

HUMAN RIGHTS AND THE MODERN IDEA OF CITIZENSHIP

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Abstract. *Modern theory, starting from the understanding of citizen's rights as natural, universal and indispensable to any being, creates a horizon of discourse in which the notion of citizen – beyond the legal attribution of this status within a system – is defined by the multiple possibilities of individual freedom in relation to the state and with respect to the others; from the contract involving the assumption of freedom under the conditions of equality of partners, to the autonomy of the religious, legal, political and economic subsystems in which the individual can act on his/her own choice in full awareness.*

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Being a citizen in a democratic state

In order to understand the current meaning of the notion of citizen and to define that objective status through which human individuals belonging to a state can participate in the important socio-political activities of community life, it should be said that this “privilege” is largely due to modern thinkers who have promoted the idea of human rights and a model of citizenship centred on the individual as the creator of law through his rational capacities, an idea that supports the conviction that this attribute is universal.

In terms of liberal theory, modern citizenship opposes the classical idea of a citizen which is an organic part of the state: the individual rather than his family, clan, city, nation or humanity is the legal subject. But this individualistic assertion of a social-political status is not the only way to conceive the citizenship.

Between humanism, the natural dignity of the thoughtful being, private interests, patriotism and cosmopolitanism, citizen status is defined by its relations with the Free State in which she or he lives and in which the ideas of individual and individuality are balanced with those of the national interest, provided that the political regime is not totalitarian.

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Some Italian and English authors consider the notion of citizenship as a measure of people's attitude to the democratic nature of the current political system. Among those listed by Danilo Zolo in the study "Citizenship in a Post-Communist Era," are included Giovanna Zincone, G.E. Rusconi, P.G. Pasquino, J.M. Barbalet, David Held, and the titles of their books and studies are revealing: *Ex voto: gli strumenti della cittadinanza politica*; *Una certa idea di cittadinanza*; *Due vie alla cittadinanza: il modello societario e il modello statalista*; *Citizenship and autonomy*.

Emphasizing the idea of rationality principles that accompanies manifestation of citizens, leads us beyond the slightly demagogic side of this term to the citizenship as a value in the structure of which the moral and political levels are not excluded, but they co-operate (as Kant believed, contrary to the prejudices of their antinomy) with the aim of harmonizing the individual good with the general and universal good.

Although they can be criticized, authentic democratic values, even if they are not fully converted into reality, are preferable to any other system of political and social values. Consequently, the freedoms, equality, justice, although having a transcendent founding are not outside of history, at the maximum limit of human dignity revealing themselves as social-historical creations. A rational society is impossible beyond generalized liberty, because "the civil liberties are not luxury items" (C. Castoriadis), but axes around which gravitate political objectives on man as a goal, and not as means of achieving these.

The citizen exists only under the condition of political freedom, and this notion has meaning only in a state of law (based on rule of law) which guarantees equal rights to participate in all the significant activities of community life.

But without knowing that he is a citizen and without believing in his natural rights, no one can enjoy this socio-political status. This is because the "scene" of power is (at least theoretically) the main place where the citizen, the individual, the political subject can manifest his discontent with the way by which the elected respond to the voices of the voters, and this is an expression of the autonomy conquered by the individual in the modern age, after a long philosophical detour.

Some theoretical references

The premises of modern citizenship theory emerges in history when the modern practices of capitalism raise the imperative of protecting the individual and his property, an idea that is found in the moral writings of philosophers centred on the attributes of the freedom, rights and responsibility of the human being.

Starting from the assumption of rationalism as a founding myth of human and social sciences, Paul Claval points out that the 17th century reflection defines a model of man – autonomous through reason – and of society beginning with the individual: "The social world is not – in the vision of rationalists – an autonomous level of reality: it is born of the will and action of men."¹

¹ Paul Claval, *Les mythes fondateurs des sciences sociales*, P.U.F., Paris, 1980, p. 38.

The fact that a good society can function only inspired by rational principles is at the heart of the doctrine of social and political life that is built on the theory of natural law.

Inspired by the modern natural law doctrine, the French *Declaration of Human and Citizen Rights* (*Déclaration des Droits de l'Homme et du Citoyen*) (1789), which together with its English and American equivalents (*Bill of Rights*, 1689, respective *Declaration of Independence*, 1776) represents the founding document of modern citizenship, distinguishing between human rights or civil rights and those that support participation in power, i.e. citizens' rights or political rights.

Human rights include the freedom of opinion (Article 10), freedom of expression and of the press (Article 11), the security of the individual in relation to justice and to police (Articles 7, 8 and 9), equality in front of the law and equal access to public functions (Article 6). The absolute freedom to think, to publish, to have convictions, to write "invaluable forms of individual happiness" had been proposed for the first time by Spinoza in the *Tractatus politicus* (written in 1675–76 and published posthumously in 1677) as the ultimate goal of the city.²

The rights of the citizen are illustrated by participation in the drafting of laws (Article 6), tax control (Articles 13 and 14) and the administration control (art. 15). Although the rights enshrined in the 1789 statement were sometimes criticized as abstract, formal, showing that only wealthy people could benefit from it, Alain Monchablon considers that "freedom of conscience, guarantees against arbitrariness are equally important for the poor as well as for the rich men; and historical experience shows that the disregard of 'formal' freedoms has never been offset by an increase in 'real' freedoms."³

In modern thinking, freedom (as an imprescriptible right of the human being and not as a consequence of the status of free man in opposition to the slave) is constitutive of the idea of citizenship and truly revolutionary, however abstract and inconclusive it would seem to be the formulation of this principle and however tragic was his realization in social and political life.

The French and American Revolutions are most often quoted as descending from the modern theory of citizenship (based, as we have already pointed out, on the moral-political doctrine of natural law).

In France, during the revolution, the word *citizen* (*citoyen*) was adopted by Republicans as the most appropriate term for expressing the principle of "freedom, equality and fraternity," taking the place of the word *lord* (*monsieur*), so that "every Frenchman becomes a citizen in relationship with another Frenchman", as though "any other title had been abolished while the *citizen* was at a height."⁴

The new social and political order of the French Revolution is comparable to the change brought by the American Revolution, both ideologically and socially. However, Paul Claval notes that the American example can not apply directly to

² Cf. Pierre Chaunu, *Civilizația Europei clasice*, translation from French, Meridiane Publishing House, Bucharest, 1989, p. 253.

³ Alain Monchablon, *Cartea cetățeanului*, translated by Adriana Irimia, Humanitas Publishing House, Bucharest, 1991, p. 417.

⁴ Stuart Langton, *Citizenship participation in America*, Lexington Heath, Massachussets, D.C. , 1978, p. 20.

Europe. Thus, the colonists proclaimed their independence from England on July 4th, 1776, in a capitalist fundamental society, but also subordinated an important area of slave relations through the exploitation of black slaves used on cotton plantations. The objectives of the French Revolution – to ensure respect for human rights and to create more righteous political institutions than monarchical institutions in a country where the whole structure is adapted to the old order – implies, using Paul Claval’s expression, “the disruption of society to its foundations,”⁵ until the change of the form of monarchical governing with the republican government. The American Revolution does nothing else but to reconcile the political system of a country with an already predominant social system where the citizens of the colonies are the ones who decide on their own rights and on governance. The *Declaration of Independence*, the *Articles of Confederation*, later the *Constitution* and the *Bill of Rights* are the constituent documents of American democracy. The *Declaration of Independence* (expressing the moral-political philosophy of Thomas Jefferson and Benjamin Franklin) “has become sacred to USA citizens because it symbolizes the birth of the American nation, and its words express the values of this people.”⁶ This act went so far as to proclaim that it is the people’s right to change or abolish it, and to establish a new government if the members of Congress would violate people’s right to life, freedom and happiness, which every human being has since birth.

In order to ensure and to protect a free and active citizenship, the *Bill of Rights*, representing the 10 constitutional amendments, lists a lot of citizen’s prerogatives: respect for the religious cult that the citizen practices, freedom of speech, freedom of the press, freedom of assembly and protest before the government (Article 1), the freedom of the people to hold arms (Article 2), the security of the person and the inviolability of his possessions (Article 4). In addition, the ninth amendment states: “Enumeration in the Constitution of certain rights will not be understood as negation or discredit of other rights that the people consider valid.”⁷

What demonstrates the history of citizenship is, according to Stuart Langton, the importance of the normative dimension materialized in the rights of a substantial and active participation in political life. According to this author, the terms “citizen participation” and “political participation” are synonymous from descriptive point of view. What distinguishes them is that in the case of citizen participation the accent falls more on the person than on the state in the participation relationship.

According to this author, the term “citizen participation” is preferable to “political participation” as well as to “public participation” or “citizenship involvement”; and this because, at least in the western and American context, being a predominantly normative term, it associates new values to the notion of citizen. The term of citizen participation is understood by the author as “the total of significant activities by which the people take part in the relationship with the

⁵ Paul Claval, *op.cit.*, p. 83.

⁶ Walter E. Boek, *The Evolution of a Democracy: This Is Our Country, the United States of America*, College of Democracy, Washington, D.C., 1991, p. 120.

⁷ Cf. Stuart Langton, *op.cit.*, p. 20.

political unit whose legal resident he or she is,”⁸ this concept evolving continuously from a symbolic form to a functional form, from emotive and metaphorical qualities, to concrete manifestations. The popularity of this term is related to the civil rights movement of the 1960s centred on the aspirations of minorities and of the poor people, the increasing public interest in governance issues, and, on the other hand, the informative activity carried out by government agencies to involve citizens more in decision-making. However this term remains confusing, as the author notes, for both the citizen and the theorist and governor.⁹

If the conscious elements of citizen participation are reduced to a few activities of which the electoral participation seems to be the most important, by its very status the citizen participates – even in cases of passivity – in the functioning of the system to which he belongs.

Indeed, the coexistence with others based on the mutual respect of interests in a coherent and rational world advances an idea of citizenship substantially different from that of antiquity. In the existential space of the citizen delimited by the city-states of antiquity, a notion of citizenship was defined rather through the community life as the object of the laws that the citizen must respect. Instead, modern theory, putting the individual as a social and political actor in the first place, aims at shaping collective life according to the requirements of the citizen, characterized by both free initiative and the capacity to fit the freedom of everyone.

Along with participation, freedom, equality, human rights, tolerance, the civic virtue and authority are important elements which are part of the sphere’s citizen notion in a “rational society.” The “good citizen” is defined by Thomas A. Sprangers Jr. as “one who understands that the ultimate authority lies in the force of the best argument and not in the superiority of the force.”¹⁰ Civic virtue, therefore, in a rational society, made up of rational beings that are enjoying the rights, consists in accepting the discipline of reason, which forces the good citizens to treat their peers as equal.¹¹

Everywhere in the world, a theory of citizenship is needed in order to respect human rights and having regard to the functioning of democracy according to the principles of the rule of law.

This is because “a good analysis of the concept of citizenship does not have much meaning without the concept of state, even if, realistically speaking, citizen’s activity is pluralistic and not exclusively oriented by the state.”¹² It is a fair observation considering both its consistency with the reality and the historical precedents that show us that in European antiquity (Greek and Roman) the notion of citizen expresses the identity between the life of the city and the condition of a citizen, and if the modernist contractarian expresses the necessity of organizing the state, depending on the interests of the individual, obviously he can only fulfil his aspirations in a state whose protection he enjoys.

⁸ *Ibidem*, p. 16.

⁹ *Ibidem*, pp. 13-14.

¹⁰ Thomas A. Sprangers Jr., *Reason and Democracy*, Duke University Press, Durham and London, 1990, p. 172.

¹¹ George Armstrong Kelly, “Who needs a theory of citizenship?”, *Daedalus*, Vol. 108, No. 4, The State, Fall, 1979, p. 35.

¹² *Ibidem*, p. 21.

G.A. Kelly quotes T.H. Marshall who, in his book *Citizenship and Social Class* (New York, 1965), analyzes the concept of citizenship in three parts. The civil aspect of citizenship involves the components of individual freedom – freedom of the person, freedom of expression, thought and belief, right to property and to conclude contracts, the right to justice. The political element of citizenship is defined by the right to participate in the exercise of political power, as a member of the political body invested with political authority or as a voter of the members of such a political body. The social side of citizenship implies the right to economic and security welfare, the right of inheritance and the right to a life of a civilized being, in accordance with the prevailing standards of society.

In the opinion of these authors, the logic of democratization would go through the following stages, chronologically: the eighteenth century is marked by the preoccupation for civil rights, the nineteenth century is animated by the imperative of political rights and the twentieth century is dominated by the issue of social rights.

To all these we can add the fact that in the 21st century there are considered the themes of knowledge and civic culture that ensure a good participation in political and social life. In this respect, some researchers noted a certain “concern for the scientific ignorance of the population” at the end of the 20th century, and the desire to create a “better informed” citizenship in an “enlightened” vision of society.¹³

The access to political rights is conditioned not only by the political regime, but also by the citizen’s consciousness of its own social position, which is obtained paradoxically, either by some “detachment” from material needs, or, on the contrary, in moments of crisis that affect a marginalized class.

The current issue is that of establishing the correspondence between the rights in the ideal sphere and those in the real sphere. In a society where the minimum economic standards of the citizen are not insured, the interest in civil and political rights decreases. The citizen of our day is increasingly convinced that the decision belongs to the powerful men by their economic force or by their belonging to a political clan obscured from the point of view of the common people.

Nourished by commercials, the citizen is increasingly tempted to abandon his destiny to political elites specializing in government, even if they can be replaced at any time, being elected by democratic vote.

The increase in the number of citizens that took place in the 20th century by granting natural rights to disadvantaged categories has been accompanied by a mutation in citizenship awareness: by failing to represent a minority interested in defending their rights, absorbed by the concern of tomorrow day, most citizens ignore the true real civic potential it represents, including the ability to control politicians. From a producer of ideals, the citizen has become a consumer of slogans. In such a context, besides a theory of citizenship, a civic education would be necessary as well.

Modern theory, starting from the understanding of citizen’s rights as natural, universal and indispensable to any being, creates a horizon of discourse in which

¹³ Alan Irwin, *Citizen Science. A Study of People, Expertise and Sustainable Development*, Routledge, London and New York, 1995 p. 10.

the notion of citizen – beyond the legal attribution of this status within a system, is defined by the multiple possibilities of individual freedom in relation to the state and with respect to the others; from the contract involving the assumption of freedom under the conditions of equality of partners, to the autonomy of the religious, legal, political and economic subsystems in which the individual can act on his/her own choice in full awareness.

The recognition of religious, political or economic choices of the “other”, who may represent the majority or a minority within a sovereign state, and the compliance with the moral and legal norms of cohabitation, describe civic virtue, determined by a high consciousness of its own statute, specific to any person endowed with the rational capacity to assume their rights and obligations within a community.

Conclusions

The modern concept of what it means to be a citizen is related to trust in man based on the generalization of the recognition of his dignity. The modern citizen defines his identity primarily by freedom, by virtue of the natural right of the human being compared to the state authority which is, in a sense, an artificial creation. If we look at an evolution of the notion of a citizen in the modern age, we can see that the theoretical humanist stage follows a realistic stage, on whose final step the citizen becomes a subject of international law, without overturning the relation between the determined political subject and the state, between national and universal, because “in principle only members of a national political community are citizens, in opposition to foreigners.”¹⁴

Regarding the participatory status of citizenship beyond the rights and their “redistribution”, in their book *Citizenship and Identity*, Engin F. Isin and Patricia K. Wood show that citizenship can be described both as a set of practices (cultural, symbolic and economic) and as a series of rights (civil, political and social) that define the quality of individual membership in a political system. According to this study, it is important to recognize both aspects of citizenship as a practice and status and at the same time to recognize that without modern individualism, people could not have civil, political, and social rights. In the same vein, more rights often appear first and foremost as practices, and only later acquire legal status. Citizenship is therefore not a purely sociological concept, not just a legal concept, but a relationship between the two. If in a communitarian perspective citizenship can be defined as a legal and political status; from a sociological point of view, it can be defined as a prerequisite for the competent members in a form of government, thus emphasizing the constitutional aspect of citizenship¹⁵ and also its participatory aspect.

¹⁴ Danilo Zolo, “Democratic Citizenship in a Post-Comunist Era”, in David Held (Editor), *Prospects for Democracy: North, South, East, West*, Polity Press, London, 1993, p. 260.

¹⁵ Engin F. Isin and Patricia K. Wood, *Citizenship and Identity*, SAGE Publications Ltd, London, 1999, p. 4.

In terms of participation, in the cultivation of an active citizenship, an important role is played by the notion of identity which, beyond the national and cultural dimensions, also touches the civic side.

In this regard, the authors quoted above show that there are differences and also affinities between the concepts of citizenship and identity that generate significant problems in addressing both. In terms of differences, citizenship, unlike identity concept, is more about status. This is expressed in legal rules defining the rights of members of a political system. Many scholars of the problem support a concept of citizenship wider than a legal status, but these arguments do not fundamentally alter the fact that citizenship ultimately permits civil, political and social rights and obligations in a political system. Such arguments for active or in-depth citizenship refer to the deepening of the scope of citizenship, but nevertheless they assume that citizenship already exists.¹⁶

Other aspects related to civic culture are the participation and social conflict. In this respect, Brian Adams considers that “One possible explanation for participation patterns is that they reflect larger social conflicts. The policy issues that major social cleavages – the fault lines in society – are the ones that will generate the most participation, with citizen participating on those issues that serve as proxies for underlying conflicts. If this argument is true, we should see the greatest level of participation in those issues that are representative of, or have implications for, major social conflicts.”¹⁷

To realise a good participation, the professional knowledge is also important. Concerning the aspect of professional knowledge and citizen participation, Frank Fischer shows that “Over the past thirty years, the authority of the professional expert, defined as someone with mastery over a body of knowledge and its relevant techniques, has become the source of growing concerns in western societies. At times, this concern has been expressed directly in the form of public protests against the arrogance and elitism of professional encroachments into public and private life.”¹⁸

And this phenomenon is related to the evolution of science and technology that has consequences both on social-political life and mentalities, as it is shown in a study by Melissa Leach and Ian Scoones: “Shifting science-society relationships are highly relevant both to contemporary practices of citizenship and their expression, and to questions concerning the dynamic of ‘participation’. Just as political and economic changes are altering the contexts, arenas and ways in which people perceive and act on citizenship rights, so too are scientific and technological changes and the new risks and opportunities they present. Scientific and technological issues present particular challenges and opportunities to participation: on the one hand they are associated with claims to highly specialized, professionalized knowledge and expertise that may serve to exclude, yet, on the other hand, recent scientific

¹⁶ *Ibidem*, p. 19.

¹⁷ Brian E. Adams, *Citizen Lobbyists: Local Efforts to Influence Public Policy*, Temple University Press, Philadelphia, 2007, p. 109.

¹⁸ Frank Fischer, *Citizens, Experts, and the Environment*, Duke University Press, Durham and London, 2000, p. 29.

controversies have also created new demands and opportunities for concerted citizen engagement in decision-making. At least in some contexts there is seen to be a new mood of public cynicism and critique of ‘expert’ institutions and their knowledge and demands for new sorts of dialogue and public empowerment in the scientific realm.”¹⁹

As we have seen, the existence of citizen status based on the idea of human rights is also the premise of the existence of participatory political culture, of civic culture and illustrates the explicit part of the deliberative democratic culture, more or less “agonistic”, more or less classical.

The oscillation between the obligation and the freedom to be “civically” engaged, between duty and the right to be indifferent is thus resolved by the opposition to politicians interested in their own earnings, by the practical demonstration of the fact that the citizen exists and he is interested in the community’s destiny and finally in his own, by the practical demonstration that he counts, despite his landlessness, despite those who create their own political culture of selfishness, cynicism, indifference to the community, and resentment to the potential opposition.

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