An Analysis of the Concept of Citizenship: Legal, Political and Social Dimensions

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Master's Thesis
December 2011

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Tiedekunta/Osasto – Fakultet/Sektion – Faculty	Laitos – Institution – Department
Faculty of Social Sciences	Department of Political and Economic Studies

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Työn nimi – Arbetets titel – Title
An Analysis of the Concept of Citizenship: Legal, Political and Social Dimensions

Oppiaine – Läroämne – Subject
Social and moral philosophy

Työn laji – Arbetets art – Level	Aika – Datum – Month and year	Sivumäärä – Sidoantal – Number of pages
Master's thesis	December 2011	78

Tiivistelmä – Referat – Abstract

The thesis aims at analyzing concept of citizenship in political philosophy. The concept of citizenship is a complex one: it does not have a definitive explication, but it nevertheless is a very important category in contemporary world. Citizenship is a powerful ideal, and often the way a person is treated depends on whether he or she has the status of a citizen. Citizenship includes protection of a person's rights both at home and abroad. It entails legal, political and social dimension: the legal status as a full member of society, the recognition of that status by fellow citizens and acting as a member of society. The thesis discusses these three dimensions. Its objective is to show how all of them, despite being insufficient in some aspects, reach something important about the concept.

The main sources of the thesis are *Civic Republicanism* by Iseult Honohan (Routledge 2002), *Republicanism* by Philip Pettit (Clarendon Press 1997), and *Taking Rights Seriously* by Ronald Dworkin (1997). In addition, the historical part of the thesis relies mainly on the works of Aristotle, Immanuel Kant, Adam Smith, Quentin Skinner, James Pocock and James Tully. The writings of Will Kymlicka, John Rawls, Chantal Mouffe, and Shane Phelan are referred to in the presentation and critique of the liberal tradition of thought. Hannah Arendt and Seyla Benhabib's analysis of Arendt's philosophy both address the problematic relations between human rights and nation-states as the main guarantors of rights. The chapter on group rights relies on Peter Jones' account of corporate and collective rights, after which I continue to Seumas Miller's essay on the (liberal) account of group rights and their relation to the concept of citizenship. *Republicanism and Political Theory* (2002) edited by Cécile Laborde and John Maynor is also references. David Miller and Maurizio Viroli represent the more "rooted" version of republicanism.

The thesis argues that the full concept of citizenship should be seen as containing legal, political and social dimensions. The concept can be viewed from all of these three angles. The first means that citizenship is connected with certain rights, like the right to vote or stand for election, the right to property and so on. In most societies, the law guarantees these rights to every citizen. Then there is also the social dimension, which can be said to be as important as the legal one: the recognition of equality and identities of others. Finally, there is the political dimension, meaning the importance of citizens' participation in the society, which is discussed in connection with the contemporary account of republicanism. All these issues are discussed from the point of view of groups demanding for group-specific rights and equal recognition.

The challenge with these three aspects of citizenship is, however, that they are difficult to discuss under one heading. Different theories or discourses of citizenship each approach the subject from different starting points, which make reconciling them sometimes hard. The fundamental questions theories try to answer may differ radically depending on the theory. Nevertheless, in order to get the whole image of what the citizenship discourses are about all the aspects deserve to be taken into account.

Avainsanat – Nyckelord – Keywords
Citizenship, rights, republicanism

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Tiedekunta/Osasto – Fakultet/Sektion – Faculty	Laitos – Institution – Department
Valtiotieteellinen tiedekunta	Politiikan ja talouden tutkimuksen laitos

Tekijä – Författare – Author
Veera Ilona Iija

Työn nimi – Arbetets titel – Title
An Analysis of the Concept of Citizenship: Legal, Political and Social Dimensions

Oppiaine – Läroämne – Subject
Käytännöllinen filosofia

Työn laji – Arbetets art – Level	Aika – Datum – Month and year	Sivumäärä – Sidoantal – Number of pages
Pro gradu -tutkielma	Joulukuu 2011	78

Tiivistelmä – Referat – Abstract

Tutkielma analysoi kansalaisuuden käsitettä poliittisen filosofian traditiossa. Kansalaisuuden käsite on monitahoinen, ja sille on vaikea löytää täsmällistä määritelmää. Kansalaisuus on kuitenkin tärkeä kategoria: usein se, minkälaista kohtelua yksilö saa osakseen, riippuu siitä, onko hänellä statusta kansalaisena. Kansalaisuuteen sisältyy henkilön oikeuksien suojelu sekä kotimaassa että sen ulkopuolella. Kansalaisuuden käsitettä voidaankin tarkastella kolmesta eri näkökulmasta: laillisesta, sosiaalisesta ja poliittisesta. Tutkielma käsittelee näitä kolmea näkökulmaa, ja sen tavoitteena on näyttää, kuinka jokainen näistä näkökulmista huolimatta puutteistaan tavoittaa jotain tärkeää kansalaisuudesta.

Tutkielman pääasiallisina lähteinä ovat olleet Iseult Honohanin *Civic Republicanism* (Routledge 2002), Philip Pettitin *Republicanism* (Clarendon Press 1997), ja Ronald Dworkinin *Taking Rights Seriously* (1997). Lisäksi historiallisessa osuudessa nojaudutaan Aristoteleen, Immanuel Kantin, Adam Smithin, Quentin Skinnerin, James Pocockin ja James Tullyn teoksiin. Myös Will Kymlickaan, John Rawlsiin, Chantal Mouffeen ja Shane Phelaniin viitataan muun muassa liberaalin tradition esittelyssä ja kritiikissä. Hannah Arendt sekä Seyla Benhabib analyysissaan Arendtin ajattelusta käsittelevät ongelmallista suhdetta ihmisoikeuksien ja yhä pääasiallisina oikeuksien takaajina pidettyjen kansallisvaltioiden välillä. Luku ryhmäoikeuksista seuraa Peter Jonesin jakoa korporatiivisiin ja kollektiivisiin oikeuksiin, minkä jälkeen esitellään Seumas Millerin näkemystä ryhmäoikeuksista ja niiden suhteesta kansalaisuuteen. Cécile Laborden ja John Maynorin toimittamaan teokseen *Republicanism and Political Theory* (2002) viitataan myös. David Miller ja Maurizio Viroli edustavat “juurevampaa” versiota republikanismista.

Tutkielma esittää, että kansalaisuuden käsitteen tulisi nähdä sisältävän kaikki kolme käsiteltyä näkökulmaa: laillisen, sosiaalisen ja poliittisen. Ensimmäisestä näkökulmasta tarkasteltuna kansalaisuus nähdään kytköksissä tiettyihin oikeuksiin, kuten omistusoikeuteen, äänestysoikeuteen ja oikeuteen asettua ehdolle vaaleissa. Useimmat yhteiskunnat takaavat nämä oikeudet kansalaisilleen. Toisena on kansalaisuuden sosiaalinen ulottuvuus, jonka voidaan sanoa olevan yhtä tärkeä kuin laillinenkin, sillä se sisältää toisten tunnustamisen tasavertaisina yhteiskunnan jäseninä. Lopuksi, kansalaisuudella on myös poliittinen aspektinsa, joka keskittyy yhteiskunnallisen osallistumisen tärkeyteen. Tutkielma käsittelee mainittuja kansalaisuuden aspekteja erityisiä oikeuksia (group specific rights) ja tunnustamista (equal recognition) vaativien ryhmien näkökulmasta.

Tutkielma esittää, että kansalaisuuden käsitteen tulisi nähdä sisältävän kaikki kolme käsiteltyä näkökulmaa: sosiaalisen, poliittisen ja laillisen. Kuhunkin näkökulmaan liittyvät teoriat yksinään jättävät jotain arvokasta huomiotta, ja koska peruskysymykset joihin teoriat vastaavat sekä niiden taustalla olevat maailmankuvat ovat hyvin erilaisia, keskustelu niiden välillä on vaikeaa. Tästä huolimatta, kansalaisuuden käsitteen kokonaisvaltainen ymmärtäminen edellyttää sitä, että kaikki näkökulmat otetaan huomioon.

Avainsanat – Nyckelord – Keywords
Kansalaisuus, oikeudet, republikanismi

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1. Introduction

In my thesis I will analyse the concept of citizenship from three different viewpoints: legal, social and political. I will mostly concentrate on the viewpoint of republicanism that has attracted attention among political philosophers in recent years. The aim is to evaluate the concept of citizenship of contemporary republicanism from the point of view of minorities and other non-dominant groups within societies. Therefore, another theme of the thesis is the rights of groups. The question of how different philosophical theories answer the questions that connect with citizenship, the status of minorities and questions of group rights is topical. Since republican ideas are often contrasted with liberalism and defined in comparison with liberal ideas, I will start by briefly introducing some commonly stated critiques towards what is commonly perceived as the liberal idea of citizenship. Often republicanism and liberalism are represented in stark contrast to each other. However, most contemporary republican writers share the same basic principles and values as liberal writers, such as the appreciation of political freedom, democracy and free speech. The unnecessary juxtaposition does not favour either and tends to represent either one or both political theories as caricatures.

Questions about the status of minorities and preserving and promoting democratic principles are pressing in contemporary societies. In liberal theory, every citizen is entitled to the basic principles of freedom, justice and political rights. However, the concept of *citizen* is often left undefined. The concept of citizenship is a complex one: it does not have a definitive explication, but it is nevertheless a very important category. Citizenship is a powerful political ideal: often the way a person is treated depends on whether he or she has the status of a citizen. Citizenship includes protection of a person's rights both at home and abroad. It entails legal, political and social dimensions: the legal status as a full member of society, the recognition of that status by fellow citizens and "the character of the individual acting as a member of society"[1]. The concept of citizenship connects with all aspects of people's lives. Geier Skeie argues: "Membership of different minority or majority groups may be a question of ethnicity, but it can also relate to religion, gender or sexual

[1] The definition of citizenship by The New International Webster's Comprehensive Dictionary of the English Language, Deluxe Encyclopedia Edition 1996 Trident Press International.

preference" (Skeie 2003, p.47). The questions of citizenship are intimately connected with the questions of identity, and therefore refer also to the minority / majority debate (*ibid*.). As Iseult Honohan puts it: "the social confirmation of identity is increasingly seen as essential to human flourishing" (2002, p.250).

In classical liberal theory, groups' demands for recognition have sometimes been viewed as contradictory to these basic principles of liberal democracy. Nonetheless, if the inequalities between different groups are neglected, they are likely to cause disputes and instability in the society. According to the critics, the problem with neutralist liberal theory is that by endorsing the status quo it ignores the past injustices and their effects on current power relations. This has led to disputes between the (minority) groups and the state. In a multicultural society there are multiple situations that raise the question of recognition of the status and rights of the groups. People in vulnerable positions, such as indigenous minorities or asylum seekers with ambiguous statuses, are often in a worse position than the majority. The question of citizenship is also a question of belonging. Indigenous minorities, different cultural and religious groups and people having non-European heritage challenge the understanding about citizenship based on ethnic nationalities. Sexual minorities are also contesting the conventional understanding about citizenship although they cannot be considered a group in the same sense as for example a cultural minority.

The meaning of citizenship in contemporary society is far from clear. In my thesis I am going to argue that in order to understand the society in which we live, the question of citizenship needs to be taken seriously. Furthermore, achieving the ultimate goal of most political theories - an equal and well functioning society - is difficult if the concept of citizenship is not given the serious attention it deserves. I start by shortly describing what is considered the welfare liberal concept of citizenship and its critique, and then continue to define the social (concerning groups and the rights of groups) and political (concerning participation in the affairs of society) accounts of citizenship. How are these accounts effectively considering the viewpoints of (minority) groups? Iseult Honohan has written an excellent overview of republicanism in *Civic republicanism* (Routledge 2002). Also Philip Pettit's *Republicanism* (Clarendon Press 1997) has been an important source in this essay. The historical part of this work mainly relies on the works of Aristotle, Adam Smith,

Immanuel Kant, Quentin Skinner, James Pocock, Albert Hirschman and James Tully. The writings of Will Kymlicka, John Rawls, Chantal Mouffe and Shane Phelan are referred to in the presentation and critique of the liberal tradition of thought. After that, I introduce some important aspects of Ronald Dworkin's book, *Taking Rights Seriously* (1977). Hannah Arendt and Seyla Benhabib's analysis of Arendt's philosophy both address the problematic relations between human rights and nation-states as the main guarantors of rights. The chapter on group rights relies on Peter Jones' account of corporate and collective rights, after which I continue to Seumas Miller's essay on the (liberal) account of group rights and their relation to the concept of citizenship. *Republicanism and Political Theory* (2002) edited by Cécile Laborde and John Maynor is also references. David Miller and Maurizio Viroli represent the more "rooted" version of republicanism.

2. The Background to the Concept of Citizenship

Recently, citizenship has been a centre of attention in political theory. The breaking of post World War II consensus and the new rise of xenophobic attitudes in Western countries have made questions of citizenship even more potent. In sum, there are various different meanings attached to the concept of citizenship. On the one hand, there are the questions related to migration from one country to another. These questions often relate to residence permits, the right to vote or to seek asylum. On the other hand, there are the questions within a polity: the questions of equal treatment of citizens, who may come from different backgrounds. The rights of different groups are usually discussed under the latter heading.

Citizenship is a contested and sensitive issue. The interpretations and meanings connected with citizenship vary in different societies and in different times. Citizenship is a central concept in political philosophy: it is a framework for political democracy and individual autonomy as well as an intellectual and political tradition that connects the modern era with antiquity (Shafir 1998).

The roots of the concept are in the Greek *polis* and the Roman *res publica* (Pocock 1998, p.35). Pocock describes the "'classical' account of citizenship as an Athenian ideal" i.e. as a male warrior, found in Aristotle's *Politics.* In *Politics*, Aristotle states that a citizen "is defined to be one of whom both the parents are citizens…" (1275b23-1275b33 p.2024) and who holds an office or is in some other way participating in the deliberative or judicial administration of the state: "Hence, as is evident, there are different kinds of citizens; and he is a citizen in the fullest sense who shares in the honours of the state." (*Politics,* Book III, 1278a35-1278a39 p.2028.) Naturally, only men were capable of doing that. The view of Aristotle is well captured in the following passage:

> "It must be admitted that we cannot consider all those to be citizens who are necessary to the existence of the state; for example, children are not citizens equally with grown-up men, who are citizens absolutely, but children, not being grown up, are only citizens on a certain assumption. In ancient times, and among some nations, the artisan class *were* slaves or foreigners, and therefore the majority of them are so now. The best form of state will not admit them to citizenship; but if they are admitted, then our definition of the excellence of a citizen will not apply to every citizen, nor to every free man as such, but only to those who are freed from necessary services. The necessary people are either slaves who minister to

> the wants of individuals, or mechanics and labourers who are the servants of the community." **(***Politics*, Book III, 1277b34-1278a14 p.2027.)

The classical Athenian account represented here by Aristotle supposes a strict division between public and domestic lives, and requires that citizens should participate in decision-making (to rule and be ruled): to be able to participate, a citizen must be "a male of known genealogy, a patriarch, a warrior, and a master of the labor of others" (Pocock 1998, p.33). These prerequisites excluded most of the people from access to it. Nowadays these are not the preconditions of citizenship. The meaning has changed: citizenship used to be something acquired by your status in society, when nowadays it is citizenship that guarantees the status (Laborde and Maynor 2008). Therefore, the meaning has diverged from the Aristotelian meaning and the legal dimension has changed too: the freedom to act under the law, and to be protected by the law. However, Aristotle's formulation of a human being as "a creature formed to live a political life" seems still to be an appealing definition. Still, as Pocock argues, we have not quite got rid of the classical prerequisites for citizenship (1998, p.33): there is nevertheless something exclusive about citizenship, as can be seen from the multiplicity of accounts criticising the concept. Is it possible to eliminate the limiting aspects attached to citizenship, or are these somehow inherent to the concept?

The concept of citizenship has been a centre for interest in philosophical debates. Will Kymlicka and Wayne Norman argue that in political philosophy there have been two different and often separate[2] debates about the issue of citizenship and group rights (Kymlicka and Norman 2000). The first one is concentrated on minority rights and multiculturalism and the other debate centres on the concept of citizenship and the role of civic virtues. However, the debates are inherently interdependent. Therefore, Kymlicka and Norman argue that there is a need for an account of citizenship that connects both the issues of multiculturalism and group rights and the discussion of what makes a good citizen.

The scope of the rights of citizenship has expanded since antiquity to incorporate more groups of people and the framework of citizenship has widened from being local into a state-wide institution (Gershon 2008). The increased importance of membership has brought the concept of citizenship and what it means to be a citizen into the forefront of

[2] There has not been much exchange of thoughts between these two debates.

public discussion again. In modern Western political thought the concept of citizenship is closely connected with the idea of a self-governing community i.e. a sovereign state (Hindess 1993, p.34).

Gershon argues: "The framework for modern citizenship rights is the state that is gradually transformed into a state for nation, a nation-state" (1998, p.16). The idea of sovereignty requires that there is a limited area and at least to some extent culturally unified people residing in that area and sharing a common fate (Honohan 2002, pp.274-275). The way the concept of citizenship is understood, relies heavily on the concept of a nation-state and the assumption of shared cultural values: nationalistic tendencies have been at the forefront of determining the development of modern states.

Usually belonging to a nation is perceived to be non-voluntary. In some definitions, the membership is acquired by being born to a certain country or a group, as Avishai Margalit and Joseph Raz state: "Qualification for membership is usually determined by non-voluntary criteria. One cannot choose to belong. One belongs because of who one is" (Margalit and Raz, 1990, p.447). Others emphasise the identification with the community and its importance in the construction of personal identities. All in all, the way nationalism is understood has changed towards stressing the unifying power of culture rather than ethnicity or origin (Frank 2010; Miller 2000). The traditions and conceptions of citizenship within the nations are not fixed but can change: in addition to gaining membership by birth, most nation-states have some alternative mechanisms through which the membership can be acquired. There are various opposing views concerning the rationality (or irrationality) of people's attitudes towards nationality, as well as whether the nation is socially constructed or not. For instance, Jeremy Waldron states (1992, p.781) that the idea of nationality is a product of civilization, not an eternal truth.

> "We are not the self-made atoms of liberal fantasy, certainly, but neither are we exclusively products or artefacts of single national or ethnic communities. We are made by our languages, our literature, our cultures, our science, our religions, our civilization – and these human entities that go far beyond national boundaries exist, if they exist anywhere, simply *in the world*" (Waldron 1992, p.778).

According to Waldron, social structures that shape our lives are not necessarily 'natural', and the claim that there always have been culturally homogenous peoples, has to be treated with caution.

The contemporary understanding of nationalism centres around the concept of cultural membership and national identity built on the cultural connection. For the most part, discussions on nationalism seem to concentrate on ethno-cultural variations. Most of them do not focus on the extremes but are rather moderate: however, the contemporary world has experienced a revival of the extreme right - the new popularity of xenophobic attitudes across Europe being an example (Williams 2010; Frank 2010).[3] By the rise of xenophobic attitudes, I refer to among others the current discussion that depicts different cultures as fundamentally and essentially different from each other in the spirit of Samuel Huntington's famous argument on the 'clash of civilizations' (Huntington 1993; Frank 2010, p.231, p.233). In a vein similar to contemporary nationalist accounts, contemporary racism concentrates on cultural rather than ethnic differences. These populist ideas of the essential cultural differences are accompanied by the belief that the elites are corrupt and incompetent, while the "common man" is good and honest (Williams 2010, p.115). Michelle Hale Williams argues that the populist orientation might be one of the reasons the right-wing parties in Western Europe have changed their agenda from targeting various ethnic groups to new out-groups, such as Muslims (2010, p.130). Culture seems to have replaced ethnicity, but the basic problem remains: what is the place for nationalism? Is it necessary for the existence of states? Is it potentially dangerous, and if so, when does it become dangerous?

The basic principles connected with national sovereignty, i.e. the unified nation sharing the same culture and values, are not easily defined and rather blurry. What is meant when speaking about 'shared values'? There are two concepts here, both of which are often not clarified: the concept of nationality and the concept of culture. Honohan says: "The key feature of nationality is a collective sense of a common identity; whether based on ethnic,

[3] Ana Frank argues in her 2010 article "Rethinking European Past and the Future Legacies" that Europe has failed to recognise that the attitudes towards immigrants, minorities and minority women are still coloured by the old prejudices towards 'the other'. The racist attitudes of the old Europe have merely taken a different form; the accusations of the undemocratic nature and violence of the other cultures are made without acknowledging the violence in the European culture or Europe's contributions to structural inequalities.

linguistic or other cultural grounds, this is often rooted in an 'imagined community' and does not intrinsically require interdependence in practices between co-nationals" (2001, p.65). Kymlicka argues that language is an important reason for why the 'national' political communities are the "primary forums for democratic participation" (2001, p.213). Most people are only fluent in one language, which rules out the participation at the federal or international level (*ibid*.).

In many accounts, it is implicitly assumed that nations or cultures are "the basic units" of politics (Kymlicka 2001, p.216). At first glance, the role of shared culture in shaping the identities of citizens seems quite powerful. The concept of citizenship is often connected with the idea of nationality: many political theories assume that citizens have some kind of shared cultural base. However, others argue that this base is not necessary. According to Honohan, the shared cultural base can be a thinner one based on shared public culture rather than some prepolitical ethnic commonality or deeper cultural tie (2002, pp.274-275). It is true that cultures have an important role in shaping identities, but that does not mean that there should always be only one homogenous culture in which the identity of an individual is rooted. The construction of an identity is a complex process, and there are other things besides nationality that have an important role in it. Honohan argues that identities are not just "passively received but constructed, and something for which we must take responsibility" (2001, p.65). In addition, the whole conception of culture is a disputed one – where does a culture start and where does it end? Cultures are not fixed but rather dynamic entities. Cultures "grow and develop, interact, borrow and blend" (Honohan 2002, p.255). For instance, what is perceived as a strictly local culture might actually be a mixture of several elements of different cultures that have diffused into local cultural practices.

Also the concept of culture sometimes seems to be attached only to other, non-Western cultures. Other cultures are perceived as wholes, and those worried about the effects of migration, sometimes portray the other cultures as inherently violent on the basis that there exists some harmful and violent practices within the sphere of that other culture, assuming that the migrants "import wholesale their cultures from their countries of origin" (Frank 2010, p.236). At the same time, it seems foreign to think that Western culture would be a

culture in the same sense. The existing harmful practices within Western culture are rather seen as separate acts of some deviant individuals instead of cultural practices (Fank 2010).

Although the nation-state is the primary framework "used to secure citizenship as membership of a society" (Skeie 2003, p.47), the rights connected with citizenship are also enforced by supranational institutions, like the United Nations (*ibid.*). The role of the supranational institutions and the fact that the nation-state is still the primary guarantor of the citizenship rights has created political tensions and will no doubt do that in the future, as can be seen in the debates over the rights of different groups.

The concept of citizenship includes the legal status and the political recognition as a member of a community as well as the specific rights and obligations associated with the membership. The political ideal is that every citizen is equally entitled to the same rights and duties. The idea of rights is inseparable from the idea of duties. If a person has a right, then there has to be someone who has the corresponding duty to fulfil that right. If I have a right not to be injured, other people around me have the duty not to violate or hurt me. Human rights – or more precisely, the implementation of human rights – are closely connected with the concept of citizenship. In the contemporary world citizenship has become the primary category of membership; in a state-centric world it is crucial to be a member of a political community. In principle human rights are entitled to all people regardless of their social status, gender or race. Nevertheless, in practice many states violate these rights. People travelling without proper documents of identification, especially, are often treated harshly. Still it does not end there; also within the societies there are groups of people that do not have the same kind of recognition of their status as full members of that society. Various minorities, especially indigenous ones, have faced severe discrimination based on their status as minorities.

The Universal Declaration of Human Rights[4] was adopted in 1948 by the United Nations (Smith and van den Anker 2005). Even though the concept of human rights or the concept of minority rights are not easily defined, nowadays they are widely implemented in both international and national law. The core value of liberal democracies is that every person is

[4] http://www.un.org/en/documents/udhr/

equal in the face of law and as a member of political community. However, the fact that in most cases states are the guarantors of human rights brings problems. If a person does not have a membership in a state, or is displaced or for some other reason rejected by the state he or she lives in, the realisation of basic human rights for that person is questionable. In many cases there is no one to claim those rights. The actual protection of every human being seems to be dependable on the political will, which in some cases seems to be nonexistent. On the one hand, there is a danger in widening the rights discourse to include new rights; if rights are seen as disconnected from duties then the main aspect of human rights – the protection of every human being – is lost in the process. While on the other hand, different conventions and declarations highlight the situation of the disadvantaged groups and direct the public attention to injustices that have passed unnoticed in the past.

In contemporary democracies there are also institutions that are connected with citizenship and that shape understanding about it. Though it is not often reflected in public, those institutions follow patterns and ideas that impose certain assumptions about what it is to be a good citizen. Nevertheless, the idea of a citizen should not be seen merely reducible to an opposition between oppressed minority groups and oppressing majority groups (Beiner 2006, p.34), since that would compromise the idea of a shared political community. The issue is too important to be bypassed by political theory.

As I have argued in this chapter, there are many different aspects to citizenship and all of them have influence on how the concept is perceived. There is the old, exclusive ideal of citizenship (citizens as male patriarch-warriors) that haunts in the background of contemporary discussions on citizenship. In addition, there is the influence of culture and the debate on the importance of nationalism and nation-states and the relation between these two debates. And last, but not least, there is the multicultural discourse on universal human rights that shapes the understanding of citizenship. These are all very different ideas that arise from different backgrounds and discourses, and although they all have an effect on how the concept of citizenship is understood, in most cases it seems hard to reconcile these different elements in a discussion about what constitutes citizenship.

3. The Legal Dimension of Citizenship

3.1. The Liberal Concept of Citizenship

The liberal concept of citizenship flows from Enlightenment thinking and is deeply rooted in the liberal thought tradition, which takes individualism as its main component. Individuals are seen as the basic units of society all possessing the same rights to participate in the political, economic and cultural life of society (Kymlicka 1989, p.141). Liberal political theory is a rights-based one; it takes the rights of individual as the fundamental basis for the society. However, the idea that *all* human beings should have equal rights has not always been widely appreciated. Until modern times, only property-owning men were able to vote or participate in political affairs (Phelan 2001, p.13; Kant 1991, p.140). Nowadays citizenship rights in liberal countries include *in principle* everyone regardless of their gender, race or wealth.

The liberal concept of citizenship has traditionally bound together equality before the law and the actualisation of social justice. Welfare-liberals, especially, have concentrated on equality. The law is considered colour- and gender blind; according to many liberal theorists this is the only way to guarantee equality within society (Kymlicka 1989, p.141). Along with freedom to choose one's way of living, equality before the law can be held as one of the most important aspects of the liberal notion of citizenship. According to critics, the liberal understanding of the concept concentrates almost solely on the legal dimension; from the welfare-liberal point of view, the formal equality before the law gives everyone the same opportunities.

This view can be called a thin concept of citizenship: any given political theory is based on some kind of view of human life, or a so called thin or background theory of life. In order to define what is needed for the society to work, every theory has to have an account of what is good and worth pursuing. It can be a thin theory that gives just a framework for where to start when defining the principles of good life (Waldron 1992). For Rawls, the thin theory takes the "principles of justice already secured, and then uses these principles in defining the other moral concepts in which the notion of goodness is involved" (Rawls

2008, p.398). All the other good things, such as the concept of moral good and moral virtues can be explained by referring to those basic principles of the theory (*ibid*.).

According to Waldron, many liberals, such as Dworkin or Rawls, support the view that each individual choose a particular conception of good that determines his or her way of living, and that rights are for the protection of an individual in the pursuit of such a way of living (Waldron 1992, p.753). However, not all liberals agree with this view on how to conceptualize good life. Some liberal theories seek a theory of good, which could explain how the society works best, but some refuse to think in these terms. As J.L. Mackie states: "People differ radically about the kinds of life that they choose to pursue. Even this way of putting it is misleading: in general people do not and cannot make an overall choice of a total plan of life. They choose successively to pursue various activities from time to time, not once and for all" (Mackie 1984, p.175).

In the liberal tradition, equality before the law and freedom to choose one's way of living are the most important aspects. Everyone is equally entitled to this freedom; it is the task of the state and the law to ensure that. One of the most important principles of liberal theory is that citizens should be able to choose their way of living freely as long as they do not harm others. They should be able to live their life and choose the ends they see worth striving for free from coercion (Berlin 1969, p.122, p.125; Kymlicka 1995, p.81; 1989, p.10). This principle is called negative freedom (or freedom as non-interference, as republicans call it) and it is the most important principle of political liberalism.

From the point of view of some liberals, all interference with individual affairs can be seen as coercive and the role of the state should be only a minimal one in order to truly protect everyone's rights (Nozick 1975). Other theorists (like Rawls) believe that a state needs to have a greater role, and for instance the redistribution of wealth may be necessary. There are many different strands within liberal theory, but they all share some basic principles. Liberal theory sees citizens as promoting "their self-interest within certain constraints imposed by the exigency to respect the rights of others" (Mouffe 1992, p.6). Respecting the rights of others sets the limits on individual freedom; if the individual in question is aiming at harming others, then coercing them by hindering their behaviour is acceptable. The basic

principle is protecting individual freedom; people can do whatever they want with their lives. In order to guarantee the maximum freedom for all, the state should sanction only those actions that harm or limit the freedom of other individuals. As John Rawls (2008, p.204) states: "...all the liberties of equal citizenship must be the same for each member of society". The laws are acceptable when they guarantee equal freedom to all individuals. Liberalism allows different choices of what is good and worth pursuing.

Often state intervention is considered as unwanted, in some cases dangerous and possibly leading to totalitarianism. Some liberals argue that all laws are coercive by nature, and so diminishing the scope of individual liberty. The holders of this view see negative liberty as a fundamental right. Not all liberal theorists share the same idea though: Dworkin disputes this view by stating that negative liberty or 'liberty as a license' cannot be a right in a strong sense (1977, p.269). There is a right to certain liberties, but they cannot be grounded on a general right to liberty. Dworkin argues that instead rights to certain liberties are grounded on every citizen's right to equal concern and respect (*ibid*, pp.273-274). This can be viewed as the core of neutralist egalitarian liberalism.

A liberal state should not favour certain life choices or styles as more valuable. The state should be neutral; though the concept of neutrality has been criticised for being vague (Rawls 1988, p.260, p.263). Therefore it is important to preserve individual liberties and to avoid state regulations which are too heavy, because this might easily turn a state into an oppressive regime. There are milder and stronger interpretations within liberal political tradition, but the basic principle is that of negative freedom.

3.2. The Legal Dimension

3.2.1. The Liberalism of Ronald Dworkin

Traditionally, citizenship has been defined by the public duties and rights, such as a right to vote or hold office (Phelan 2001, p.13). Where do these obligations and rights come from? I cite Ronald Dworkin's book *Taking Rights Seriously* (1977). According to Dworkin, the legal practice of a society consists of *principles*, *rules* and *policies*. Rules, such as a rule forbidding driving over 60 kilometres per hour in a certain area, are simple. Policies are standards that "set out a goal to be reached", concerning the economic, political or social

issues within the community. Principles are standards "to be observed", because they are requirements of "justice, or fairness or some other dimension of morality" (Dworkin 1977, p.22). Principles differ from policies in that they are concentrated on moral issues. Principles can be more complicated than rules, such as "no one should take advantage of his own wrong" (Dworkin 1977, p.23). Dworkin here uses an example of a case in which a person will inherit from a wealthy relative, but in order to attain the inheritance faster, that person murders the wealthy relative. In this case, most people think that the murderer should not inherit. Principles differ from rules – they can vary in weight or importance (*ibid*, p.27) and they can be controversial. According to Dworkin, judging certain principles or policies as more weighty than others will often cause controversies since there is no way of measuring them exactly (*ibid.*). The principles are there to justify the rules "by identifying the political or moral concerns and traditions of the community" (*ibid,* p.67). According to Dworkin, the values and rules of the community are reflected in its legal practice.

In order to understand the legal practice, it is not enough to provide a list of values and rules. It is not even necessary; values and rules vary in different societies and times. There is no sense in trying to make an exhaustive list of them. Nevertheless, the political system needs a justification. The rights and duties of citizens must have a motivation. According to Dworkin, "principle and policy are the major grounds of political justification" (1977, p.83). Arguments of policy are used to justify political decisions that advance collective goals, when the arguments of principle justify securing some individual or group right. The legislature needs both types of arguments. Dworkin states that "political rights are creatures of both history and morality: what an individual is entitled to have, in civil society, depends upon both the practice and the justice of its political institutions" (*ibid,* p.87). Political rights are enforced by judicial decisions. Policies, principles and rules form a framework for the political theory, but the way in which rights, duties and goals are combined gives the theory its character.

In order to be complete, a political theory needs more than a description of the legal practice of the community. Dworkin distinguishes between *rights*, *goals* and *duties*. A political theory can be based on any of these. Goals are generally advancing some general

or collective good, such as economic efficiency. In order to be called a right, a political aim has to have weight against the collective goals. Similarly, a duty is a duty only if it is independent of the pursuit of the collective goals (1977, p.170). What are considered rights, goals or duties depend on the political theory. Different theories give a different place and function to different political aims (Dworkin 1977, p.171). Dworkin himself seems to be supporting a rights-based theory of society: according to Dworkin, judicial decisions are generally 'justified by arguments of principle rather than arguments for policy' (*ibid,* p.115). In order to function, all complete political theories need to fulfil certain requirements. According to Dworkin, no matter what a political theory is based on (whether it is a duty-based, a rights-based or a goal-based theory), in order to be adequate, every theory must make a separation between the background and institutional rights, and abstract and concrete rights and principles (*ibid,* p.93). Other distinctions that can be made are between rights against the state and rights against fellow citizens, or universal and special rights. All political rights, such as the right to free speech, are in most theories considered universal.

3.2.2. Dworkin on Fundamental Background Rights / Human Rights

According to Dworkin, in liberal political philosophy equality is the fundamental background right (Dworkin 1977). Every other right is therefore reducible to the demand for equality of all citizens. In everyday life there are situations that can be hard to settle in a satisfactory way. Nevertheless, equal respect for every citizen is the fundamental goal. Laws should be applied fairly and consistently; despite the fact that some practices and interpretations might be hard to reconcile with one another. Dworkin distinguishes between the right to *equal treatment* and the right to *treatment as an equal* (*ibid,* p.227). The first is a derivative of the latter, which is considered as a fundamental right. The right to be treated as an equal is not the same as the right to equal treatment. Sometimes the right to equal treatment may justify special policies towards minorities. However, within a political theory based on the rights of citizens, it cannot happen at the cost of the right to treatment as an equal.

Most people believe that individuals have certain moral rights against the state. The constitutional system in Western countries is founded on that principle. Still, what are

moral rights? According to Dworkin, moral rights or rights in a strong sense are "special sort of judgment about what is right or wrong for governments to do" (1977, p.139). If someone were said to have a right in a strong sense, it would be wrong if the government broke that right, even though it would be in the general interest to do so (*ibid*, p.269). There is no need to assume ontological entities behind rights, since moral rights can be reduced to the evaluation of the action of governments. Whether this applies to the international community as well I am not sure. Since the international community does not have the same kind of structure and government as states, addressing the responsibility could be difficult. At the same time, the same applies to governmental entities on a smaller scale, i.e. whether a particular agent can be held responsible for the actions of a collective of which he or she is a part.

Speaking about fundamental rights that qualify as moral rights makes no sense if the speaker is not committed to the ideals of human dignity and equal value. Dworkin argues:

> "The first is the vague but powerful idea of human dignity. This idea, associated with Kant, but defended by philosophers of different schools, supposes that there are ways of treating a man that are inconsistent with recognizing him as a full member of the human community, and holds that such treatment is profoundly unjust. The second is the more familiar idea of political equality. This supposes that the weaker members of a political community are entitled to the same concern and respect of their government as the more powerful members have secured themselves…" (Dworkin 1977, pp.198-199.)

In order to argue for the rights of individuals against the state or the rights of minorities against the majority, one must assume that these ideas hold. It does not matter on what grounds someone has come to hold these ideas (whether he or she is a utilitarian and argues that these ideas promote the general good or bases his or her opinion on some other theory of political philosophy).

3.2.3. Citizenship Rights versus Background Rights

Citizenship rights can be separated from human rights or 'background rights' (as Dworkin calls them), which are abstract and fundamental. Citizenship rights are institutional rights which mean that they are certain rights entitled to the members of a certain society. Citizenship rights and their implementation can vary in different societies. However, are citizenship rights essential since it seems that sometimes other fundamental rights would

not be manifest without entitlement to citizenship rights? Is it then a problem of political philosophy or the 'mere' imperfection of the world in which we live in? The existence of groups of people who are not citizens in the country they live, or who do not have citizenship in any country, poses a problem to the thinking that connects citizenship rights intimately with the story of a homogenous nation.

The nation-states are still the main guarantors of the basic rights however, through guaranteeing citizenship status. But this may be seen as problematic to the actualisation of the rights. The problem was first addressed by Hannah Arendt in the aftermath of the Second World War in *The Origins of Totalitarianism*. Arendt was concerned that only the state or community could guarantee the human rights for each person, and when people lost their membership in a society, they lost the protection of their basic rights too:

> "Once they had left their homeland they remained homeless, once they had left their state they remained stateless; once they had been deprived of their human rights they were rightless, the scum of the earth." (Arendt 2004, p.341.)

Arendt suggested that in order to avoid the aforementioned situation, it should be acknowledged that everyone has a "right to have rights", which means that everyone should be judged not by their origin but their actions and opinions, and that everyone should be able to be a member in an organised community (Arendt 2004, p.376). Depriving a person the status as a member of a community constituted a crime against humanity in Arendt's opinion (*ibid.*). However, she did not give a philosophical justification for the statement. "Crimes against humanity" are complicated to define: are they a violation of the moral code of a society or an infringement of international law?

Seyla Benhabib has analysed Arendt's argument in depth. She states that the "right to have rights" contains two different senses. The first term "right" refers to the humanity in general, and evokes a moral imperative to treat others with dignity: "Treat all human beings as persons belonging to some human group and entitled to the protection of the same" (Benhabib 2007, p.56). The other sense of the term "right" builds upon the first one. Benhabib calls it the juridico-civil usage of the term: "I have a claim to do or not to do A, and you have an obligation not to hinder me from doing or not doing A" (*ibid.*). The autonomy of others should be respected and that also creates reciprocal obligations for the

members of the community (Benhabib 2007, p.57). Nevertheless, the tension - if not forthright conflict - between universal human rights and particular national and cultural identities, has not gone anywhere. Historically the concept of citizenship has been based on excluding some groups of people from the privileges enjoyed by citizens, and although the meaning of the concept has changed and is nowadays more inclusive, there still seems to be some remnants of the past that maintain the conflict. Some are, though, hopeful; Benhabib (among other multiculturalists) argues that the concept of citizenship is changing from the exclusive concept towards more open and "disaggregated" model (2007, pp.173-5) and that can also ease the tension between human rights and citizenship rights.

That brings us to the critique that has been put forward against the concept of citizenship in the liberal tradition of thought.

3.3. Critique of the Liberal Account of Citizenship

While granting the membership to others, the concept of citizenship is at the same time excluding those who are seen as unfit for membership or are not part of the community, such as people seeking immigration (Phelan 2001, p.12; Hindess 1993, p.37; Benhabib 2007, p.177). In liberal political philosophy, the equality of all members of the body politic is emphasized. Nonetheless, it can be argued that in many cases the neutral policies actually reflect the values of a dominant majority (Honohan 2002, p.250). If this is the case, then the political ideal of liberalism is not working as hoped. Political structures that use the language of the dominant mainstream have a different impact on members of different non-dominant groups (such as minority cultures, people speaking a minority language, practicing a certain religion or for instance belonging to a sexual minority) than on members of the majority. Liberals argue that equal respect for all citizens is needed in order to have a just and fair society, and that this is achieved if the state promotes a neutral approach to cultural and other differences. The liberal conception of equal respect is a thin one; everyone is expected to be able to fulfil his or her needs for recognition and acceptance in the private domain, while the public sphere is reserved for enforcing the equal legal status (Honohan 2002, p.252).

Nevertheless, in practice most liberal states accept and endorse some moral or cultural values over others. What makes the concept of citizenship complicated and interesting are the inherent assumptions attached to it. The fact that in principle there is the ideal of equal society, and then the reality is different, is what I think is behind much of the liberalism critique. When the ideal stays at the level of speech it may be just concealing and legitimizing the old power structures. Even if the laws and policies were the same for everyone, the institutions may still fail to recognise those who are different, even possibly humiliating them. Honohan mentions marriage laws as an example; most liberal democracies regulate who can marry whom and on what conditions (Honohan 2002, p.252). The issue of marriage has been a subject topic in the discussion about the citizenship rights of LGTB people. The argument is that membership in a modern Western society is implicitly bound to the assumptions of heterosexuality: heterosexuality being the norm of citizenship (Katz 1995, p.13, p.18). Marriage is in most societies available only to heterosexuals marrying a representative of the opposite sex. At the same time, it is conceived as belonging to the private sphere of life. In reality, marriage is never just a private matter, but enforced by society through public ceremonies and tax-benefits given to people who are married (Phelan 2001, p.35). The fact that gay and lesbian people are not able to marry excludes them and their families from many state-guaranteed rights and benefits available to heterosexuals (Kotluski 2004, p.3). The assumptions have real consequences on the lives of people that do not fit in the alleged role in society.

The theories of political philosophy, such as liberalism or republicanism, conceive citizens free and equal and consider how the freedom and equality of citizens could be achieved. Families and the relations between family members have traditionally been excluded from these considerations due to the division between public and private. As mentioned, citizenship is, however, intimately connected to family relations (Phelan 2001, pp.69-71). Most often citizenship is gained by birth, and changing citizenship is the easiest if one has family relations in the country one wishes to become a citizen. Despite the fact that in political theories family relations are often excluded from the considerations, societies regulate the family relations in many ways through laws. Marriage, which is often considered as the basis for family, is a status as well as a contract (*ibid*.). The families of married people are often represented in public as the stable and normal ones, while other

types of families are conceived as unstable and at the same time, ineligible for inheritance and other privileges conferred to families of married people. By regulating marriage, the society gives differential citizenship rights to the ones who can enter marriage.

As is evident from the example of the regulation of family relations, the institutions perceived as neutral may actually promote a certain type of living. The neutralist liberal conception of equal respect has therefore been criticised by feminists and cultural pluralists. The critics of the thin liberal version of the concept of citizenship have pointed out that the mere formal equality before law does not take into account the inequalities existing in society that might lead to the exclusion of the voices of certain groups (Phelan 2001, Honohan 2002, p.252). Instead, they argue that in order to achieve a fair society everyone should be heard and their identities should be equally recognised. In practice this means that there would not be only one accepted form of citizenship, but several forms, and different policies and special rights targeted to different groups of people.

However, deciding which group should have what kind of special treatment is a difficult question. According to the multiculturalism argument, cultures are constitutive to the identity and recognition of different groups, and therefore, in order to recognise the citizenship of the representatives of the minorities, all the cultures should be equally recognised (Honohan 2002, p.254). This argument does not notice that the cultures are not wholes or fixed entities. Cultures change, and promoting a certain aspect of a culture might actually benefit only the most advantaged members of a group (*ibid*, p.255). Hence it is not desirable to embrace all the cultures as such. Both the solutions, the one offered by the liberal thin concept of equality and the other offered by multiculturalists, are not satisfactory as such.

In the welfare-liberalist theory, the assumption is that as long as everyone is equal in front of the law, the question of citizenship is unproblematic. The concept of citizenship is taken for granted and left without further explanations. However, there may be structures that hinder those not fitting the conventional patterns from achieving what they want in life. The question one can ask whether it is a problem of philosophy or just a problem of an imperfect world? Are the real-life inequalities caused by the confusion in concepts or is it

just a question of bad governance? On the one hand, if the philosophical theory merely states the ideal model for society without taking into account how it could answer the problems that arise in real societies, then it is also a problem of that philosophical theory. On the other hand, in some cases it might be just the problem of government. However, it would be peculiar to deny that the political ideals affect how the role of government is perceived and the way decisions are made.

Different strands of liberal theory have for the most part been hostile towards granting any special rights for minorities as it has been considered as dangerous and not compatible with the principles of liberal democracy. Nonetheless, if the social dimension of the construction of citizenship is kept in mind, the interpretation of liberals might be inadequate concerning the tensions within societies. Most of the times the majority is already in a privileged position and the representatives of various minorities are on the margins. This is natural, but it can become a problem if the language and values of the majority hinder the representatives of minorities to be heard in policymaking. The political problems that need to be taken care of are framed in public deliberation. If the topics of public discussion are defined by the voices of powerful interest groups or the majority, there might be few possibilities to portray different viewpoints (Honohan 2002, p.197).

There seems to be a conflict between the liberal account of citizenship and the demands for recognition. The liberal tradition answers certain questions about how the society should be organised. As it is, it is not well equipped to answer the questions concerning minority demands, especially if the assumption that everyone in the society can argue for their case in a similar way and a similar language, is contested. From the point of view of equal citizenship, this is clearly a defect. Therefore, despite having good qualities such as promoting the idea that each one should be able to choose their lifestyles or goals in life freely, the liberal tradition is defective when considering the actual solutions it is able to offer to resolve the structures producing inequalities.

The representatives of contemporary republican political theory argue that their account take these issues better into account. Next I will look at republicanism and the republican concept of citizenship and evaluate how the republican theorists keep their promise.

4. The Political Dimension of Citizenship: Participation

4.1. Considering Freedom - The Two Accounts of Contemporary Republicanism

The history of the republican tradition of thought is not easily captured. Different theorists disagree over the continuity of the tradition and who should be involved in it. Iseult Honohan argues that there is, however, an identifiable tradition of republican thinking, which has Greek and Roman roots (2002, p.4). She defines republicanism broadly "as a specific variant of communitarianism, which values citizenship: membership of a political community, as distinct from other kinds of community based on pre-political commonality, of, for example, race, religion or culture" (*ibid*, p.8). The republican tradition valuing political participation as an expression of freedom has its roots in the philosophy of Aristotle, the city-states of the ancient Greece and the Roman republic. The tradition of thought was further developed in the late Middle Ages and prospered in Europe and America until the eighteenth century.

The early republicanism of Ancient Athens and Rome faded to the background when self-governing city-states, like Athens, fell to Imperial Rome and later to the dual administration of Pope and Emperor, bishops and kings, and clergy and lords (Honohan 2002, p.42). The tradition was revived at the beginning of the millennium in Italian city-states, where political participation was appreciated and various forms of self-rule of citizens were practiced (*ibid.*). In the republicanism of Italian city-states, liberty was considered consisting of political independence and republican self-government. Especially Bartolus of Saxoferrato (1314-1357), whom Quentin Skinner considers as one of the 'most original jurists of the Middle Ages', defended the freedom of cities to choose their own political arrangements (Skinner 1978, pp.9-10). The idea of self-government in the city-states was revolutionary since no judicial practice existed that would confirm it: the emperor was thought to be the only ruler (*ibid*; Pocock 1981). The early republican tradition emphasised the autonomy of cities while at the same time embracing the political virtues of citizens. However, in most of the city-states the revival of the republican tradition did not survive for very long, the only exceptions being Venice and Florentine (Skinner 1978). By the

beginning of the 17th century, this republican tradition was in most cases overridden by more totalitarian tendencies.

At the time when the city-states were formally under the rule of Pope and later under various kings ruling in Europe, the concentration on security issues instead of political freedom became the main topic of politics in most of Europe (Skinner 1978, pp.6-8). Most people did not have the opportunity to take part in political decision-making, and generally for those who participated, political freedom was not on the agenda. Instead of the Aristotelian virtues central to republicanism (Aristotle 1962), which were concentrated on the issue of how people could develop themselves through education, the Medieval times concentrated on Christian virtues. The possession of the Christian virtues, such as faith, hope and humility, were less dependent on developing one's character and relied more on God's grace (Honohan 2002, p.43).

During the 17th century and at the beginning of the 18th century, the republican tradition started to raise interest again especially in England, Scotland, the American colonies and France (Honohan 2002, p.78). In 17th century republican thought, moral political action was considered fundamental to the prosperity of both citizens and the city (Scott 2002, p.66). The most referenced thinkers from this period are Harrington and Machiavelli. In general, classical republicanism as a political theory concentrated on the questions of how to pursue common good, how to achieve good government, the political virtues needed by citizens, the importance of political participation and resistance of oppressive modes of government. Relating to these central themes of republican thought, there have been disagreements throughout the history of republicanism over the relation between republicanism and democracy, what social divisions reinforce republican values and which weaken them, and whether republicanism requires small communities or is able to be applied to bigger societies as well (Miller 2008, p.136).

After being on the sideline for a long time, republicanism started to raise the interest of political philosophers again in the mid-twentieth century. Usually when speaking about republicanism in political philosophy, two strands of republicanism are separated: the Aristotelian tradition emphasising the good life and the importance of civic virtues and

political participation in achieving it, and the neo-Roman tradition emphasising freedom under the rule of law and opposing arbitrary power of autocratic rulers (Laborde and Maynor 2008). Also in contemporary republicanism the different strands can be separated; the communitarian strand (represented by David Miller among others) which concentrates on political participation, culture and community, and the strand of instrumental republicanism[5] (represented for instance by Philip Pettit), where the concentration is on the right to be free from outside coercion (*ibid.*).

The various strands of the republican tradition have taken a different stand on the issue of freedom and liberty when compared to liberalism. Depending on how strong a republican view is supported, either political participation or non-domination is considered as a prerequisite for realising freedom (Honohan 2002, p.180). Quentin Skinner and Philip Pettit are probably the most discussed representatives of contemporary republicanism. Both concentrate on contemporary interpretations of the neo-Roman tradition of republicanism that concentrates on non-domination. Pettit's *Republicanism* (1997) has probably influenced most of the contemporary discussion on republicanism. The contemporary republicanism differs from the classical in that it accepts the pluralism of values, moral individualism and the instrumental view of politics (Laborde and Maynor 2008). Central to the contemporary neo-Roman republicanism[6] is the definition of freedom as non-domination, which is defined in contrast to the liberal conception of freedom understood as the absence of interference (negative freedom)[7] (Pettit 1997). According to republicans, freedom is not a good possessed by individuals before they enter into society. Instead, it is realised within the society characterised by various interdependencies. In other words, it seems that contemporary republicans argue that there is no freedom without society. [8]

[5] A concept by Alan Patten (1996, p.26), also referred as the neo-Roman tradition.

[6] Pettit's account of contemporary republicanism is sometimes also referred as *neorepublicanism.*

[7] Isaiah Berlin (1969) separated between two concepts of freedom, negative and positive. Berlin argues that positive freedom means mastery over the self when negative freedom is understood as the absence of interference. Pettit argues that the definition of freedom as non-domination is a third concept of freedom that locates between Berlin's two concepts (Pettit 1997).

[8] In some aspects, the idea reminds of Thomas Hobbes' argument in *Leviathan* where he states that only an organised society can secure peace.

4.2. Freedom as Non-domination

The contemporary (neo-Roman) republicans argue that the emphasis of political liberalism is on freedom as non-interference. On the contrary, instead of non-interference republicanism emphasises non-dominance, i.e. liberty as independence from arbitrary power. The absence of arbitrary interventions is not enough; the independent status of an individual has to be secured. For republicans, non-dominance is the basic principle of political philosophy, and citizenship is constituted by freedom as non-domination, i.e. a person's ability to make decisions and live their life as they please without fear of arbitrary intervention or being arbitrarily constrained.

The only acceptable constraint is that set by law, which republicans do not see as arbitrary as long as laws are just. Pettit defines domination through three aspects: 1) the capacity to interfere 2) on an arbitrary basis 3) in certain choices that the other is in a position to make (1997, p.52). In Pettit's view, all these three aspects are required simultaneously for domination to exist. Pettit argues that mere interference will not be coercive if it also tracks the interests of the person whose actions are subject to interference (Pettit 1997; Friedman 2008). With this, he maintains that laws (if they are well constructed) are not actually dominating, but rather the source of liberty. However, according to the formulation, a mere capacity to arbitrarily interfere in someone's choices is enough to constitute domination.

The concept of non-domination differs from the liberal principle of non-interference as it says not only that no one should be subject to arbitrary intervention, but also that one should not even be in danger of being an object of arbitrary power. By opposing not just the acts of interference, but also the position where a person is in danger of being intervened against his or her will, republicanism opposes the status of subordination (Pettit 1997, p.88; Honohan 2002, p.183). This is an important difference between liberalism and republicanism; liberalists think that the absence of interference allows enough space for diversity and does not give preference to any special group. From the minority point of view the principle is too thin, as it does not take the real life inequalities into account. Still, it is not evident how well the republican project succeeds and whether republicanism takes the questions of inequality better into account.

At the same time, perhaps depicting liberalism as concentrated merely on liberty as non-interference or the legal dimension is a mere simplification of liberalism that does nothing to help understand society, but rather represents different political theories as caricatures. Matthew Kramer points out that there is not that big a difference between the concepts of freedom in liberalism and in republicanism if a distinction between particular freedoms and overall freedom is made; that actually unfreedom understood as coercion and unfreedom understood as domination are sides of the same coin (Kramer 2008, pp.34-37). Kramer criticises republicans for understanding the concept of negative liberty too narrowly by concentrating on freedom in single cases and missing the fact that liberalists also consider overall freedom: so if there is domination in the sense republicans argue, there is also no freedom in liberal theory.

It can also be pointed out that most people are dependent on someone else at least at some point in their life. How to make sure that these interdependent relationships do not turn into coercive ones? Is it possible or even desirable to eliminate all relationships that may have coercive elements? After all, there will always be people who do not fit in the republican ideal of an independent actor: such as children or people with mental illnesses or severe disabilities. Naturally the society can be arranged so that it gives as much independence as possible to people that are more vulnerable to abuse than others. Pettit argues that unless there are institutional constraints preventing domination, there is a possibility of arbitrary interventions, even if they would never occur. In order for non-domination to become true, a political framework that is able to provide security against arbitrary powers is needed (Pettit 1997, p.69; Friedman 2008, p.249). Pettit argues that domination often is group-based in character: although the "dominated agent" must always be an individual, the domination may occur on the basis of membership in a certain group or collective (1997, p.52).

In the liberal tradition, the focus has been on the protection of civil rights and guaranteeing individual freedom. The republican tradition has been more concentrated on political participation. Republicans do not see that liberty without a society is feasible. As Iseult Honohan (2002, p.184) says: "On the non-domination view, freedom is not an external

consequence of the laws, but is *constituted* by the institutions of rights and accountability". In the republican tradition freedom is considered important as well; but in comparison with liberalism it concentrates more on the means of realising that freedom and liberty. The idea of republican freedom is to be free of outside control. If there is a threat or even a possibility of arbitrary interference, then a person will not be able to enjoy freedom. Individuals should be able to govern themselves either directly or indirectly through representatives. There are milder and stronger versions of republicanism, but they all define the concept of citizenship in a different way than liberal tradition, emphasising more the importance of participation and keeping an eye on the decision-makers. All people are dependent on each other; and in order to be free they need to take part in the functioning of society.

The corruptible nature of human beings has also been emphasised in republican theory (Honohan 2002, p.79). In the history of republicanism various propositions have been expressed to solve the problem. Most of them have concentrated on active citizenship. For example, the solution offered by Italian republicans at the beginning of the 16th century to the danger of corruption lurking behind the corner was to involve citizens more and more in the business of government (Skinner 1978, p.179). Republican tradition has a strong emphasis on active citizenship, the virtues of citizens and involvement of citizens in decision-making. The contemporary neo-Roman republicanism is less concentrated on the virtues of citizens than the classical version, but links virtue more with freedom. The focus is less on individual virtues and more on how the society should be arranged: the institutions should be just and there should be possibilities for participation.

What is interesting from the minority rights' point of view is the relationship of the contemporary republicanism with the question of minority rights. Decision-making should be transparent and decisions open to contestation. For instance, Honohan argues that republicanism's commitment to the principle of non-domination leads to the endorsement of deliberative democracy as an ideal way of political decision-making (2002, p.161, p.205, pp.214-215). Honohan argues that both instrumental and strong (or neo-Roman and neo-Aristotelian) republicans favour deliberative politics over other options such as extended participatory politics that would involve more voting and polls (2002, p.222). According to

her, the deliberative politics does not presuppose consensus on what constitutes a good life (*ibid*.). However, the common goods such as justice, culture or preserving environment are widely recognised, and despite the fact that people disagree about the ways of achieving these common goods, Honohan seems to be arguing that they still form the basis of political theories. Despite these disagreements, people usually prefer to solve these issues through argument and not by force. Honohan argues that deliberation works better than representation, since it manages to take diverse opinions more seriously and it increases people's participation (Honohan 2002, p.224). However, even if the idea of the deliberative model as a better decision-making procedure is accepted, it does not exclude the possibility that deliberation may lead to the marginalisation of minority groups. Unequal opportunities and power relations may marginalise part of citizens from the deliberative process. Nevertheless, according to Honohan, this is not a fault of the deliberative system but rather tells that there is something in the way the public realm and deliberation are conceived that should be changed (2002, p.226).

In contrast to Pettit's more moderate view, Honohan seems to support the view that participation is intrinsically valuable because it is not just securing the interests of citizens but also important for identity, "a matter of self-definition, concerning what you are and do" (2002, p.217). It is important that people can be who they are and bring their concerns and values to public consideration. Therefore the public realm should not be neutral in liberal spirit, but allow for different and sometimes contradictory views. Honohan seems to think that the plurality of the public realm would not be the problem many liberals fear. Instead, she seems to think that the representative system allows only a shallow level of participation and that this forms part of the problem (Honohan 2002, p.215). She claims that current examples of majority views on, for instance, euthanasia or the death penalty that seem to be extreme, are rather a result of the current limited possibilities of participation, and in a truly deliberative and equal public realm there would not necessarily be a problem of the majority tyranny.

This kind of model for society could potentially take the status and rights of minorities better into account. Since many belong to at least one minority, for most people it is desirable to know that they are protected from arbitrary power (Pettit 1997, p.181).

However, there is always a danger that a participatory democracy can also exclude minorities from decision-making. As Iseult Honohan (2002, p.190) states: "A system of collective decision-making without guarantees against domination may just translate the will of those in socially dominant positions into political effect, and further strengthen their power to realise their own interests." That is why deliberative democracy with focus on equal opportunities and open and transparent decision-making procedures is needed.

I will come to the relationship between republican political theory and group rights later.

4.3. The Republican Concept of Citizenship

Citizenship and freedom in the republican tradition of thought are seen as equivalent (Pettit 1997, p.36). What that means is that republican freedom can only exist under a suitable regime of law that protects the citizens from arbitrary interventions and despotism. The republican tradition has valued active participation of citizens. Good citizens are interested in common good and willing to do their part to realize it. In classical republicanism, the emphasis was on the civic virtue or a commitment to a common good (Honohan 2002, p.5). Political participation was considered the highest realisation of human nature, because only through active participation could individuals get recognition for their identity (*ibid*, p.120). Citizens were supposed to be ready to accept both political and military duties. The account that emphasises active participation and striving for common good has been criticised much by feminist and by liberal philosophers. Is common good more important than the needs of an individual? How are the two balanced if they are in contradiction? The classical account of republicanism has been criticised for being oppressive, moralistic and unrealistic (Honohan 2002).

In the contemporary neo-Roman account of republicanism, active political participation is still considered as a good and a matter worth pursuing, but not valuable as such. Individuals want to be independent and live in peace enjoying life, and democratic participation is only a way of guaranteeing this position for them. There is nothing intrinsically valuable in political participation; it only has value as a tool helping to achieve a better life.

However, on the one hand there are also other types of republicanism that emphasise more the value of political participation in itself, for instance Italian Mauricio Viroli. Viroli's account could probably be put under the label of the Aristotelian strand of republicanism. Viroli's version of republicanism is more patriotic and concentrates on the virtues required for the citizens of a republic, primarily meaning a commitment to the way of life of the republic (Viroli in Bobbio and Viroli 2003, p.13-14). Viroli's patriotism is not, however, connected with ethnicity. Instead, he separates between nationalism and patriotism and connects the latter with the political body and the culture (*ibid*, p.18). "Democratic politics do not need ethno-cultural unity; they need citizens committed to the way of life of the republic" (Viroli 1995, p.176). However, Viroli's ideas about the religion of state and patriotic virtues might sound a little curious for most people. On the other hand, there are theorists such as David Miller, who connects republican citizenship with nationalism (Miller 2000; 2008).

In contrast, the contemporary neo-Roman republicans emphasising the concept of law want to make it clear that they are not promoting common good in a way that would turn it into oppressive practices at the expense of individual freedom. As Philip Pettit (1997, p.27) states, the republican conception of liberty is not a positive one. Instead, the republican tradition is said to oppose arbitrary interference. This is only understandable in relation to the republican concept of freedom. The most important concept in contemporary republicanism is the concept of freedom as non-domination. Freedom is understood as opposite to slavery. From those grounds, Pettit argues that the main focus of the republican tradition has been on avoiding interference and living in security and peace, rather than achieving participation (*ibid*, p.28). Pettit argues that under the republican conception of liberty (the opposite of slavery), it is possible to lose liberty without actually being interfered with, as in the case of a slave who is never actually interfered with but has to live in the fear of the master all his or her life. Therefore he defines the republican conception of liberty as non-dominance, not liberty as non-interference (*ibid*, p.35).

Under the republican conception of liberty, there can be domination without interference and equally there can be interference without domination. As mentioned, republicans do not see law as compromising people's liberty (Pettit 1997, p.35). Rather, the properly

constituted law is essential for the realization of freedom. Only under a regime of law that guarantees status as a citizen can people be free from domination. According to Pettit, the status of citizenship can only exist under a well-constructed law (1997, p.36). The republican understanding about law seems to be overly positive. Pettit does not seem to be concerned about the possibility that the law could turn to a source of domination, or that there could be so many laws that they would eventually swallow the individual. Instead, Pettit argues that as long as the lawmaker considers the interests and opinions of the ones affected by law and there are suitable checks and balances controlling the political authorities, the society will be just (*ibid*, pp.35-36).

4.3.1. The Concept of Common Good

The concept of common good is central to the republican project. Pettit argues that common goods need to fulfil two criteria: they need to be social and commonly shared. A good is social when its "realization presupposes the existence of a number of people who display intentional attitudes and perhaps intentional activities" and common when it "cannot be increased (or decreased) for other members of the groups" (Pettit 1997, p.121). Pettit mentions clean air and external defence as examples of the common good (*ibid.*). Honohan argues that there are several common goods – things that are widely recognised as matters worth striving for, even if there would be disputes on how to reach these goods. They are not however, prepolitically determined as in some communitarian accounts, but open to contestation. According to Honohan, the idea that citizens should be interested in common goods and take responsibility for their realisation has always been central to republicanism. In achieving common goods civic virtues are needed. The argument used to justify the idea of civic virtue is that "the freedom of interdependent citizens ultimately depends on their active commitment to the collective goods they share" (2002, p.149).

Honohan defines common good as all the common goods that are important and make living possible and easier. Some of these common goods have for a long time been taken for granted (such as fresh water and clean air) and are now under threat. Other examples of common goods are education and health care services provided by the state. Republicans argue that in order to work, all states need a certain degree of civility or commitment to the

common good. “Without a commitment to some common interests, willingness even to obey laws and pay taxes comes under strain” (Honohan 2002, p.149). Institutions and laws without people’s commitment to them are not enough to keep the society together and working. Honohan argues that if political debate is structured around individual needs, the idea of common goods starts to seem odd (2002, p.150).

In order to realise common good, citizens need to be active and watch that their rulers keep the common good in mind. Pettit argues that the polity should be arranged so that electoral and all major groupings would be statistically represented (1997, p.193). There must be the possibility of contestation and appeal, too, so that citizens can watch what the people in the positions of power do. According to Pettit, there are multiple possible channels of contestation (*ibid*.). Pettit argues that the people in power need to consider public opinion, and in order to avoid shame and to build a good reputation for themselves in the eyes of the public, the decision-makers choose to make good decisions rather than bad ones.

> “The fact that those in power are required, and required as a matter of common knowledge, to base their decisions on considerations of the public good means that there is a standard in relation to which they are bound to be judged in the opinion of the public” (Pettit 1997, p.232).

This view clearly shows the assumption behind Pettit’s thinking that most people pay much attention to the opinion of others and take that into account in their actions. I am not sure whether this actually holds up.

In Pettit’s view, democracy has to be inclusive and deliberative in a sense that everyone will have the chance and the means to contest the decisions made, and make the decision-makers accountable for their actions (Pettit 1997, p.233). The authorities have to be properly checked and balanced (*ibid*, p.234). As a way of checking the actions of those in power, Pettit lists three complier-centred principles: screening, sanctions, and the escalation of sanctions. It seems that Pettit is arguing that the solution to the problems of society is technical: with the wisely constructed rules and system of decision-making, most problems of government would be solved.

Pettit argues that people are generally responsive to the idea that concern for the common good should be taken as a norm in decision-making. Therefore the interests and ideas of

people should be tracked and their differences appreciated, and therefore "a politics of difference" and "a politics of common concern" are needed (1997, p.249). The sign of a good polity is that the power of the state is constrained "so far as possible to track the common interests --- of its citizens" (Pettit 1997, p.287). Pettit defines the common interests as politically relevant and distinct from the special interests. As a matter of fact, the common interests might be in contradiction with someone's special interests. Nevertheless, the common interests are those that all will benefit from, and therefore it is rational for all to pursue these interests jointly. The idea is similar to the one of common good, and Pettit seems to use the terms interchangeably. Pettit seems to think that freedom as non-domination is the best example of common good or common interest (1997, p.124, p.289).

Nevertheless, republicans have been criticised for not being very clear when talking about the common good or common interests. Therefore it seems that the concept is so loosely defined that the interpretation of what constitutes common good changes depending on the context and the speaker. How are the common interests defined, and what makes them good?

4.3.2. The Analogy of Colleagues

The concept of citizenship is contested and disputed, and there are several different analogies in political philosophy that are used to understand the meaning of the concept. Neo-Roman republicans argue that their concept of citizenship is more participatory than the liberal one, but still not as exclusive as the nationalistic concept of citizenship. In order to capture what this means, Honohan argues that the relations between citizens should be understood more like the relations between colleagues, and less like relations between friends, strangers, family members or countrymen (2001, p.55). She argues that citizens do have special obligations towards each other that go beyond the duty to obey law (*ibid*, p.51). Honohan's account also presumes that there is a distinction between co-nationals and citizens.

According to Honohan, the discussions about the relations between citizens often concentrate on one or two polarities, such as when discussing about citizens through the

analogy between family members and strangers. However, the relations can be complex and different from each other, and therefore there might be several different concepts that can be used to explain these relations (*ibid*, p.52). Many of the models used to describe and explain the community require "intimacy or shared values between members" and can also be hierarchical (*ibid.*).[9] In the civic republican account of politics and citizenship, it is important to notice that the relations between citizens are not based on exclusive or hierarchical models nor on the shared culture of like-minded people (*ibid*.).[10]

Honohan argues that most of the analogies offered to explain the relations between citizens carry undesirable implications (2001, p.52). For instance, depicting fellow citizens as strangers can also mean that the responsibility towards them is understood to be minimal (*ibid*, p.53). Instead, Honohan argues that the analogy of citizens as colleagues offers a different way of grasping the relations between citizens. According to her, colleagues are related *involuntarily* and are "*interdependent* roughly as equals in a practice or institution" (2001, p.55). But many work communities still have rigid hierarchies. According to Honohan, not all the people working in the same institution are colleagues, but only those "who meet more or less as equals" (2001, p.55). Usually, colleagues do not choose each other, and are therefore together involuntarily, though they may leave the group by changing a job. That goes also for citizens: citizens cannot choose each other but "are thrown together by the fact of birth or living within the same political boundaries" (*ibid*, p.60).

Colleagues may have very different backgrounds and religious and political beliefs, but still they are connected with each other and relatively equal (Honohan 2001, p.56). The connectedness is not as close as the connection between family members, but it is considerably closer than that of between (friendly) strangers (*ibid*, p.58). People expect more from colleagues than from strangers, and they are also prepared to give more back. According to Honohan, the relations between colleagues are characterised by "three main

[9] As an example of the community models requiring intimacy and/ or hierarchy, Honohan mentions family relationships, the republican ideal of egalitarian brotherhood (fraternity), sisterhood, friendship and nationality. See Honohan 2001, pp.52-3.

[10] However, Honohan does not see a stark distinction between the liberal-democratic and the republican forms of citizenship, and does not think that the analogy of colleagues is clear-cut. See Honohan 2001, footnote 11 on page 68.

categories: *consideration*, *communication* and *trust*" (2001, p.57). These categories are also important in the relations between citizens, though the degrees of participation required of citizens vary according to situations (*ibid*, pp.62-63).

Even if these ideals are not met in real life collegial relations, Honohan argues that the ideal of collegiality is one that is widely recognised (2001, p.57). The relation is, however, not one that cannot be overridden by other obligations, such as considerations of justice. While being relatively exclusive, the relations between colleagues are not defined in opposition to some out-group but rather as the interdependence of the group (Honohan 2001, p.59). Also these collegial groups can be extended without losing the meaning of being colleagues.

According to Honohan, the republican concept of citizenship is best understood through the analogy of colleagues, although the analogy naturally has its limits: it is easier to leave a job than citizenship, since citizenship is usually acquired by birth (2001, p.63). Also one can be unemployed and live quite a comfortable life (at least in states with a developed welfare system) but a life without the status as citizen is far more difficult. Still, both citizens and colleagues can be members of a larger group of people, in contrast to the more intimate relationships such as those of friends or family members that cannot be extended to larger groups of people without problems.

The republican concept of citizenship is grounded on interdependence. Honohan argues, that while being more intimate than the thin liberal concept of citizenship, the existence of relationships and obligations between citizens does not exclude the responsibilities and obligations also towards more distant people (2001, p.66). According to her, citizenship entails mutual obligations that may also be extended beyond the boundaries of the local polity (*ibid*.). The problem with the aforementioned close-knit, non-extensible and hierarchical models of community, such as nationality, is that clinging to them as grounds for the special obligations towards others may undermine the obligations towards more distant people (obligations that may be differently justified) (Honohan 2001, p.53). Also the analogy of strangers has its problems; it seems to give an unrealistic image of the relations between citizens, magnifying the distance between them (*ibid*.). Instead, when the relationship between citizens is understood through the analogy of colleagues, it becomes

apparent that the relations are non-voluntary in character, do not require strong emotional attachments or shared beliefs. The citizens are "subject to the jurisdiction of a common sovereign authority" and therefore share something in common: the concerns of everyday life and a fate (*ibid,* p.60). According to Honohan, the state structures and regulates citizenship more than nationality.

However, the analogy of colleagues makes only sense if the citizens are equal. Honohan argues that in both contemporary republican and liberal accounts (and also in liberal democratic states) the citizens share "equal legal, political and often social rights" (2001, p.61). They do not need to share a single view of common good. Instead, there are and will be conflicts over how the polity should be governed (*ibid.*). In describing what then connects the citizens with diverse opinions of good, Honohan follows Arendt: it is the common world and participation in the public realm is the core of civic republicanism.

There is something appealing in describing the relations between citizens through the analogy of colleagues. However, the analogy does not succeed fully. Family relations are mostly excluded from work life, or they should not matter. However, they do matter when it comes to the relations between citizens since there are all kinds of regulations that give different preferences to people belonging to different types of families. Despite being attractive the analogy of collegiality as an example of the relations between citizens has its problems. On the one hand Honohan seems to think that collegiality is a descriptive concept in the sense that it depicts the nature of relations between citizens better than analogies between relations of friends or family members and the relationship between citizens. On the other hand, Honohan admits that many work communities do not fit in with her description of collegiality. As most people know from their own experiences, in some cases the relations between colleagues might be more accurately described through envy and struggles for power. Therefore it also seems that Honohan uses collegiality as a normative concept as she argues that even if it never comes true in the work community, everyone still knows the ideal of collegiality. Honohan answers that while the concept of collegiality may be a normative term, it is still less normative than other analogies (2001, p.56). For a critic, that is hardly a satisfying answer. The same could be argued about the other possible analogies as well; even if the reality is sometimes disappointing, everyone

knows how the relationships between family members or friends could be like. As with other analogies, this, too, has weaknesses as well as strengths.

4.4. Corruption, Virtues and the Role of Passions: Self-love and the Love of Riches

In general, human nature in the republican tradition is considered good. However, there is one exception; when individuals get into positions of power they get easily corrupted. Institutions might also get corrupted: when an institution ceases to further the rights of citizens and rather tends to preserve itself and to gather benefits for a certain group of people, we might speak of the corruption of that institution. The danger of corruption is always present; corruption is decline and degradation, whereas a well-functioning society will only be a result of constant exertion. Restraining the corruptive elements of power has though been one of the main topics in the history of the republican tradition (Pettit 1997, Pocock 1975). There is always a possible conflict between the common good and what is good for a single individual. That is the reason why a society should be well organised and its institutions transparent; in order to ensure the misuse of power would not be a temptation (or would be less so). Since corruption is so important in order to understand the republican account of citizenship, I will present a short account of corruption and its meaning in the development of republican thought.

Republicans have proposed different strategies for fighting corruption. One is that institutions should be organised so that their actions would be as transparent as possible. There should be sanctions and screening that work as checks and balances. According to Pettit, it should not be assumed that power will corrupt all people, but it has to be kept in mind that there is always the danger that at least some of will be (Pettit 1997, pp.210-12). However, Pettit opposes “deviant-centred regulation”, which, according to him, would only worsen the behaviour of those who act virtuously (1997, p.218). Instead, the people in decision-making positions should be screened to ensure that they do not have commitments that would disqualify them from decision-making.

Pettit offers the following strategy for solving the issue of corruption: getting caught from the corrupted actions should be made shameful and at the same time doing the right thing

should give a person glory and honour (Pettit 1997, pp.221-223). This way of positing two contradictory urges - an urge to benefit one's position at the expense of others, and an urge to be a respected and recognised member of the community - has a long history: the classical republican virtue of striving for honour and glory has its roots in antiquity, as also the idea of setting passions against each other. In *The Economy of Esteem* (2004) Pettit and Geoffrey Brennan explore the history of social esteem and the workings of an *intangible hand*[11] in the modern society. They argue that the desire for status or esteem is a motivational force behind the actions of individuals.[12] The idea is largely left unnoticed in contemporary political philosophy, but has a long tradition behind it (2004, p.23).

The desire for status and the historical transformation of the idea of self-love from a vice to a virtue has had an important role in defining the relation between the republican concept of citizenship and the perpetual danger of corruption. In Medieval Times passions, such as anger, striving for glory, or sexual desire, were thought to be negative, something hard to control and easily leading to destruction if not somehow restrained. Among the passions, avarice or cupidity was considered one of the deadliest vices (Deane 1963, pp.45-48). Lust for money and possessions was considered as one of the three cardinal sins of a fallen man, lust for power (*libido dominandi*) and sexual lust being the other two (Hirschman 1977, p.9; Deane 1963, pp.49-54). Medieval thinkers Augustine and Calvin thought that the prevention and repression of passions were the tasks of the state (*ibid*.). The possible injustices in society were considered not the responsibility of the state but rather consequences of the sins of a fallen man. Nevertheless, Augustine mentions (cited in Deane 1963, p.51) that in the case of ancient Roman heroes, the love of glory or *libido dominandi* could be seen in a positive light; the love of glory and patriotic devotion of the heroes repressed the power of the other deadly passions.

The idea of taming a passion by embracing another one, which Augustine indicated only cautiously, was later embraced since it fitted well with the medieval chivalric ethos (Hirschman 1977, p.10). By the time of Renaissance, the idea that striving for glory and

[11] Brennan & Pettit argue that the working of modern society can be explained through three different aspects: the invisible hand regulating the market, the iron hand of law and administration and the intangible hand that refers to rewards of esteem and penalties of disesteem (2004, p.5).

[12] It is an interesting question whether people want the status for itself or is it an instrument of getting some other goods, such as friendship or love.

honour was good in itself gained the status of a dominant ideology (*ibid*.), and the pursuit of glory was considered as good in itself by the Renaissance republicans (or Renaissance humanists). Nevertheless, this dominance of the aristocratic ideal of glory-seeking did not endure for long. Instead, letting passions against each other so that they would counteract each other became the dominant idea (*ibid*, p.20). The deliberation about *countervailing passions* started in the seventeenth century. It had a background in the belief of the danger of passions and a dark and negative view of human nature, promoted by medieval churchmen like Augustine. During the eighteenth century both human nature and passions were rehabilitated, and the discussion of countervailing passions with a more positive tone became common in the writings of contemporary thinkers (*ibid*, pp.26-27).

Already in 17th century philosophy there were mentions of turning the private passions into benefits for the whole society. Especially the writings of Giambattista Vico and Bernard Mandeville contemplated the issue (Hirschman 1977). In *The Fable of Bees* (1723) Mandeville ironically explains how the vice of avarice and love of luxury turns into prosperity. Mandeville describes how individuals seeking their own benefit will actually benefit the whole community by increasing the general welfare, so that even the poorest live "…better than the Rich before" (*ibid*, p.26). Though Mandeville did not offer a specific account of how this transformation from a private vice to a public benefit actually happened (except in the case of the love of luxury), the idea became a very powerful one. Adam Smith distanced himself from the ironic account of Mandeville. However, in *The Inquiry to the Nature and Causes of the Wealth of Nations*, Smith called vices rather 'interests' (Smith 1920, Book 1, Chapter II, p.16; Hirschman 1977, pp. 18-19).[13] These developments had an enormous effect on how passions, interests and virtues were conceived.

Some republicans, such as Pettit, clearly draw their solution for fighting corruption from the idea of countervailing passions. If individuals were rewarded with respect and honour for doing the right thing, it could work as an adequate incentive for them not to engage in corruptive actions (Pettit 1997, p.225). According to Pettit and Brennan, "people are deeply

[13] In a famous quote Smith argues "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from the regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages." (Smith 1920, Book 1, Chapter II, p.16.)

attached to the esteem of others" (2004, p.23). Corruption often links to benefiting (materially) from one's position. However, the desire to seem good in the eyes of others is, according to Pettit, even more tempting to most people. Pettit seems to follow the age-old tradition by emphasising how counteracting the love of riches with the love of glory and honour could be an achievable solution to the trouble of corruption. What is important is that the people accepting the positions of power should not be treated as knaves since that would easily make them behave like expected, turning them into bad rulers (Pettit 1997, p.225). The assumption that everyone will cheat whenever possible would undermine the whole republican enterprise. After all, the society is built on trust. Counteracting the love of riches with the love for glory is naturally not enough to root out corruption as a phenomenon altogether. There should be checks and balances and the decision-making process should be as transparent as possible. Balancing of rival interests is also needed, as well as resisting and fighting the expansion of interest-group politics at the expense of public debate on common concerns (Honohan 2002, p.127). Still at the individual level it is obvious that the old idea of 'countervailing passions' has had an impact on the solution contemporary republicans offer to the problem of corruption.

Next I will turn to the relation between republicanism and nationalism.

4.5. The Relation between Nationalism and Republicanism

On the one hand, the republican tradition has historically offered more grounds for exclusion of groups of people than liberal theory (Phelan 2001, p.13). The republican concept of citizenship has been accused of being masculine and militaristic, concentrating only on activities that take place in the public realm. On the other hand, the republican model for society concentrates more on social needs of people. Emphasising the importance of participation and the significance of community to the welfare of people is something that many view as lacking from the thin liberal account of political rights and citizenship. Within the republican tradition, there are different opinions about the relation between nationalism and republicanism. Some of the accounts are openly exclusive and therefore do not take interest in the question of group rights. Some of those accounts are briefly referred to in this chapter, but a greater emphasis is on more inclusive contemporary accounts of republicanism. Next I will present the account that Honohan takes towards nationalism.

Since republicanism concentrates on the social dimension and the participation of the members of body politic, there is always a possibility that the republican society is identified with an idea of a nation-state. Nationalism presupposes that "…those who share a nationality (however defined) should be self-governing" (Honohan 2002, p.273). At the same time, the basic idea of republicanism is that *people* should be self-governing (*ibid.*). But these two ideas are not two sides of the same coin. Nowadays, nationalism is often connected with the idea of a shared cultural base. Cultures and their recognition in society are important in the construction of identities. Nevertheless, that does not mean that *cultures* should be self-governing. People are not necessarily a group that shares the same cultural heritage. The concept of citizenship can be separated from nationality, although these are often merged together in discussions (Honohan 2002, p.274). Honohan argues that contemporary republicanism does not presuppose that there should exist a unified homogenous culture into which different groups should assimilate. Rather the account of republican citizenship requires that citizens share some kind of a public culture. However, that is not the core of contemporary republicanism, since it is not defined in terms of culture (*ibid*, p.275). "If there are common cultural values in a republic they are not its foundation, but the outcome of political interaction, provisionally embodied and open to change" (Honohan 2002, p.275). According to Honohan, it seems that the contemporary republicanism emphasises the civic version of nationalism (in contrast to nationalism that takes ethno-cultural unity as the basis for the nation).

However, there are thinkers within the republican tradition that argue that the nation is the only enduring basis for the republican society (Miller 2000, 2008). For instance, Miller argues that "the mere fact of being subject to the same political system is not sufficient" to create commitment in citizens towards each other (Miller 2008, p.147). According to Honohan, the counterargument of republicans defending nationality as the basis for a republic is that "*in practice,* people will recognise the relationships and community of republican citizenship only if it is based on some kind of common culture" (Honohan 2002, p.276). The problem with this stance is that it assumes that shared ethnicity would be the strongest force in defining the politics of a certain state. However, there are many examples that show this is not the case. For instance, albeit being culturally homogenous, there might

be strong divisions and tensions within the communities when it comes to how welfare should be distributed. Another practical problem for the nationalistic republicanism is that states often contain more than one nation. Reorganising the state boundaries so that each would contain only one national group does not seem to be a believable strategy.

It is problematic to assume that people would self-evidently identify strongly with their nation. Also what the nationalistic (republican) view does not take into account is that individuals might identify themselves with more than one nation. The way that identities develop is complex and there are a lot of different factors affecting it. Nevertheless, the idea of a nation is a powerful myth. Despite the rhetorical force of nationalism, Honohan argues that it cannot replace the participation in politics: mere national identity does not create responsibility in the areas where responsibility is the most important (2002, p.279). Instead of shared values and one national culture the consciousness of shared fate and interdependence is a sufficient basis for the formation of political community (Honohan 2002, p.280). Political communities create cultural meanings, but cultures do not create political communities. Kymlicka agrees and argues that nations are created by states through conscious nation-building policies, rather than states being created by nations (Kymlicka, 2002, p.263). From the point of view of the contemporary republicanism, the formation of political community comes before the cultural meanings attached to it. Honohan argues: "The substance of republican politics is based on interdependence rather than communality, is created in deliberation, emerges in multiple publics to which all can contribute, and is not definitive but open to change" (*ibid*, p.281).

David Miller argues that the only guarantee the citizens have against arbitrary oppression is "the willingness of citizens themselves to defend their own freedom, whether from external or internal enemies", and that willingness "depends on their principled commitment to each other" (Miller 2008, p.141). Miller states that this kind of commitment needs something more than a political system to be realised: that is, shared national identity. In Miller's view, in order to identify with each other, people need a shared history, common language and shared cultural practices. He argues that it is easier to feel responsible for the people that are close and with whom a person identifies, and this makes trusting one another possible too. Miller goes on to argue that the examples of states containing a minority

nation that does not share the culture of the majority and which "make competing claims to control the state itself, or some portion of its territory" proves his argument that mere co-existence under the same political system cannot by itself create a shared identity that would make republican state possible (Miller 2008, p.145). Unfortunately, Miller does not give any examples of the states of that kind, and seems to forget that usually in cases where a minority nation does not identify with the majority culture despite residing within the same area, there tends to be a long history of oppression and violations of the rights of the minority nation. In these kinds of cases, it is not surprising that the minority does not identify with the majority. But that is not enough to say that the simple co-existence could not in any cases give rise to shared identity that would enable republican citizenship.

Maurizio Viroli offers another viewpoint on the relation between republicanism and nationalism. Viroli argues for republican patriotism, which he sees as unifying power. For Viroli, patriotism is totally different from nationalism; patriotism allows cultural pluralism, freedom of religion and endorses the rights of minorities (Viroli 1995). Viroli argues that throughout history, patriotism was a separate idea connected with liberty, and only during the eighteenth century when nationalist ideas arose did patriotism become conflated with nationalism (*ibid.*). According to Viroli, nationalism took the rhetoric of patriotism, and that is the reason why patriotism is nowadays difficult to capture without references to nationalism. Viroli does not seem to think that nationalism is, however, entirely bad; he just seems to think that there are certain tendencies in nationalist ideologies that may easily lead into aggression and excluding some groups of people, and that patriotism as he defines it does not have the same tendencies (1995). He identifies patriotism with love for and the pursuit of liberty (1995, p.174). In *Republicanism*, Viroli argues: "Republicanism is capable of crossing national boundaries. It is stronger than cultural and religious differences" (1999, p.13). Viroli argues for passionate, patriotic republicanism in a very different way than Pettit does. The core of his thinking is love, meaning love for one's country (defined as a republic) and fellow citizens (Viroli 1995). According to Viroli, political theory should rather be understood in Machiavellian spirit as a rhetorical pursuit than a department of philosophy or law or science. For Viroli, political theory is about passion. The passionate patriots love liberty and republican patriotism encourages the citizens to consider common liberty as the highest good (1999, p.17). In Viroli's thinking,

republicanism, though not attached to a particular nation, is still clearly more attached to a particular place compared with Pettit's account of instrumental republicanism.

The history of republicanism is based on the existence of small communities, in which participating in the decision-making was easier relatively than in modern-day states. How does the republican model work in contemporary communities that are substantially bigger in size? Honohan argues, that instead of understanding republican sovereignty as a single undivided matter, it can be divided into different activities and degrees (2002, p.283). Representatives of contemporary republicanism argue that in this way the decision-making also fits better with the interdependencies of the international community (*ibid*, Pettit 1997). Honohan defines republican citizenship in relation to the versions of liberal theory and nationalism:

> "Unlike liberal cosmopolitan citizenship, republican citizenship is not based on the assumption that the division of human beings among states is merely a matter of administrative necessity. Unlike nationalist citizenship, it does not assume that the world can ever approximate units of similar or 'like-minded' people" (Honohan 2002, p.285).

According to Honohan, the republican concept of citizenship is more inclusive than the liberal one, and manages still to avoid the traps of inward nationalism. Does it really succeed in that, and how?

4.6. The Challenges and Critique of the Republican Account

The contemporary republicanism has been criticised for duplicating the problems of the old republicanism by expecting in people active involvement and participation in the dealings of society, and a will to make personal sacrifices for the good of the republic. Republicanism has been accused of being oppressive, intolerant towards others and militaristic. The project of contemporary instrumental republicanism has tamed these aspects of republicanism, and relies on the ideas of non-domination and the inherent goodness and interdependence of all people. The republican concepts of law and human nature are very optimistic. Despite the attractiveness of the republican project of opposing subordination, there are some inherent problems in the theory. The concept of domination of the neo-Roman strand of republicanism is a challenging one. Pettit defines domination as *arbitrary interference* (1997). His account of domination requires not just absence of

arbitrary interference with a person's choices, but also that no one has the capacity to conduct actions that would amount to arbitrary interference (Pettit 1997).

Pettit's argument for the third concept of liberty has been criticised for misinterpreting the concept of negative liberty in favour of liberty as non-domination. Non-domination requires that people do not live at the mercy of others: the mere capacity to arbitrarily interfere is enough to constitute domination (Pettit 1997, Friedman 2008; Wendt 2011). So under the republican concept of liberty, it is possible to lose liberty without actually being interfered, as is illustrated in the case of a slave with a benevolent, non-interfering master (Pettit 1997).

Fabian Wendt argues that while the example of a slave seems intuitively appealing, there is, however, a problem: the problem of the slave is that there is someone claiming *ownership* over him or her, not necessarily the fact of actual interference (Wendt 2011, p.179). Therefore, the relation between the slave and the master is normative and not descriptive. The republican freedom (as well as negative liberty) is, according to Wendt, discussed in descriptive (what people can do) rather than in normative (what people are allowed to do) terms (*ibid.*). Wendt does not deny that descriptive accounts of freedom can be used normatively in political philosophy, or that descriptions sometimes can use normative vocabulary. Wendt argues, however, that domination in the case of the slave is a normative relation and independent from what the slave can do (2011, p.181). Therefore the case of the slave and the master that Pettit uses to describe what domination is, does not work.

Nevertheless, Pettit's republicanism needs the dominating relation between the slave and the master to illustrate what domination is: without it, the concept of domination seems unconvincing. If described just as a capacity to arbitrarily interfere, most people would not be free most of the time since most people have capacities to interfere arbitrarily if they want to. I could hit someone on the street: although it is unbelievable that I would do so I have the capacity for it and according to Pettit's account of non-domination (without the reference to the example of the slave and the master) that would make those walking close to me unfree. According to Wendt, "the relation of master and slave cannot be a paradigm of descriptive unfreedom", and therefore Pettit does not manage to give a plausible account

of domination. Following, therefore, also Pettit's argument against the negative concept of liberty is not adequate (2011, pp.181-182). Kramer has also focussed on the same issue (Kramer 2008).

Others have criticised Pettit's account of domination for being too demanding. Marilyn Friedman argues that people might have all kinds of capacities (such as physical power or intelligence) they could use for arbitrary interference, but the state that would try to control all these would soon turn into a totalitarian "*imperium*", an excessively controlling state, which Pettit wants to avoid (Friedman 2008, p.251). Pettit argues that by restraining the capacities for arbitrary interventions and thus removing insecurity, the state would be protecting individuals. Friedman disagrees and argues that the state should not seek to constrain unused powers (*ibid*, p.252). The idea of battling against the status of domination is on the one hand appealing as it seems to take the asymmetrical power relations between those in positions of power and those in disadvantaged positions into account. On the other hand, it is a difficult concept to define since it seems to be misleadingly wide and provide potential for state domination. Pettit does not define clearly how the constraints on capacities would work. If someone does not exercise their capacities for arbitrary interferences, why and how should they be constrained or controlled?

It is not evident what kind of model of society would be suit most suited for republicanism. Republicans are vague when it comes to defining the ideal society that would fulfil the republican vision (Shafir 1998, p.28). As mentioned in the previous chapter, it is not clear whether republicans support nationalism or not, and if they do, what kind of nationalism is supported. Different strands of republicanism treat the subject in different ways: the contemporary republicans who rely on the neo-Roman tradition of thought (such as Pettit) want to distance themselves from communitarianism (represented for instance by David Miller). In the old republicanism, the committed citizens made sure that the state would not turn to an oppressive regime. However, in the contemporary instrumental version the demand for participation is partially substituted by well-designed institutions. Citizenship and political participation are treated instrumentally and not as goods in themselves. Again those republicans stressing the importance of belonging and shared values based on nationality, demand greater commitment from the citizens. The contemporary republicans,

such as Pettit and Honohan, and also Miller, argue for deliberative democracy and equality of all citizens. However, the actual propositions for how to arrange the institutions of society are rather abstract. That might give an impression that the republican project is more about sketching the big picture of a fair society, and not concentrating on the decisions about the details.

Depending on the point of view, the contemporary accounts of republicanism are either very close to egalitarian liberalism, or very far from it. Without deeper treatment of the problematic issues, it is nevertheless hard to say how much the republican society would actually differ from the society of egalitarian liberals. The same critique of vagueness applies to the republican concept of good. The concept has not been clearly defined, although it seems evident that there is some kind of concept of good behind the theory.

Pettit admits that: "Electoral institutions are vulnerable both to majoritarian and to manipulative control" (Pettit 2000, p.206). Within a polity, there are always two dangers: that the government turns into an oppressive one, or that some groups of people start dominating others. The image of law in the republican project is perceived as positive and quite unproblematic. However, it might happen that the law turns into a dominating device, and it seems that the republican project at this stage is not answering what should be done with these difficulties. The republican freedom as non-domination needs institutional safeguards and therefore can only be realised within the society. The society should protect citizens against domination of other citizens as well as against domination of the state. Early republicans favoured mixed government, just laws and active participation of citizens as guards against the arbitrary power (Honohan 2002). The contemporary republicans argue for the dispersion of power into legislative, executive and judicial in the spirit of Montesquieu (Honohan 2002; Pettit 1997, p.177).

Pettit argues that laws should be "general and apply to everyone, including the legislators themselves" (1997, p.174). Laws should also be known in advance and be consistent, and the government should always prefer to act on a legal rather than on a particular basis (*ibid.*). Pettit calls this the "empire-of-law condition" (*ibid.*). Pettit distinguishes three elements of constitutionalism essential for a republic: the already mentioned "empire-of-

law condition", the "dispersion-of-power condition" and the "counter-majoritarian condition" (1997, p.181). As mentioned earlier, Pettit argues that when making decisions, the state should always be tracking the relevant interests of those affected, and there should be institutional forums for contestation where citizens can challenge the decisions made. According to the third condition, laws should not be too easily changeable by the majority will, since that could potentially lead to unequal distribution of power and domination of some groups within society (1997, pp.180-181). Miller (2008, p.140-141) criticises the counter-majoritarian principle for expressing distrust in citizens: the principle implies that the citizens would not be public-spirited enough to "defend the rights of their fellows". It seems that Pettit is at the same time holding two contradictory views: that people are inherently good while also being capable and willing to oppress others if they have a chance.

These conditions (the dispersion of power, the fairly constituted laws and the guarantees against majority domination) are, according to Pettit, prerequisites for the well functioning, republican society. However, they cannot once and for all prevent every possibility for arbitrary power, since some decisions always remain in the hands of some individuals or groups. According to Pettit, that is the reason why deliberative, contestatory democracy is needed (1997). The decision-making should be transparent and follow formal procedures known to all, the decision-makers should present reasons for their decisions, and there should be institutionalised forums to contest the decisions made (Pettit 1997, p.187). Consensus is probably not achieved in every decision, but the possibility of contestation is actually more important for Pettit than achieving consensus. Nevertheless, the republican project seems to lack an overall view of the legal dimensions of republicanism and how the republican society would be constructed. What would be the goals and principles of law in the republican ideal state?

The contemporary republicanism is divided into two strands that give different interpretations on the central issues of republican thought: What are the prerequisites for citizenship? Who are to be counted as citizens and what is required of them? How should corruption be fought that threatens to degrade the state and make it unfree? What is the relationship between republicanism and nationalism? Are nationalist ideas needed in the

construction of a republican state? The representatives of the neo-Roman strand of republicanism argue that their interpretation of republican tradition of thought adapts better to the present-day world and is better able to take minority issues and questions of identity into account. At the same time, the representatives of the neo-Aristotelian strand argue against granting special rights for minorities (see Miller 2000). Compared with other theories of political philosophy, republicanism perhaps acknowledges better the social needs of people and the importance of participation in constructing a good society. At the same time, the rights and choices of individuals get maybe less attention than in the liberal tradition of thought. Both republicanism and liberalism answer to questions of great importance. These questions, however, differ from each other and make the theories in some aspects incommensurate, which makes comparing them challenging.

Next I will consider recognition and the rights of groups within liberalism and republicanism.

5. The Social Dimension of Citizenship: Recognition and Groups

5.1. Recognition

Citizenship is not merely about legal status or rights and duties; it is also about being recognized as an equal member of one's community. Participation and recognition are essential elements in all kinds of groups. What then makes citizenship so important? Phelan argues that what makes citizenship so unique is its scope. Citizenship is thought to cover the fair treatment both in the home country and the protection abroad (Phelan 2001). That makes it the most important category of membership in the contemporary world. The social dimension of citizenship concerns the ways in which the polity decides who is eligible for these rights, duties and offices. What kinds of "structures of acknowledgement" define who is entitled to what is called citizenship rights (Phelan 2001, p.14)? Phelan argues that citizenship status is "the basic indicator of membership" (*ibid*.). Recognition as a member is a prerequisite for having all the rights and duties connected with citizenship.

Why is the social dimension so important in understanding citizenship? The thin understanding of citizenship has concentrated mostly on the legal questions connected with the issue. According to Phelan, citizenship is however not identical or reducible to the rights and institutions connected with citizenship, but rather it is "the emergence into publicity as an equal with other citizens" (2002, p.15). Social acceptance is an important part in the realisation of citizenship. Without recognition as a member of the body politic the rights of a citizen will not be fully realised. Acknowledgement by other citizens is the "establishment of a particular political relation" (*ibid.*). It does not mean just a silent toleration for the rights, claims, authority and status of others, but also the willingness to respect and recognise them in public. Phelan argues that acknowledgement is not fully realised, unless it is accompanied with the respect and willingness to recognise and defend the rights of others (*ibid*.). Like the system of money, citizenship is a social phenomenon. There are laws and provisions that regulate both matters; but it is also a question of shared social meanings. That is what makes the citizenship of each citizen dependent upon the citizenship of others.

One cannot fully participate in the functioning of society without having the status as a citizen. A good example is the experiences of indigenous peoples all over the world. While having the legal status as citizens, the discriminating practices used by both governments and fellow citizens have deprived the possibility to seriously improve their life conditions and have a say in policy decisions concerning them. Another example is the position of sexual minorities. In these cases, the principle that everyone should be treated as equals clearly is not met. There are resemblances in the processes and the discourses that produce racial exclusion and those producing the exclusion of sexual minorities, but there are also some crucial differences (Phelan 2001, p.27). Sexual minorities are not similar to cultural or indigenous groups, since most of them grow up without knowing anyone else in their community with similar sexual orientation, believing that they are the only ones. Some of them have to keep their sexual orientation hidden from their families in the fear of being abandoned by them (*ibid*, p.30). Also the racial and national minorities trying to prove the majority that they are fully members of the society often condemn homosexuality fiercely (Phelan 2001, p.28).

If laws exclude some groups of people from having the same rights that all the other citizens have, claiming the rights for that group is a way of trying to correct the issue. However, the question of citizenship is not just a question of rights (Phelan 2001). Rights reflect the values and practices of the body politic (Dworkin 1977). In situations where a group of people is deprived of protection by law, the exclusion might be incidental, or a matter of particular circumstances. However, sometimes the exclusion is considered constitutive to the identity of the mainstream and the excluded group of people are considered "second-class" citizens or totally lacking the status of citizens (Phelan 2002, p.18). In these kind of cases, the question is not just about correcting the laws, but also about aiming to change the values embraced by the majority.

Even in situations where the political rights are the same for the various minorities, be they sexual, religious, cultural, or indigenous, the membership in the group might be stigmatizing. "Political membership does not require the elimination of all stigma" (Phelan 2001, p.19). It might seem that when the discriminating laws have been removed, all the exclusive practices are abandoned as well. However, when the position of the group is

viewed from the social point of view, it gives a different image of the situation. The exclusive practices are often deeply rooted in the customs of the community. Although the change of these practices starts with the demand for a rejection of discriminating laws, it does not end there. For example, representatives of minorities are often not included in the "national political imaginary" (Phelan 2001, p.19). By national political imaginary Phelan means the shared associations and images that are generally perceived to represent the polity. Naturally there are several different, competing images, but there are always some that are more dominant than others. If images representing a (minority) group are not included, that means that there are no positive examples of the representatives of that group among those shared mental impressions. Since social acceptance is as important to the realisation of full citizenship as legal support, a question of how different, non-dominant groups are portrayed in public is important (*ibid.*). Sometimes, the problem is not the invisibility of the group, but rather stereotypical images attached to them. The stereotypical images are often associated with the invisibility of individuals representing the group (Phelan 2001, p.26). When people are seen as stereotypes, their uniqueness as individuals is forgotten, and that may have implications for the implementation of their rights as well.

Also legal institutions such as marriage or army service have social impacts, and often they enforce the exclusive practices of the community. Law regulates these institutions, but they also have a social dimension. They shape the lives of individuals by setting norms for behaviour and in some cases, excluding some part of the citizens from participating in these institutions. Especially military service has been conceived as a central element in the construction of citizenship (Phelan 2001, p.37). From this background it is worth noting how some groups of people have been excluded from military service. For a long time, military service was not available to women and the US army policy that excluded individuals who are openly gay from serving in the army has only recently been overruled.

A good example of the importance of citizenship in the modern-day world is the human rights discourse. In principle most actors in world politics, be they states or ministries or companies, say they are committed to respecting human rights. Nonetheless, if the example of the situation of illegal immigrants from the so called third world countries to Europe or the United States or Australia is taken into consideration, the reality of the actions might

give a very different picture about the values of the actors. Human rights are in many ways linked to civil rights; the people lacking citizenship status are often exposed to discrimination and even violence (Arendt 2004, p.341, p.373). That shows how important citizenship is as a legal and a political category.

Individual rights are often subject to disputes, even though a few would deny their existence. At the same time, rights possessed by groups are even more disputed: there is disagreement about their very existence, and even among those who speak about the group rights, some disagree about the definition and some about what kind of groups can be entitled to them, etc. Next I am going to introduce some viewpoints on the rights of groups.

5.2. Group Rights: Collective and Corporate

The existence of group rights is a disputed issue. First, there is a question of the subject of the group rights: what kinds of entities are groups, and can they bear rights? Second, there is a question about the object of group rights: what are they rights to? There are also questions of the correspondent duty; who bears the responsibility? If a person (or in this case, a group) is said to possess a right, it means that someone else has a duty to respect that right. Generally, a group right can be defined as a right that no individual could enjoy alone: the character of the right is collective. A right to national self-determination is often stated as an example of a right of this kind. (Jones 1999). Most would admit that groups can have legal rights (as corporate entities), however, the claim that groups can be entitled to moral rights stirs doubts in many. In this chapter, I follow Peter Jones' account on group rights. In his article published in 1999 Jones separates between a corporate model and a collective model of understanding group rights.

There are lots of possibilities for confusion: different writers use similar terms in different meanings. For instance, there is a difference between group rights and *group-differentiated* rights, the latter term used by Kymlicka to describe the special rights a society may accord to an indigenous group in order to preserve their existence (1995, pp.45-48); however, sometimes the group-differentiated rights are referred to merely as group rights. Jones argues, that it would be "arbitrary to insist that people can have rights only to goods that they can enjoy individually and never to goods that they can enjoy collectively" (Jones

1999, p.353). According to Jones, determining whether the right in question is a collective or an individual right is often "a matter of moral substance" (*ibid*, p.356). Depending on the viewpoint, the group rights are sometimes seen as an instrument for demanding an equal status and freedom for a group, or as a device of oppression of individuals.

In the traditional definition of group rights, a group is assumed to be a moral entity on its own: something more than the individuals forming the group, something that is not reducible to the characteristics of the individual members of the group. If a group is considered as a moral entity, it can bear rights and duties in a way similar to individuals. This is a traditional way of understanding group rights, often called the *corporate* model. The problem of the corporate model is that it does not allow the members of the corporate to have conflicting interests; it is assumed that the interests of the group members can be derived from the interest of the group. The corporate model works best when it is used to describe groups that have certain structures and are constituted as an institution, such as university. However, there are debates about whether institutions that have a formal character should be defined as groups at all. (Jones 2008.) The critics of the corporate model argue that the group can have no moral standing that could not be reduced to the moral standing of its members.

However, there is another way in which group rights have been conceptualized in recent years: the collective account of group rights. That means that the group does not form a moral entity as such, but rather the right is understood as a collectively shared right. The members of the group possess the right together as *collective* and not as separate individuals. Jones holds that a shared interest regarding a specific issue can in some cases be a sufficient ground for a collective right or *a right qua group* (1999). The group holding the collective right may not have anything else in common except one certain interest. The interest theory of rights is therefore important for the collective account of group rights, because it can be the only thing that is holding the group together (Jones 1999, p.364). Both the advocates and the critics of the corporate model would oppose this way of conceptualising group rights, since it seems to give group rights to groups that they would rather describe merely as *sets of people*. Jones argues that usually it is thought that only entities that bear moral standing can be entitled to rights (1999, p.362). The question is

whether other entities besides persons can be ascribed the moral standing. Jones argues that there is no need to assume that the group would form a separate entity holding a moral standing separate from its members (*ibid.*). A corporate model is demanding since it requires a strong identity and integrity of the group. A collective account of group rights accounts more effectively for changes in the group and the fact that groups might be parts of bigger groups or contain several smaller ones themselves (Jones 1999).

The issue of collective versus corporate rights concerns the question how the 'group' is defined. It also has implications for how the objects of rights are grasped, i.e. what are the group rights, rights to? Under the collective model the right to clean air might constitute a group right, when under the corporate model this would not be possible. On the other hand, the nations' right to land or the right to preserve culture over time probably suits the corporate model more. (Jones 1999.) There are also other aspects: in the corporate model the rights of different groups are equal in weight, whereas in the collective model the size of the group matters. According to Jones, the two models need not be mutually exclusive. Instead one can consistently hold that some group rights are collective, some corporate (1999, p.377).

However, many treat the concept of group rights with suspicion: there seems always to remain the danger that the rights of groups are used to oppress individuals, both inside and outside the group. Next I will introduce an account of group rights by Seumas Miller.

5.3. A Liberal Account of Group Rights by Seumas Miller

There are several examples where minority groups claim for special treatment and protection of their rights from the rest of the society. The traditional liberal approach has been suspicious of these claims. Indeed, the cases raise many questions. As mentioned earlier, law should be applied consistently, so that everyone is treated under the principles of equality and fairness. That means that also the claims for special rights should be treated in equal manner. This has raised concerns that if a certain minority group is granted special treatment, it might provoke similar claims by groups that would abuse the policy. Should every group that demands special rights or treatment be granted what they want or not, and on what grounds?

Another issue is whether there is such a thing as group rights (or alternatively called collective rights or minority rights or group-differentiated rights). First, what is needed is to define what constitutes a group. Seumas Miller (2002, p.178) distinguishes between 'a *category* of persons' and 'a *group* proper'. A category of persons means people fitting in a certain description, such as all people 'having red hair', when a proper group is formed by 'a set of people who by virtue of their shared characteristics think of themselves as forming a distinct group' (*ibid.*). So, a proper group cannot be formed on an arbitrary basis; the members of the group have to think that they belong to the group. The common feature uniting the group can vary; it might be physical disability, shared beliefs or something else.

According to Miller, the experience of discrimination is what often turns a category of people into a group proper (2002, p.179). However, not all groups, even if described as proper groups or collectives, are entitled to special group rights. According to Miller, the distinction between a category and a proper group is not precise, but it is important to make this separation in order to understand the issue. If a category of people is in question, all people belonging to that category may share rights, such as a right to a pension for all the people older than 65 years or a right to get study grants for students. All these rights are enjoyed by a single person. When it comes to group rights, the difference is that the members identify themselves with the group, and if all the members of the group are not enjoying the same rights, it will hurt them all. Groups also tend to preserve themselves; another difference is that a certain right granted to a group may be essential for the group to survive. It is the collective interest that separates group rights from the rights of the categories of people (*ibid.*). However, these remarks cannot form a basis for demanding group-specific rights. As Miller puts it, if there is a group-specific disadvantage the members of a group suffer from, they might need some specific rights (*ibid.*). The thing is that the specific rights have nothing to do with the group as such; the members of the group would have the same right even if they were just a category of people. If one wants to defend specific group rights, they have to show that the counter-arguments against group rights are mistaken.

Group rights are claim-rights against the rest of the world. Like in a case of indigenous groups, the rights can be claims against the state, or in some cases, against the international community. Kymlicka (1995, p.35) describes these as 'external protection rights'. These differ from 'internal restriction rights', which describe the rights of a group to restrict the behaviour of its members. The latter are hard to justify since they do not fit in with liberal (or contemporary republican) values, such as the respect for liberty and individual choices. Group rights can, according to Miller, be exercised by individuals who belong to a group as well as by a group as a whole. Miller separates between different levels of justification: justified legal rights are at the lowest level, and human rights are at the highest level. "Human rights are rights to those conditions that are universally necessary for human beings to lead minimally adequate lives" (Miller 2002, p.182). Human rights belong to everyone, but they are not just individual rights since they cannot be realized without the company of other people. According to Miller, group rights can easily be justified at the level of justified legal rights. Showing that group rights can be human rights is much more difficult. Miller says that there is nevertheless "no conceptual or logical reason to believe that group rights cannot qualify as human rights" (Miller 2002, p.182).

In the taxonomy of rights, between justified legal rights on the lowest level and human rights on the highest level, there are middle-level rights. At the intermediate level of rights there are "rights that are justified by appeal to the principle of citizenship" (Miller 2002, p.182.). Citizenship rights can vary in different societies, but the common thing is that they are considered as 'having priority over other political values'. Citizenship rights include for instance a right to vote, a right to public health care and so on. Miller argues that most of the debates about group rights happen at the intermediate level (*ibid*, pp.182-3).

If the debates on group rights are mostly on the 'intermediate level', can group rights then be human rights? If a right is reducible to an individual right, it cannot be considered as a group right. For instance, Miller argues that the right to not be subjected to genocide is reducible to the right to life (2002, p.184). Miller's account is that thinking of group rights as human rights lacks the aspect of importance of interests, i.e. rights considered under group rights should be basic or fundamental. Otherwise it may be that a less fundamental interest of a bigger group overrides a fundamental interest of a smaller group. Of the

possible candidates for group rights, Miller focuses on self-determination. Self-determination is the 'right of a group to enjoy some form of political autonomy' (Miller 2002, p.185). It is important because the members identify with the group, and so the right of the group becomes essential also for the well being of the individual members. The right to political autonomy means that the members of the group make the decisions concerning the group, not someone outside the group. As such, a right to self-determination seems to be an instrumental right. According to Miller, 'in order to function a right needs a specific content' (*ibid*, p.186). What poses a problem is to define what a right to self-determination exactly means. It seems that often in cases where a group states that they have a group-specific right, the solution to the situation varies depending on the situation. That means that it is hard to define specific content for group rights, and therefore most of the alleged group rights are rather expressed in a language of goals or recommendations for policy (*ibid*, p.187). Miller's point is that therefore in most cases arguing that a group right is a human right is not reasonable (*ibid*, p.186), since the human rights are reducible to the individual rights. Some representatives of collective (versus corporate) rights might disagree with this, but for instance Jones seems to think in similar way (Jones 1999).

Can a group right qualify as a citizenship right, which is a right in a particular society? Concerning citizenship rights, the question is about the equality of all the citizens. Human rights offer the minimum level of rights, but in certain societies the citizenship rights may go beyond these minimum rights. However, there are some limits too. The equality of citizens is the main object of citizenship rights (Dworkin 1977, Miller 2002). Sometimes in order to guarantee an equal status to all citizens the society needs to provide differential treatment for some groups within society, like a taxi service for disabled people. Miller argues that equality is the only acceptable ground for differential treatment (2002, p.189). The group in question should be able to show that something in the current politics is disadvantaging them compared with the rest of the society. Without the appeal to treatment as an equal, the claims for group-differentiated rights are harder to justify. In order to realise the rights, those outside that group should accept the claim of the group as a valid claim (*ibid*, p.192). The other peculiar thing about group rights is that they are not easily specified. Is something really essential for the preservation of a group, or is it a matter of choice in a way that a certain cultural habit could be interpreted differently? Miller's

account is that all the group rights should be connected with equal citizenship (*ibid*, p.189). There might be all kinds of political claims that should be discussed and debated within the society. Nevertheless, acknowledging that these claims should be discussed does not make them justified *rights*.

The questions concerning the rights of groups do not concern merely claiming for rights. Jeremy Waldron argues that it is important to notice that groups, such as indigenous communities, that claim for special rights have responsibilities towards the larger society they reside in (1992, p.779). It is not acceptable to just accept the benefits without participating in the institutions and structures of the wider society, which make possible the life choices of the different groups (*ibid*, p.780). The liberal account of group rights therefore presumes that the group seeking special treatment should to some extent integrate into the lifestyle of the society they live in, at least to the extent that they are able to voice their demands in a language that is understandable to the majority as well. The critics have argued that this demand is too restrictive. The promoters of liberal freedom and the ones arguing for the protection of group rights have different conceptions of what it is to be a human, and it seems difficult to reconcile these very different worldviews (Waldron 1992, p.761).

5.4. The Liberal Answer to the Question of Incorporating Minority Rights

For various minorities, and especially for indigenous peoples, the discourses of citizenship and political rights have had a different meaning. As James Tully (2000, p.37) states: "the practical problem is the relation between the establishment and development of western societies and the pre-existence and continuing resistance of indigenous societies on the same territory". In liberal political theory, the emphasis has been on individual rights; it is thought that as long as everyone has formally the same opportunities, social justice will prevail. The liberal notion of citizenship has been criticised for not taking into account the existing inequalities; the principle of formal equality is not enough to ensure social justice (Phelan 2001; Mouffe 1992). As Kymlicka (1989, p.136) puts it: "the protection of a minority culture is often treated as an exception, an issue which rises prior to, or outside the bounds of, liberal theory". For indigenous peoples emphasising individualism has meant

that their concepts of society, justice and membership have been ignored by majority culture, which sees its language as universally applicable (Tully 2000, p.37).

Most liberal thinkers oppose the granting of 'special rights' to one group. Brian Barry states that it is not necessary; liberal society allows certain acceptable amount of diversity, which is constricted by the just institutions of liberal society (Barry 2001, p.68). It is worth noticing that discrimination or disadvantage is often not merely legal in character, and not solved by merely enacting new laws or redefining theories. In many cases where discriminating laws have been abandoned, the prejudices and the racist attitudes held by the majority of citizens continue to ensure the maintenance of discriminatory practices in everyday life. It is not enough to have equality in principle, if the institutions and people behind them are not paying attention to the problem of inequality. The incorporation of minority rights into law is effective only when it goes together with the recognition and acknowledgement of the status of a minority culture.

What are considered fundamental rights in liberal theory, such as a right to be treated as equals, are abstract. In everyday life, the abstract rights need to be put into practice. From the point of view of liberal theory, if a minority cannot show that their claim relates to the realisation of their fundamental rights, then the question seems to be not about rights but a different kind of political debate. Therefore rights and claim-rights should be separated from each other. If a group is said to have a right, it means that it would be wrong for the society / government not to ensure them the conditions in which the right would be realised: it might violate their right to be treated as equals. If a claim for special treatment does not constitute a right as such, then it can be called a claim-right. Claim-rights are used as a tool in political discussion, and sometimes it is hard to separate between a right *proper* and a claim-right. It may be fair of the society to acknowledge the claim-right of a (minority) group, but if it does not, that does not automatically constitute a violation of rights (Miller 2002). This argument has, however, a peculiar aspect to it: the assumption is that the minority can voice their concerns in the language of the majority in order to be heard.

There have been heated debates on the issue of cultural differences and whether the identities of individuals should be supported by public support for the different cultures. The cultural pluralists argue that equal treatment is not enough, and that different identities should be equally recognised regardless of whether or not they are based on sexual orientation, culture, ethnicity or religion (Honohan 2002, p.253). Some liberals, like Will Kymlicka, accept this and argue that liberal democratic states should guarantee some special rights for minority groups, as long as these are compatible with the liberal ideal of individual freedom, i.e. special rights may not violate the individual rights of anyone (Kymlicka 1995). Nevertheless, there are problems with this approach. For example, it would be impossible to embrace all the different cultures simultaneously; some cultures embrace values that are a serious challenge to the values of others. Nevertheless, the question of recognition is important, since it has an effect on how people belonging to different groups can take part in political decision-making (Honohan 2002, p.257). It is good to notice also that the struggles over recognition affect not just the minority in question. As Tully puts it:

> "Rather, a struggle for recognition of a 'minority' always calls into question and (if successful) modifies, often in complex ways, the *existing* forms of reciprocal recognition of the other members of the larger system of government of which the minority is a member." (2004, p.86.)

The struggles over recognition are not centred on polarities, such as minority versus majority or minority versus the state. Instead, in addition to the struggling party, there are almost always a greater number of parties that are affected. Therefore the issue of minority rights should not be seen merely as 'their business', since the demands for recognition or special treatment, if successful, often have an effect on the whole society, changing the power relations and the ways of behaviour. (Tully 2004.)

Certain groups within society are more privileged than others. By leaving the power relations untouched the idea of formal equality can be considered as maintaining the division between privileged and dispossessed groups. Because liberal theory is based on the protection of the individual, liberal theorists have been suspicious about or even hostile towards an idea of minority rights. These kinds of demands have been seen as dangerous; they are seen as the matters of privilege and not of equality (Kymlicka 1989, p.144, p.154; Kymlicka and Norman 2000, p.31). Kymlicka argues that the liberal notion of citizenship

can also incorporate minority rights, and that indigenous rights "will only be secure when they are viewed, not as competing with liberalism, but an essential component of liberal political practice" (*ibid*, p.154). He wants to show that the status of cultural membership is already implicit in liberal theory, and because members of cultural minorities often face "particular kind of difficulties with respect to the good of cultural membership", in order to solve these difficulties, the recognition of minority rights is needed (*ibid*, p.162).

On the other hand, there is a danger that the recognition of the group rights of a certain group by the government may create injustices towards some members of the group or other minority groups (Kukathas 1993, p.29; Phelan 2001, p.12). According to critics, these adjustments of liberal theory, despite offering some benefits, have created further problems: the failure to protect minorities within minorities, freezing the minority culture "in a specific configuration of recognition", favouring some minorities over other, etc (Tully 2004, p.91). For instance, the powerful majority within the group might want to define the identity of the group without taking into account that not all the members of the group conceive their identity in a similar way. Or it may happen that only the most powerful and loud minorities get recognition for their culture and practices, while the less powerful ones are left without attention (Tully 2004, p.90). These are legitimate worries, but it does not change the fact that some kind of policy of recognition is needed in contemporary multicultural societies. According to Kymlicka, in order to avoid the dangers related to recognising minority rights, a liberal theory of minority rights should be connected with human rights and "limited by principles of individual liberty" (Kymlicka 1995, p.6). The problem with the suggestions is that they tend to be handed down to the members from theorists or politicians, and therefore imposed on them rather than having been born in the communities and owned by them (Tully 2004, p.91).

The interpretation of the liberal political theory does not seem to be able to fully incorporate the demands for recognition of special groups, such as indigenous minorities, sexual minorities or minority cultures. Nevertheless, a demand that all cultures should be equally recognised does not solve the problem. Cultures are not never-changing wholes, and neither are individual identities fixed or "determined by a single culture; people negotiate their ways between sub-cultures, more encompassing cultures, and across

cultures" (Honohan 2002, p.255). One should be cautious with the issue of fixed cultural identities. It might be the case that already privileged individuals within a certain group are actually defining the needs and identity of the group, while weaker members do not have any say on the issues.

As long as the situation remains the same, there are people who do not have the same rights as citizens despite the fact that they have the legal status as citizens. To solve this pactice, an account of incorporating group rights into political theory and practice is needed. Another whole problem is that there are also people who are totally excluded from the status of citizenship, and therefore do not seem to have any rights – or very limited rights indeed.

Next I will concentrate on what republicanism has to say about the issue of group rights.

5.5. The Republican Tradition and the Incorporation of Group Rights

How well does contemporary republican political theory take into account the existence, the oppression and the demands of the minority groups? As noticed earlier, there are inherent problems in the concept of group rights. Defining a group is not easy, since most groups are not clear-cut. Do the group members themselves define who they are, or is it done by outsiders? Some cultural groups might embrace values that are in contradiction to the values of the rest of the society. Some groups would prefer to control the behaviour of their members in a way that would not be accepted by the wider society. There is also a question of who actually has the power to decide within the group. Does the group have a rigid hierarchical structure that silences some of the weaker members?

In the republican tradition of thought, the membership in a body politic is crucial. Without the political community there can be no freedom in a sense that republican tradition defines it. Since political participation is the means to achieving freedom and equality, there needs to be a polity that makes participation possible (whether in the form of straight participation or the continuing possibility of contesting political decisions (Pettit 1997)). What kind of model of society is supported by the republican theory? What is the relation between the republican model for society and the existence of nation-states? What does it mean for the

viewpoints of minorities and different groups? Can the republican tradition incorporate group rights into its political theory and what kinds of problems exist? There are some features in the republican thought that may cause problems for the incorporation of minority rights. That depends on how strong the republican view is that is adopted. Does contemporary republicanism see political participation as a *duty* of every citizen? If not, will it differ much from liberalism? If yes, is it then a communitarian theory, is it based on duties (such as Kant's categorical imperatives) or rights (such as liberalism) (see Dworkin, p.172)?

Most contemporary republicans argue that their interpretation of the republican tradition does not require that the already existing values and preferences of a community should be taken for granted (Honohan 2002). They argue that nothing in the republican theory requires that the existing hegemonic values should be normalised: republicanism does not presume prepolitical cultural values that would form the basis for the republic. Cultures and identities are not fixed entities, and values and cultural practices can be contested. Instead, contemporary republicanism presupposes recognition not just on the legal level, but also on the deeper level where the identities and actions of citizens are validated and accepted by others in the political realm (Honohan 2002, p.257). In order to achieve a just society, republicans argue that mere legal equality is not sufficient. The identities of citizens also need to be confirmed at the social or political level. Nevertheless, it has to be remembered that the political identity as a citizen is neither the only nor the primary feature of identity.

How does the contemporary republicanism handle the issue of group rights? The solutions seem very different depending on which features of republicanism are supported. David Miller argues that giving the disadvantaged groups formal recognition in political arenas and adopting group specific policies constitutes a threat to the republican society by eroding the commitment to the common, national identity. According to him recognition politics might actually be counterproductive from the viewpoint of minorities as well (Miller 2000). If the position of republicanism that requires a strong community is adopted, does a republican state then necessarily become a community that easily excludes a part of the people, such as those who are not citizens but still live in the community, or different group such as sexual minorities? Honohan argues that even though the republican

community presumes that there are special obligations between citizens, the community does not have to be defined in relation to the external enemy or the existence of an out-group (2002, p.285). Instead, the community is defined by the interdependence of its members and their consciousness of their shared fate (*ibid*.). In contrast to Miller's account, Pettit offers a different, albeit somewhat vaguely stated view in his article "Minority Claims under Two Conceptions of Democracy" (2000).

Pettit separates between two conceptions of democracy: a thin conception meaning the "popular electoral control of government" and a richer conception that he calls the "electoral-cum-contestatory control" (2000, p.199). Although it is not very clearly stated in the article, Pettit seems to associate the first one with liberal democracy and criticises it for not being extensive enough. Instead, he states that minority rights go better with the rich conception of democracy that combines the electoral system with the possibility of contesting the decisions made. The rich conception refers to Pettit's neorepublicanism that combines the concept of freedom as non-domination and the idea that the actions of government "should be guided by all and only the common perceived interests of people" (Pettit 2000, p.200). Pettit argues that the question of minority rights does not simply fit in with the idea of democratic society, but instead: "special minority rights are inherently countermajoritarian in character" (2000, p.202). Therefore the justification of the special minority rights is problematic in the first model of democracy. Special minority rights also differ from the other, regular countermajoritarian rights, such as the right of free speech, since they are addressed only for the members of a minority group, not for all members of the society (*ibid.*). Regular countermajoritarian rights are easier to justify, since they seem to be essential for the functioning of the democracy: it is hard to see how an electoral democracy could function if the freedom of speech would be overridden by electoral will (Pettit 2000, p.204). According to Pettit, these constraints set the boundaries for the electoral democracy, and therefore are essential for it.

Pettit argues that special minority rights are, however, incompatible with the electoral democracy, though they "might have a powerful moral appeal" (Pettit 2000, p.204). The electoral model requires first free periodic elections, second full and equal electoral standing for all, and third a collective sovereignty of the people (*ibid,* p.201). According to

Pettit, the claims for special rights are incompatible, because they seem to conflict with the principle of equal treatment of all citizens, as well as the sovereignty of the people (*ibid*, p.201). Special minority rights look like "democratically unmotivated constraints on majority will" (*ibid*, p.211).

Instead, Pettit argues that his model of two-dimensional democracy or "electoral-cum-contestatory" model can better accommodate group rights. Under the two-dimensional model, there is "no difficulty in seeing special minority claims as a natural part of the broad democratic package" (Pettit 2000, p.215). Pettit argues that special minority rights are actually essential for the electoral-cum-contestatory model of democracy. According to him, there must be certain common interests shared by both the majority and the minority or minorities, such as interests in defence, economic prosperity, law and order and so on (*ibid*, p.212). It is nevertheless not a given that despite having the same common interests, the interests of all groups would be satisfied in the same way. In order to make sure that every member of society will be treated as equals, minority claims should be recognised. Not all minorities are similar: there can be various different minorities even within the same state, and there may be great variations in their status and position in the society. In some cases, the minority culture is respected and valued in a society, but there are also numerous cases where the minority culture is suppressed by the rest of the society. Pettit argues that by adding one principle to the criticised electoral model: the equal contestatory standing, the problem of incorporating minority claims is solved, and despite the fact that special minority rights are countermajoritarian in principle, they are not antidemocratic (2000, p.215).

Interestingly, Pettit speaks most of the time about "special minority rights", but when he comes to the conclusion, he actually speaks about "minority claims" (Pettit 2000). What kinds of rights are in question here? Does Pettit consider some of the minority rights not as rights in a strong sense, but rather claim-rights, i.e. expressed in the language of rights to make the claims stronger, or does he think that the claimed right is reducible to a more fundamental right, such as the right of being treated as an equal? He does not expand on this issue more. Pettit does not talk much about how group rights could be connected with his republican project; however, non-domination is, according to him, only enjoyed within

society, in connection with other people. Non-domination cannot be achieved in isolation. According to Pettit, non-domination means the "absence of domination in the presence of other people" (Pettit 1997, p.66). Pettit argues that though an individual is always the subject of domination, domination is still group-based in character; it often tends to occur on the basis of being a member of a group (1997, pp.12-25, 52; Friedman 2008, p.250).

Besides Pettit, republicans haven't paid much attention to the issue of group rights. There are mentions of minorities and specific vulnerable groups of people within societies and how a society should be treating everyone as equals, but few go deeper or present a theory of minority rights; mostly the issues handled are different conceptions of freedom or common interest. Nevertheless, if the analysis stays at a very sketchy level, then republicanism does not have anything very interesting to say about the issue of group rights, at least not yet.

Republicans have, however, opposed the widening differences between income levels. That offers another viewpoint on the issue of minorities, since the minority groups are often poorer than the average majority and might live in the rural areas where the income level is lower than among the majority. Distribution of wealth connects with the power relations within society and therefore affects the status and position of minorities too. As Tully states: "…identity-related struggles have effects on the realm of distribution of power and resources (below), and, conversely, struggles over distribution are also always struggles for recognition" (2004, p.87). In order to achieve equality, republicans argue that material conditions for equality need to be taken into consideration as well (Honohan 2002, p.141). Since freedom is not just the absence of interference, but a status as an equal citizen, in order to work republicanism requires that the material inequalities between citizens remain relatively small. Compared with liberalism, republicanism seems to allow less diversity in income and social rankings within society. However, this view does not say anything about the political claims of the minority groups and cannot therefore fully answer the question of minority rights. Also, it is difficult to say how exactly this would differ from the account of egalitarian liberalism. It seems that the project of contemporary republicanism is still in its early stages, and there remains many unanswered questions. The issue of minority rights and the form of the republican state are good examples.

The existence of different groups within polities sets challenges to the theories of political philosophy. The power relations between different groups and also within them are often intricate and require a certain amount of delicacy. Concerning recognition of groups, on the one hand there are the individual rights that should be protected, and the rights of individuals as members of certain groups on the other. Both aspects capture something interesting in the discourses of the construction of a good society. However, it seems that conversation between these two viewpoints is difficult because the starting points are so different.

6. Conclusion

Citizenship is often taken to be self-evident; of course everyone knows the meaning of it. Nonetheless, citizenship is an elaborate concept. Every sovereign country has the right to grant citizenship and to some extent govern the ways its citizens are expected to behave. In antiquity, citizenship was reserved for a few on the basis of their status in society. Nowadays it goes the opposite way: citizenship is the guarantee of status in society. Commonly the concept of citizenship is defined through the duties and expectations placed upon citizens. Despite that, the concept is often not properly explored. Different political theories define the concept of citizenship in different ways. For instance, while the traditional account of liberal political theory focuses on the rights of citizen, the communitarian theories (including some versions of republicanism, but not all) concentrate on the duties of citizen as a part of the community, and the discourses about the importance of social acceptance focus on demands for equal recognition. From the diversity of the accounts of citizenship it follows that there is not a definitive explication of what the concept entails. Still, every political theory must have some understanding of the concept. The question of citizenship is of concern since it has implications not only for the citizens of a polity themselves, but for the others as well, be they citizens of another country, representatives of different minority groups or people with no citizenship status whatsoever.

In my thesis I have examined the contemporary discourses on citizenship by exploring some aspects of the contemporary republicanism, liberalism and ways of grasping the rights of groups. Since the republican project is often represented in contrast to liberal political theory, I felt it was necessary to make some comparisons. There are various views on the relation between liberalism and republicanism; it has to be noted, however, that both share the appreciation of political freedom, democracy and free speech.

I have argued that the most common interpretations of the concept of citizenship leave some crucial aspects without attention. There is tension between the idea of universal human rights and the understanding of rights in local, national and cultural communities and this affects how citizenship is understood as well. It seems that in order to truly have

human rights, one still has to be a member of a nation-state, since it seems that there is no other instance that could guarantee these rights. So the implementation of human rights depends on the actions of nation-states. The acquisition of membership is a problem that has always interested me. There is something curious in the fact that the policies deliberately exclude part of the world's population from 'us'. However, without the understanding of the concept of citizenship, I feel that it is impossible to answer this question, while at the same time the way citizenship is understood seems to form a part of the problem. Therefore, the acquisition of citizenship remains a question that could not be discussed within the scope of this thesis, while the thought of it is permanently carried along in the background.

I have argued that the full concept of citizenship should be seen as containing legal, political and social dimensions. The concept can be viewed from all of these three angles. The first means that citizenship is connected with certain rights, like the right to vote or stand for election, the right to property and so on. In most societies, the law guarantees these rights to every citizen. Then there is also the social dimension, which can be said to be as important as the legal one: the recognition of equality and identities of others. The importance of the social dimension is emphasised by those who argue that citizenship is socially constructed, and in order to have all the rights guaranteed by law, individuals need also to be recognised as equals by their fellow citizens. A good example of the importance of recognition is the status of indigenous minorities in most of the liberal democracies, let alone in the less democratic countries. Even though the representatives of minorities have in principle the same legal rights and duties, in many cases the rights have not been fully realised. Finally, there is the political dimension, meaning the importance of citizens' participation in the society, which I discussed in connection with the contemporary account of republicanism.

The challenge with these three aspects of citizenship is, however, that they are difficult to discuss under one heading. Different theories or discourses of citizenship each approach the subject from different starting points, which make reconciling them sometimes hard. The fundamental questions theories try to answer may differ radically depending on the theory. There is antagonism if not outright conflict between liberal and republican accounts, as well

as between the idea of group rights or recognition and liberalism. And depending on which writers you turn to, there is a potential conflict between the demands for recognition and republican thought as well. Some of the disputes may be appreciated just as misunderstandings or differences in tone, but even if this point is taken into account, there remains sure incompatibility between the discourses due to different worldviews behind them. I have argued that all the discourses, nevertheless, while lacking other aspects of equal weight, reach something important about the concept of citizenship. Therefore I defend the view that all the angles, social, legal and political, should be considered when discussing citizenship.

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