the counterparts are in a way 'chosen' (the stakeholders) when a state can't choose (or reject) any citizen (even when this citizen is in prison). But, at the same time, it also masks facts like the renewal of the modes of exploitation of workers, the predation on natural resources, for example. Citizenship is considered as what is in the service of the citizen. But in the service of whom is the 'citizen achieving'? Is the 'corporate citizenship' a utopian discourse in the service of the ideology of a capitalism being, since its birth, a separate political order, or is it about a 'new' understanding of citizenship according to the circumstances of the 'liberal period' we live in today?

Conclusion

We have seen that while it is undeniable that a company is a community of people and a center of power, we should resist the temptation of transposing, through implicit assimilation, the government of the city to the management of companies. It is the market and not the city that serves as reference to the activity of the company, market which cannot be considered to base citizenship because the modern republican citizenship can be considered as the main mode of political identification in the outlines of the nation state. Citizenship is an active identification in the nation considered as the homeland. It is also one of the expressions of the sovereignty of the nation. The citizenship of the

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modern age also often refers to the notion of responsibility, while their links are being far as evident, because the concept of responsibility raises the problem of its conditions of possibility, combined to the question of charging and the charge–reward duality. When the company refers to a corporate social responsibility as a basis of its citizenship, should this connection be considered as sufficient? Regarding 'corporate citizenship', it is at first necessary to underline its ambiguity. It would be a scandal that a company did not behave as a citizen! According to Business Ethics, the figure of a 'corporate citizenship' is an assertion claimed by business circles. It is a political project concerted and emergent, of dominion of the world made by the leaders of multinational companies. Citizenship is considered as what is in the service of the citizen, but in the service of who is 'corporate citizenship'? 'Corporate citizenship' can then be considered as an utopian discourse in the service of the ideology of a corporate capitalism.

Notes

1. CJD: Centre des Jeunes Dirigeants.
2. CNPF: Centre National du Patronat Français.
3. MEDEF: Mouvement des Entreprises de France.

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