

Chapter 1

Models of Citizenship and Hermeneutics

Citizenship requires a bond of a different kind, a direct sense of community membership based on loyalty to a civilization which is a common possession. It is a loyalty of free men endowed with rights and protected by a common law.¹

—T. H. Marshall

1.1 Introduction

“Democracy,” John Dewey wrote, “is a word of many meanings.”² The same can be said about citizenship. It is also a concept with a plurality of meanings despite all the attempts to codify it with a single definition. Citizenship has been understood as a set of civic attitudes; as an emblem of civic participation; as an arena where right-bearers unfold their personalities; and even as a club of productive members. Its manifold character notwithstanding, citizenship seems to be neglected in political theory. Very often, theoretical inquiries concentrate upon individuals and political institutions, whereby citizenship appears as a reflection, perhaps an extension, of a framework of rights and institutional arrangements.

The neglect of citizenship does not necessarily imply a disregard for the richness and complexities of that category. Rather, one possible explanation for this neglect may lie in the assumption that the political discourse which defined citizenship as an embodiment of personal and public virtues, as well as a commitment toward the public good in the sphere of politics, no longer represents a challenging paradigm of political theorizing. In a context in which the political realm and its concomitant activities are deemed one among many equally worthy spheres of human actions, citizenship may be considered as a remnant of the political vocabulary of an age already gone.

This possible explanation about the declining fortunes of citizenship is, however, faulty. I would like to suggest that the real reason lies elsewhere. I suggest that the decline of citizenship as a central object of political discourse could be seen as the upshot of a series of developments in Western political theorizing and in the practices and institutions that they brought into existence. These developments were the emergence of subjectivity, the universalization of moral autonomy, and the increasing division of social life into two distinct and often conflicting spheres, i.e., the private sphere and the public realm.

The emergence of subjectivity entailed a slow displacement of philosophy in which the mind was less a theological construction and more a locus of autonomy. Philosophical inquiries began to define the mind as a space of moral sovereignty worth defending against the burden of traditional beliefs and institutions. The universalization of moral autonomy meant that each individual, regardless of social status, became the source of morality and was entitled to choose his own path to happiness. The private/public distinction developed as an attempt to safeguard the recently invented moral subjectivity from the state's interference.

After Descartes set up the groundwork, Kant's philosophy was perhaps the most eloquent expression of this threefold development. In his philosophy, the concept of right is not something to be given by political or religious institutions. It is something placed inside the individual by virtue of his being a moral agent. This means that the right does not depend upon contingent considerations, but rather, it is given by the law of reason and, more importantly, it is accessible to all individuals.

The commonest intelligence can easily and without hesitation see what, on the principle of autonomy of the will, requires to be done; [...] That is to say, what duty is, is plain of itself to everyone; but what is to bring durable advantage, such as will extend to the whole of one's existence, is always veiled in impenetrable obscurity; and much prudence is required to adapt the practical rule founded on it to the ends of life, even tolerably, by making proper exceptions. But the moral law commands the most punctual obedience from everyone; it must, therefore, not be so difficult to judge what it requires to be done, that the commonest unpractised understanding, even without worldly prudence, should fail to apply it rightly.³

With the principle of moral autonomy, the modern era invented the individual, endowed him with moral sovereignty and placed him in a specially designed realm, the private, where he could display all his unexplored potentialities, while following the dictates of his reason. The individual thus displaced the citizen as a central object of reflection, and the citizen became the public garb of the self. The citizen was no longer an all-encompassing category enjoining both the public and the private. The individual came to be the new universal principle. These transformations might well explain Rousseau's lament: "We have physicists, geometers, chemists, astronomers, poets, musicians, painters, [that is, *individuals*], we no longer have citizens."⁴

The declining status of the citizen left in its wake two additional transformations. First, the political was no longer the primary space to define social life. The coming into existence of civil society reduced the political to a domain of abstract (universal) rules regulating the private activities of individuals. The political became not a space of relations among citizens, as it had been in ancient Greece, but a dimension of relations between individuals striving to defend their individuality and the state that threatened it.

I suggest that the assault on the political domain has culminated in a certain contemporary liberal vision that excludes from the public realm any discussion of substantial conceptions of the good life. Politics is thus portrayed as a conversation about "intuitive" ideas everybody agrees on (Rawls) or a discussion based on "neutral grounds" which are equally shared by all (Larmore).⁵ The assault has thus resulted in an attempt at taming politics, whereby it is not a space of deep conflicts but a sphere of "neutrality."

Second, the emergence of subjectivity also displaced the horizons of political theorizing. The ancient world started to lose its privileged status as a source of principles and experiences for modern societies. Its hold upon the theoretical imagination substantially declined after the eighteenth century. The ancients became real ancients, i.e., people who were so remote and so foreign that they could no longer offer a meaningful source of principles, whereby an important dialogue with antiquity that had spurred the reflections of political philosophers from Machiavelli to Rousseau, was left in suspense. Modernity itself became the primary source of political principles. The reason for this interruption perhaps lay in the fact that classic antiquity portrayed a complex scenario where citizens pursued their goals in the political domain

or in open conflict with it, not individuals living out their lives in a space of legal relations among strangers, i.e., civil society.

Though the decline of citizenship has been a conspicuous feature in Western political theory, modern political discourse is far from offering a homogeneous assessment of citizenship, and any attempt to see the vocabulary of citizenship as one of civic virtues and public participation is misguided.

Montesquieu, for one, viewed the citizen as a legal codification aimed at promoting peace. Kant, for another, conceived of citizenship as an attribute of independent and male members of civil society.⁶ Rousseau, for still another, viewed the citizen as a sovereign member of a communal enterprise aimed at defining and carrying out the general will.⁷

The laws, according to Montesquieu, "must provide as much as possible for the security of individuals," for "*the safety of the people is the supreme law.*"⁸ The citizen, in his view, appears as a subject of right who is constituted by the law which in turn pursues public order. This may explain why there are citizens both in monarchies and republics, while there are only "slaves" in a despotic society. For under despotism there are no fundamental laws.⁹ Despotism is a government "where no man is a citizen; where they have all a notion that a superior is under no obligation to an inferior; where men imagine themselves bound by no other tie than the chastisements inflicted by one party upon another..."¹⁰

Despite the modern element implicit in Montesquieu's view of the citizen as a legal construction, it is Rousseau's and Kant's philosophies that provide two paradigms which seem to have haunted modern consciousness since the seventeenth century.

For Rousseau, civil society is a space of conflicts and inequalities, and the remedy seems to be a politics of transparency. The body politic ought to be a transparent order of political institutions always open to the scrutiny of the citizen. Politics seems to be the only activity that can redeem man from the degradation he has suffered since his fall from the state of nature. The community itself is also depicted as a transparent domain in which the virtues and vices of everyone are known to the rest.¹¹

For Kant, the center is not the political realm but civil society. Civil society mirrors a sort of law of the forest in which the antagonism of individual members is part of nature's design to encourage progress.¹² While Rousseau looks for a new order rooted in direct participation in legislation and common bonds which do not accept representation, Kant's citizens are represented and do not legislate.

They are subjects before the law and live under a monarch who monopolizes the execution and interpretation of legal statutes.¹³

In Rousseau's account, a society in which the general will is trampled is an illegitimate order and returns to the state of nature where citizens can exercise the right of revolution. That right is not available to a Kantian citizen. He must obey the laws of his community even when they are clearly unjust.¹⁴

Kant's and Rousseau's philosophies capture the conflict between the political domain as the fundamental dimension of liberty and citizenship, and civil society as the privatization of selves that attain progress by virtue of their antagonistic relations. I regard Tocqueville's and Marx's reflections as further evidence of this crucial tension. For Tocqueville, the democratic individual lives an isolated and fragmented existence in the private domain. The public realm is where he finds the possibility of common action and where he strives for a shared construction of the public good. "Equality," Tocqueville says, "puts men side by side without a common link to hold them firm." But "[a]s soon as common affairs are treated in common, each man notices that he is not as independent of his fellows as he used to suppose and that to get their help he must often offer his aid to them."¹⁵ For Marx, the modern individual lives a double existence: he is both a private agent and a public self. He possesses an abstract equality and a universal freedom in the political sphere while witnessing and suffering the crude inequalities of the social order.¹⁶

All these authors suggest different and conflicting understandings of citizenship. They see the citizen as a legal construction aimed at order (Montesquieu); as a productive member who always obeys the law (Kant); as an active participant in a constant search of communality (Rousseau); as a divided self caught between isolation and shared goals (Tocqueville); or else a self divided between abstract freedom and concrete oppression (Marx).

These interpretations, along with others, constitute a heritage that in many ways determines our present understanding of citizenship. The insights these interpretations provide suggest that even though citizenship is an eclipsed category, it is still an open agenda. For the deep contradiction between the abstract universality of the political realm and the conflicts of civil society is very much alive in modern democratic societies.

The plurality of visions about citizenship coexisting in the Western political discourse might be construed as a background of

meanings against which it is possible to see citizenship as a hermeneutic problem; namely, as an interpretive dialogue with traditions, laws, and institutions, as well as a compound of different discourses that are open to different meanings. In this chapter I will begin a preliminary attempt to address citizenship as a hermeneutic construction by presenting six models about citizenship. These are: citizenship as universality and as a legal construction (Ralph Dahrendorf, Peter H. Schuck, and Rogers M. Smith); citizenship as neutrality (John Rawls); citizenship as communality and participation (Benjamin Barber, Michael Walzer); citizenship as the amelioration of class conflicts (T.H. Marshall); and citizenship as self-sufficiency (Lawrence Mead, Robert Fullinwider).

A caveat is necessary here. Some of these models are descriptions of historical processes, while others are ideal models of citizenship. Though they are hardly exhaustive, they provide an adequate basis from which to address a set of different interpretations of citizenship. In discussing them, my goal is to explore the possible differences between them and a hermeneutic construction of the citizen.

1.2 Citizenship as universality and as a legal construction

“Citizenship,” Ralph Dahrendorf writes,

is...an idea which finds its expression in law, in that sense a legal idea. [...] Citizenship creates...a community under law; it makes those who belong a part of the system of rules which protects them from each other and, by creating a sort of club, from outsiders.”¹⁷

Citizenship, then, is “a sort of club” aiming at the protection of its members from each other. It is not an enterprise of communality, but rather an order which has been created by the law; namely, a legal community. It is not a community of common and organic bonds, but a society of artificial ties created by the legal establishment.¹⁸

Dahrendorf captures, in important ways, what may be deemed the dominant conception of citizenship; that is, a conception in which citizenship is viewed as a framework of principles regulating the social relations of people who are first and foremost *individuals*, and *then* citizens. A contemporary liberal argument that insists upon a sharp separation between the *homme* (who

inhabits the private sphere) and the *citoyen* (who displays his nature in the political domain) follows the same pattern.¹⁹

Dahrendorf's analysis reflects the liberal conception of citizenship which goes back to Kant, and which treats citizenship as an abstract dimension of equality; namely, a space in which one becomes equal to everyone else, not as concrete persons, but as right-bearers. On this account, rights are a passport to enter into an abstract universality in which the citizen is not primarily a member of an ethnic group, or a religious sect, or a social class, or a community. The citizen is primarily a right-bearer. As Dahrendorf points out: "...the role of the citizen...involves a set of equal rights for all those who hold it." "Citizenship is a *generalized right*..."²⁰

The abstract universality of rights, to be sure, has been an important advance against atavistic beliefs and oppressive traditions. Yet one may suspect that the construction of rights as universal categories is also an attempt at forgetfulness. That is to say, historically, the construction of an abstract universality has also been an effort to erase the memories of its own origins. Stated differently, when rights have been granted, the first operation of the political order has been to initiate a process of forgetfulness by virtue of which persons come to possess rights not because they were victimized or because they fought for them, but because they are *individuals*, i.e., abstract persons. Blacks are no longer blacks. They become *men*. Women are no longer women. They become *individuals*.

By granting rights, the political order and its dominant groups thus recognize their faults and begin immediately to constitute a new collective identity based on selective but systematic erasures. Those processes which refer to struggles against a foreign and *stronger* enemy opposing the just claims of an ascendant nation (or class), are remembered and treated as foundational moments. By contrast, those processes which refer to old mischiefs within society or to wars against *weaker* nations or groups, are erased from the stock that constitutes the national identity and treated (when they are treated at all) as events of secondary importance. More specifically, the political order ends up forgetting the *process* which crystallized into rights. Later on, society celebrates the crystallization (the Bill of Rights, the Constitution), not the process which made it possible.

The attempt at forgetfulness embedded in the universal categories of the political vocabulary faces an immediate problem. This vocabulary is at odds with the fragmentation of the social order. For citizens, despite their passport to an abstract and universal cit-

izenship, continue living as members of particular groups and carrying the burdens of the history they have inherited. As J.M. Barbalet points out:

[T]hose disadvantaged by the class system are unable to practically participate in the community of citizenship in which they have legal membership. The disability is a double one because in these circumstances citizenship rights which are only formal cannot influence the conditions which render the possession of citizenship ineffective, if not worthless.²¹

Thus though the language of rights erases distinctions, this lack of distinctions appears only in the juridical categories of the political domain. "As citizens," Dahrendorf points out, "any two men are indistinguishable, but this lack of distinction refers to rights..."²²

Rights may then be understood as a peculiar class of texts. Their peculiarity lies in the fact that they erase the social narratives underlying their formation, while seeking to provide a specific political identity. Or to put the matter more correctly, citizens are universal bearers of rights, but, at the same time, they are members of a particular society, or better still, of particular groups, which carry the burdens and identities that their own history has made possible.

In present societies the universality of rights defining citizenship offers two possible and conflicting scenarios. On the one hand, rights allow society to picture the past as a mirror of inequalities which have already been overcome. This description tends to obscure present inequalities, and in so doing, rights may become a spectacle of self-congratulatory rhetorics. On the other hand, rights constitute an indispensable arena in which the abstract universality of the political domain can be challenged to become a space of citizens participating in a common life.

The goal of challenging the abstract universality of the political domain is not well served when citizenship is seen as a juridical problem that can be solved with a new statute. That is, however, the approach Peter H. Schuck and Rogers M. Smith offer in their book *Citizenship Without Consent*. They construct a "consensual" community, the United States, threatened by alien persons who neither participated in the enactment of the original consensus nor share it. Thus the presence of aliens is a direct challenge to the universal character of citizenship. For aliens are excluded from the

universality of citizens' rights, thus suggesting a conflict with the "national will," as well as the possibility that they might contribute to political instability.

Illegal aliens, in their view, represent the "new, convulsive violation of consensually based political community."²³ The nature of that violation is the increase of a "discrete population that is present within the political community but is ineligible not only for membership but also for many lesser forms of participation in social life." Hence the risk of "continuing political turbulence" to the extent that illegal aliens are "outsiders" who "overburden" the American welfare state, whereby "their potential political consequences may be pernicious."²⁴ Citizenship thus becomes a design for maintaining order and political stability. In order to attain both goals, Schuck and Smith present what they call "the consensualist view of citizenship" which "holds that political membership can result only from free individual choices."

It is not my purpose here to present the details of their proposal. My goal is rather to stress that their discussion is a political platform concerning a *legal definition* of citizenship. What they want is a new policy on immigration and citizenship to the extent that the present policy might be "viewed as abdicating control and violating national will."²⁵ Aliens, however, should be accepted into the community, not as political participants, but as a work force that can replace the aging American population. Schuck's and Smith's ideas, if for no other reason than their frankness, merit quotation:

[...] [O]ur population is aging rapidly, current fertility rates are quite low, and labor shortages loom. Legal immigrants unquestionably contribute a great deal to the American economy, culture and society. In short, the prospect of even a million or more legal immigrants annually joining a nation of 236 million people should be cause for eager celebration, not for alarm.²⁶

Their analysis fails on several grounds. First, it presents a restricted definition of citizenship to the extent that it is understood as a juridical problem, hence their emphasis on the 14th Amendment and the legal procedure to advance a new idea of citizenship. Secondly, it assumes the theory of consent without any attempt to address its reality. "Consensual premises," "consensual membership," "the nation's consent": concepts like these are treated like axioms in their discussion without any theoretical dis-

cussion about what they understand by "consent." Equally problematic are their references to a "national community," a concept that confirms the view on universality presented here when discussing Dahrendorf's positions. That is to say, the universality of the concept neglects the profound fragmentation of the social order. Thirdly, their conception of citizenship constructs citizens as objects of the juridical framework. Once citizenship is construed as a juridical problem, it is "appropriate for the judiciary" to establish a new paradigm of citizenship,²⁷ and the Congress, of course, should define "the contours of birthright citizenship."²⁸

In short, they aim at setting criteria for admission of alien persons. Once an alien person becomes a legal citizen, the problem of legitimate citizenship is solved. The principle of consent, in which consent appears as the acceptance of legal norms enacted by the Congress, "can legitimate citizenship by making it conform to the moral and political presuppositions of the national community."²⁹ Yet one is tempted to think that those "moral and political presuppositions of the national community," whatever they are, are diverse enough to provide different and conflicting visions of citizenship, and that diversity surpasses the enactment of a Congressional bill on illegal immigrants.

1.3 Citizenship as neutrality

John Rawls's conception of citizenship is an attempt to acknowledge the diversity of moral and political outlooks among the citizens of liberal democratic societies. He does not see citizenship as only the end result of a legal process, and, accordingly, his goal is not to propose universal categories expunged from the social context which justifies them. Rawls suggests a vision of citizenship as both a permanent membership in a "well-ordered society" and an effort to construct a consensus on a political conception of justice in the context of a democratic society. In both cases, the model of citizenship he proposes is one in which, first, the state is neutral with respect to conceptions of the good life among citizens; second, the citizens are guided by the highest interest of justice; and third, they make a sharp separation between their private commitments and their public principles. This separation means that the citizen's comprehensive religious, philosophical and moral doctrines are excluded from the public domain since that domain is the locus of an "overlapping consensus" on justice. Thus the neutrality of the

state concerning conceptions of the good life turns out to be a reflection of the citizens' neutrality regarding the reasons they offer to justify a public consensus on justice. That is, in the quest for this consensus, the citizens are expected to come up with ideas that are *political*, but *neutral*. These ideas are political to the extent that they seek to justify a public consensus on justice, but they are neutral by virtue of their independence of comprehensive doctrines.

Rawls's justification for the exclusion of comprehensive doctrines from the public domain is twofold. First, he argues that modern societies are characterized by incommensurable conceptions of the good life, whereby any attempt to derive a "political" conception of justice from a comprehensive doctrine is doomed. Second, he argues that his "political" conception of justice depends upon "intuitive ideas" which are embedded in the political culture of democratic societies, and are also independent of comprehensive doctrines about the meaning of human life and the nature of the world.³⁰ The "intuitive ideas" informing his "political" consensus are basically two. The first one refers to persons as free and equals, and the second one refers to the notion of society as a fair system of cooperation. My goal here is not to offer a detailed discussion of the Rawlsian paradigm. Rather, it is to see the arguments he presents to justify the outcome of his reasoning, which is a vision of citizenship as a dimension of political neutrality.³¹

We may have a better grasp of this vision of citizenship by looking at Rawls's understanding of the private and the public realms. In Rawls's theory, the private is the sphere of moral personality, the realm of pluralism *par excellence*, and hence a terrain of divisiveness and instability. The public sphere, by contrast, is the stage of consensus; namely, the locus of stability, equilibrium, and agreement.³² Rawls invokes "the fact of pluralism" in the private sphere to justify his exclusion of comprehensive doctrines in the public one. That is, comprehensive doctrines, whether fully or partially comprehensive, are relegated to the sphere of private subjectivity, where they might reign supreme. In the public realm, on the contrary, the quest of an "overlapping consensus" on justice is the overriding concern. This consensus is supposed to be the outcome of public *intersubjectivity*, namely, the interlacing of private subjectivities that are willing to exclude their comprehensive doctrines in their search of accommodation and public agreement.³³

Rawls thus proposes a divide between the "public identity" of individuals and their private subjectivity, i.e., their "personal affairs." He suggests that their public identity requires citizens to

see themselves "as free persons" with "the right to view their persons as independent and not identified with any particular system of ends."³⁴ Contrariwise, in the private domain of "their personal affairs or within the internal life of associations," citizens "may regard their ends and aspirations differently."³⁵ "Differently" means that they have attachments and commitments from which they cannot stand apart. That is, in the private domain, citizens do not have to view themselves as "independent" of their final ends, while in the public sphere they have to show that independence.³⁶ Hence a self that is divided between the attachments of its private realm and the rules of its public dimension; a self that has strong commitments in its private sphere, and is guided by neutrality in the public realm.

This distinction confronts us with a crucial metamorphosis in Rawls's theory. In his recent articles, Rawls has abandoned the comforts of the original position with its veiled parties to throw his lot in the public domain of a democratic society. His model has thus displayed an important shift: from the construction of artificial parties in the original position to the dialogue of concrete citizens united in a common endeavor to construct a public consensus on the question of justice in a liberal society. The parties of the original position are insistent, though. And they keep appearing (disguised, perhaps) through the interstices of the Rawlsian private/public distinction in the search of public agreement. Now the parties are citizens who know their final ends, but *do not use* that knowledge in the public sphere; they have comprehensive doctrines, but they *refrain* from using the criteria those doctrines provide in their public deliberations.

I suggest that the conception of citizenship informing the Rawlsian distinction between the public and the private is problematic to the extent that many citizens in democratic societies do not see themselves as detachable compartments—the private, the public; the religious, the political language; a comprehensive doctrine, a political conception. They see themselves as hermeneutic entities; that is, as compounds of traditions, language, beliefs, prejudices; namely, as the outcomes of history. Out of their historicity they have developed commitments about a wide range of beliefs. A genuine agreement among them will come out from a genuine disagreement between their different and sometimes incompatible perspectives. This view suggests that it is precisely an agreement that takes into account the manifold outlooks of the citizenry in a democratic society that can find common grounds in the public sphere. If we take away the religious, philosophical and moral out-

looks of individuals we will not find common grounds because we have abolished the very conditions to discover them. That is, Rawls's procedure makes too easy the search of a social consensus. He expels comprehensive doctrines and then admits "intuitive ideas" which, in his narrative, do not depend on comprehensive doctrines. And though it is certainly a safe procedure, it is also a dubious one. Perhaps William Galston is right: "the conclusions Rawls wishes to reach dictate the premises he chooses to employ."³⁷

But his premises are necessary since the ideal he seems to strive for is a society that substitutes social unity for divisiveness and social harmony for instability. Hence the need for a smooth public realm, one from which controversial issues have been taken away as far as possible. It is a society that seems to be a tardy echo of the classic model of a pure market economy, a space that is also smooth because there is equality between sellers and purchasers, and it is stable because the divisive facts of monopoly, mergers, inside trading, and speculation do not exist. No wonder the Rawlsian society is one of self-supporting members "over a complete life," (which may mean acceptance of the prevailing economic structures) as well as an order of full cooperating members (which may mean acceptance of the political framework). William Galston, again, was right when several years ago he identified the unitarian and harmonious thread underlying Rawls's philosophy.³⁸

To sum up: Rawlsian citizenship entails a political neutrality that is anchored in "intuitive ideas" which are independent of comprehensive doctrines. This conception suggests a sort of mutilation as a necessary requirement for the construction of a political consensus. Put differently, the "political" consensus on justice Rawls stands for requires an individuality from which an important part of its commitments and inwardness have been denied, while pretending, at the same time, to construct a consensus which is based, precisely, on the personal traits of commitments and inwardness, which have been suppressed in advance. A hermeneutic perspective, I think, would question the validity of both approaches. I will begin presenting a hermeneutic approach to citizenship in section 1.8 in this chapter. A detailed account will be provided in chapters 3 and 4.

1.4 Citizenship as communality and participation

The third model of citizenship emphasizes the importance of participation in the political domain and the quest for communal-

ity. This model has a long history in the Western tradition, and it is often associated with the republican politics of Machiavelli, Rousseau, Tocqueville, and, in important ways, Arendt. In this section, I want to concentrate on Benjamin Barber's and Michael Walzer's analyses of citizenship. In choosing these authors, my intention is not to lump together two theorists who have different emphases in their interpretations of politics and democracy. My claim is that, their differences notwithstanding, they forcefully stress the importance of constructing a common life through an active participation in the political realm. Their vision of community and democracy is thus a vision of citizenship as communality and participation.

Benjamin Barber defends citizenship as one of the central components of "strong democracy," a regime that

aims at understanding individuals not as abstract persons but as citizens, so that communality and equality rather than separateness are the defining traits of human society.³⁹

In light of his categories, citizenship is the end result of a process of participation within a community. When masses deliberate, they become citizens. When they participate, they create a community. "Indeed," he claims, "from the perspective of strong democracy, the two terms participation and community are aspects of one single mode of social being: citizenship."⁴⁰

The problem is that, on the basis of Barber's paradigm, the political realm becomes the fundamental domain for the definition of citizenship.⁴¹ Citizens are citizens to the extent that they deliberate and participate in the political. The right to passivity or the possibility of individual distance from the political domain is excluded from the sphere of citizenship. In this sense, it may be argued that though he criticizes other forms of democracy for introducing "an independent ground" into their theoretical assumptions, his analysis shows the same practice he rejects. He, too, introduces an independent ground into the political realm; namely, the belief that self-government and the public sphere are the defining features of citizenship. Yet we should consider that the political sphere is insufficient to define citizenship. Perhaps, we ought to pay attention to what William Galston calls "two fundamental truths of the human condition: the diversity of human types and the inherent incapacity of the public sphere to encompass more than a portion of activity or to fulfill more than a part of human aspirations."⁴²

Walzer's view on citizenship assumes a community of shared values in which citizens "share a culture and are determined to go on sharing it."⁴³ "The community," he insists, "is itself a good—conceivably the most important good—that gets distributed."⁴⁴ And "the political community is probably the closest we can come to a world of common meanings."⁴⁵ He thus suggests that citizenship implies a "collective consciousness" which develops and is shaped within "*communities of character*, historically stable, ongoing associations of men and women with some special commitment to one another and some special sense of their common life."⁴⁶ This "common life," to be sure, does not mean that national character is "a fixed and permanent mental set"; it means that the "the sharing of sensibilities and intuitions among the members of a historical community is a fact of life."⁴⁷

Walzer's insistence on the priority of community is in turn associated with the preeminence of democracy in the public realm. There "is no alternative to democracy," he claims, "in the public sphere."⁴⁸ This view helps to explain his distrust of lonely philosophers bringing their gifts to the city, and his critique of judges who enforce their own conception of rights, while disregarding the community's traditions. Philosophers, Walzer suggests, are loners; they live an isolated life in the search for universal truths, and judges, in turn, are not necessarily representative of the community's feelings and traditions. "The philosopher," he says, "has withdrawn from the community. It is precisely because the knowledge he seeks can only be found outside this particular place that it yields no rights inside."⁴⁹ Accordingly, judges should not impose their philosophical views on the community, but rather, they ought to show "philosophical restraint," which "is simply the respect that outsiders owe to the decisions that citizens make among themselves and for themselves."⁵⁰ Walzer offers two reasons to reject an enforcement of rights emanating from the Judiciary and not from the citizens' own decisions. First, the enforcement of rights "will involve overriding" the "traditions, conventions, and expectations" of a particular community. Second, these "traditions, conventions and expectations" are "[t]he products of a shared experience, they are valued by the people over the philosopher's gifts because they belong to the people and the gifts do not—much as I might value some familiar and much used possession and feel uneasy with a new, more perfect model."⁵¹ Thus stated, this formulation seems to leave little room for the necessary reexamination of inherited traditions and practices. But more importantly, it assumes that "the people" constitute

a uniform body assigning the *same* value to the same traditions. Walzer's use of universalities ("the people," a "shared experience") are thus apt to forget that "the people" is a construction which is prone to deny the diversity of its components. Women, blacks, hispanics, and indians hardly fit into the uniformity elicited by the people-as-universality. Likewise, "traditions, conventions, and expectations" do not necessarily constitute a "shared experience." For they are also historical constructions which, very often, have excluded important sectors of the people or have been arrangements that certain groups *impose* over the rest.

Walzer's claim, however, is that a shared experience of participation in historical processes is valued by the people, and such a particular experience should not be overruled by "the hypothetical experience of abstract men and women" inhabiting an "original position" or an "ideal speech situation."⁵² For those abstract men and women seek universal truths, and "wherever universal truth has been established, there is no room for negotiation, intrigue, and struggle."⁵³ That is, philosophy and its quest for universals may undermine democracy, which is the realm of a particular way of life. Yet the historical record suggests that the enforcement of rights by the Judiciary, that is, the imposition of a "universal truth," in Walzer's view, has not precluded the community from negotiating, intriguing, and struggling. Quite the contrary, very often, the conditions for negotiation and struggle have been made easier precisely because rights have been granted.

But Walzer disagrees. "Any historical community," he says, "whose members shape their own institutions and laws will necessarily produce a particular and not a universal way of life. This particularity can be overcome *only* from the outside and *only* by repressing internal political processes."⁵⁴ Walzer thus suggests that the community is bound to be trapped within its own particularity and, equally problematic, the particular arrangements of a community, however atrocious they may be, are deemed preferable to any reference to "universal" principles. Indeed, those principles are a threat "from the outside" against "internal political processes" and judges can neither derive rights from those principles nor even less enforce rights which have not been authorized by a democratic decision. On this account, it seems to be better to fight a bloody war whose outcome will determine whether some rights will be recognized, than to have a Judiciary impose rights on a community that lacks a consensus on them. Perhaps more importantly, Walzer's defense of the community's "particular and not universal way of

life" seems to exclude any critique of the community's practices and beliefs. For since a particular way of life possesses its own standards of judgment and validity, the community will always justify its own system of beliefs in the light of its own criteria. And any attempt at constructing alternative standards of validity would be, following Walzer, an "outside" interference by philosophers or "abstract men and women" who do not value "the experience" and "the processes through which the products" of a particular community "were produced."⁵⁵

Walzer's emphasis on communality and participation thus suggests a vision of citizenship in which the exercise of critique of the community's dominant values and traditions is substantially limited. The picture of the citizen that emerges from his analysis seems to confirm this view. He sees the citizen as a member of a particular society defined by both specific traditions and an agreement on social meanings. Hence the twofold world which the citizen seems to inhabit. He lives within the world of traditions that nurture his community, and that he has to defend. He also lives within the world of the modern state and its concomitant practices. Those practices are regulated by social conventions which refer to values that the community uses as signs of its identity. The possible tension between the world of traditions and the requirements of the modern state may be illustrated by presenting Walzer's view on the right to leave the political community. "The right to leave the political community," he holds, "is not for sale."⁵⁶ "The state," he goes on, "has...an investment in every citizen," and individuals should repay that investment "in work or money" before leaving. The citizens may argue, however, "that they never sought the health care and education that they received..." Walzer argues that in this case the state should grant that claim and let them go. But they should not be exempt from their military obligations. "No one can buy his way out of these."⁵⁷

His argument here, to be sure, is that "exemptions from military service, from jury duty, and from any other form of communally imposed work cannot be sold by the government or bought by citizens..."⁵⁸ But his view is not only about those boundaries which money cannot transgress. I suggest that the core of his argument is the presupposition of a *legitimate* community, one in which all members are equally concerned with its preservation. Presumably, if by any chance the community is in danger, all citizens must rally to defend it. For the value of community overrides all other values. Yet, Walzer's reasoning does not allow room for the possibility that

the same traditions informing the community may provide arguments against the military obligations of its members. His view precludes that possibility because he does not see tradition as something fluid, that is, as a terrain of conflicting arguments, but rather, he sees it as a stock of principles and meanings everyone agrees upon.

The end result is a vision of citizenship that lacks the necessary distance to exercise critique upon traditions and social meanings, even those meanings that the community regards as indispensable for the continuity of its identity. Walzer's understanding of citizenship is anchored in democratic arrangements and is suspicious of philosophical arguments claiming to have a universal validity. In the public sphere of democratic societies, he holds, "[w]hat counts is argument among the citizens."⁵⁹ Better still: "there is no alternative to democracy in the public sphere."⁶⁰ But, again, his view seems to assume the legitimacy of the existing political institutions and the duty of the citizens to participate in them. A vision of citizenship as something episodic or as one where the citizen's duty is to reject dominant values and to retreat to local forms of communal life is unthinkable in Walzer's arguments.⁶¹ It is not so in light of the hermeneutic conception of citizenship I discuss in chapters 3 and 4.

1.5 Citizenship as amelioration of class conflicts

The fourth model of citizenship, citizenship as an amelioration of class conflicts, has its best exposition in the classic work of T.H. Marshall. In *Citizenship and Social Class*, he divides citizenship into three elements, which he calls "civil, political, and social." The civil element refers to individual freedoms which are associated with the courts of justice. The political element refers to participation "in the exercise of political power," which needs parliaments and representative bodies. The social element is concerned with the economic welfare of citizens and their right "to share to the full in the social heritage of their society."⁶² Marshall sees these elements as three threads, each one having a particular "story" which he assigns to different centuries—"civil rights to the eighteenth, political to the nineteenth, and social to the twentieth."⁶³

In tracing the "evolution" of these three elements, it is interesting to note that he seems to conceive of citizenship as the end result of either legislative pieces or judicial decisions. Thus: "In the

case of social rights the centre of the stage is occupied by the Law of Settlement and Removal..." The establishment of the rule of law in the eighteenth century "was in large measure the work of the courts..." In the economic field, "the courts of law played a decisive part in promoting and registering the advance of the new principle" of the right to work against established statutes and customs.⁶⁴ However, even though he suggests a juridical evolution of citizenship, one of his most important contributions is the relationship he sees between citizenship rights and social classes. And though the story he proposes is one of an increasing amelioration of class conflicts, he also suggests that the relationship between citizens' rights and social class has been one of conflict in which the advance of citizenship has weakened established privileges, even though it has not abolished inequality altogether. Hence his assertion that "in the twentieth century, citizenship and the capitalist class system have been at war."⁶⁵

Marshall's main concern, accordingly, is not to offer a formal definition of citizenship or a catalogue of good attitudes that ought to characterize the citizen, but to explore the "impact" of citizenship on social inequality. Though he begins his analysis with a rather vague definition of citizenship, i.e., "a status bestowed on those who are full members of a community,"⁶⁶ he then proceeds to see citizenship against the backdrop of a class divided society. In England, he argues, the growth of citizenship coincided "with the rise of capitalism, which is a system, not of equality, but of inequality."⁶⁷ At first, however, citizenship rights "did not conflict with the inequalities of capitalist society" to the extent that "the core of citizenship at this stage was composed of civil rights. And civil rights were indispensable to a competitive market economy."⁶⁸

Yet, the analysis he proposes suggests that the growth of citizenship has implied, on the one hand, an increasing amelioration of class inequalities and conflicts, and on the other hand, that growth has been a conflictive, but steady march toward social and political equality. So much so that at the end of the nineteenth century, he writes, "the steady increase in small savings blurred the class distinctions between the capitalist and the propertyless proletariat." The fruits of civilization are now available to the many, and citizenship, in short, is now attacking "the whole pattern of social inequality."⁶⁹

These assumptions help to explain the triumphalist note with which he concludes his analysis. Citizenship has mounted an assault on inequalities, and those that still remain "do not any

longer constitute class distinctions in the sense in which that term is used of past societies." Actually, "the preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship."⁷⁰

In explaining the development of citizenship "toward greater social and economic equality," his analysis centers upon "the social services of the twentieth century."⁷¹ These services appear in the forms of laws aimed at strengthening the civil rights of the citizens. This emphasis suggests that by expanding social services, the whole system of social inequality is undermined or neutralized. In other words, though citizenship has had a conflictive relationship with social classes, citizens can "enrich" their status and, in a way, empower themselves through an expansion of social services. Marshall does not analyze what forces, if any, contributed to enact a more egalitarian legislation. Nor does he consider the possibility that even an expanded system of social services can be integrated into the practices and interest of capitalist societies, while keeping intact the inequalities of that system.

To sum up, Marshall's account suggests that the development and expansion of citizenship rights have been the end result of legislative decisions, not of social struggles. The narrative he offers is thus one of reification in which citizenship grows, but citizens are conspicuously absent. Anthony Giddens offers a better picture. For him, the three elements Marshall uses (civil, political, and social) should be interpreted as "three arenas of *contestation* or *conflict*" in which citizenship rights appear as "a focus of class conflict."⁷² He argues that "it is more valid to say that class conflict has been a medium of the extension of citizenship rights than to say that the spread of such rights has blunted class divisions."⁷³

Marshall's analysis illuminates the links between citizenship and social inequalities, but his whole approach falls short of recognizing citizenship as a terrain of struggles in which different groups and individuals, either sharing or challenging a framework of institutions, *still* compete to further their interpretation of social reality and to push forward established boundaries of meanings.

1.6 Citizenship as self-sufficiency

That citizenship is a field of competing claims is best illustrated by the fifth model of citizenship, the productive approach, which defines citizens as self-supporting members of the commu-