Chapter 3
Citizenship

This book attempts to examine whether children's citizenship is either realism or romanticism. The Introduction has given a definition of childhood that, whilst there are a few riders, is relatively easily identified. However, the more complicated part of the question is to identify what citizenship is before moving toward the actual enquiry. This chapter sets out to make as compact an overview of citizenship itself and examine the possibility of there being a child specific definition that could henceforth be the locus of this research.

There is a tendency to take the simplest path to this 'definition' that is broadly speaking unsatisfactory when looking at children. However, the simple path is one that considers citizenship to be something that is intrinsically egalitarian in the modern world and applies to all people to one degree or another. It is inclined to use the language of a neo-liberal model such as that described by Thomas Marshall (1950) in his seminal work *Citizenship and social class*. The disadvantage of taking the simple path is that it looks at the present and has a propensity for omission of the many people who do not enjoy citizenship rights or have been deprived of some of them. Furthermore, it mainly focuses on western liberal democracies. The outcome is that history, with the exception of Athens from the fifth to fourth centuries BC, is generally overlooked, people with partial or no citizenship are marginalised and other versions of citizenship that are neither western nor modern simply passed over. Therewith claims of children's inherent right to citizenship with foundations in the past and its inevitability in the future tend to lack substance and owe much more to contemporary interest in a very narrow view of their participation in civil society.

Jess Cooney is an archaeology postgraduate in Cambridge who was among presenters at the 5th Annual Society for the Study of Childhood in the Past conference (see http://www.cam.ac.uk/research/features/prehistoric-pre-school/). The conference *Child Labour in the Past: Children as economic contributors and consumers* took place at the University of Cambridge from 30 September to 2 October 2011. Her paper revealed recent research into art by young children in one of the most famous prehistoric decorated caves in France which is a complex of caverns at

Rouffignac in the Dordogne, *la grotte de Rouffignac* also known as the *la grotte des cents mammouths* (cave of a 100 mammoths). She explained how painstaking research that used methods tailor-made for that work had made it possible to identify both age and gender of children who contributed to the artwork in the caves using a simple art form known as finger flutings. The flutings are around 13,000 years old from the hunter gatherer period. Her paper described how some of the flutings studied were made by a 3 year old and how the most productive young artist was a girl aged 5. Archaeologists first realised that children had produced some of the finger flutings in 2006 and during fieldwork carried out during 2011 by Jess Cooney with Dr Leslie Van Gelder of Walden University showed exactly how young they were.

Cooney is drawing attention to the fact that children as young as three were active in those caves with adults and that there appear to be few, if at all any, boundaries between adult and child activity. In her own words this raised an important question for her: "What I wanted to do with my PhD was to allow prehistoric children to have a voice, since children are rarely talked about in academic discourse. What I've found in Rouffignac is that they are screaming to be heard – the presence of children is everywhere in the cave, even in the passages furthest from the entrance."

Of course this bears little relationship to the question of citizenship but it does contribute to an open question as to when the separation began. Of course, 13,000 years ago during the hunter gatherer period there was no notion of statehood that would have included a concept of citizenship. However, these people would have belonged to families who belonged in extended groups or clans, possibly even tribes. What archaeology and palaeontology do tell us though is that children were involved in an activity that had ritual or symbolic significance, perhaps as simple as believing it would make a hunt more successful or with greater spiritual value. In that sense, if the children were included in a relationship of belonging that could be at all compared with what we now regard citizenship to be, then when and how did that notion transform into what was established in antiquity 2,500 years[1] ago? This book does not set out to search for the enigmatic truth in that respect but simply acknowledges that it occurred. Whether and to what extent it is reversible is far more to the point here.

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[1] The period of approximately two and a half thousand years is undoubtedly vulnerable to just criticism. We know enough about ancient civilisations such as those in Syria-Mesopotamia who very clearly had citizens to the extent that their membership of a state comparable to a modern concept existed up to 2,000 years before the ancient Greeks. However, we have far less knowledge of the detailed social construction of those civilisations. For a modern social scientist there is consequently too little substantial data for enough to be said for that to be a definitive starting point for my timeline. The Greeks, on the other hand, have given us far more data than actually required. Thus the choice is pragmatic rather than partial.

Citizenship and Nationality

Citizenship is commonly defined as *membership of a political community* but the basis of that membership is a matter of some debate. Complications begin with organisation and structure of that 'community'. Where do we find its boundaries and extent and what is within those limits? Then there is a whole series of questions about who may belong and who is included or excluded according to certain criteria. Furthermore, one needs to question whether it is only a political community, or may it indeed be something far bigger or even without observable limits?

The neo-liberal view of citizenship assumes each individual has membership in the political community (originally a city or large town but now usually a national state). It carries with it the right of political participation, usually through universal and democratic electoral rights but also including the notion that each individual has a right to be represented or be elected to represent others. It is most often assumed to be synonymous with *nationality* although it is quite possible to have nationality without citizenship or, indeed, to be without either. In the majority of nations a non-national is without citizenship rights as *Citizenship Laws of the World* (United States Office of Personnel Management Investigations Service 2001) shows very clearly. It describes types of 'citizenship' (pp. 4–5):

Citizenship by Birth: Citizenship is granted due to birth within the country. The legal term for this is "*jus solis*." In most cases, there are few stipulations on citizenship being granted. Birth in the country automatically confers citizenship regardless of the parents' citizenship or status.

Citizenship by Descent: Citizenship of a nation is passed on to a child based upon at least one of the parents being a citizen of that nation, regardless of the child's actual country of birth. The term for this is "*jus sanguinis*."

Though most countries adhere to the principle of citizenship by descent, they differ on some factors (father's vs. mother's rights, citizenship of one or both parents, the marital status of the parents, and others).

As a person reaches an age of maturity, continuing the condition of citizenship by birth (*jus solis*) or citizenship by descent (*jus sanguinis*) may depend on factors unique to the nation of that citizenship.

Citizenship by Naturalization: This is a formal process by which persons may acquire the citizenship of a country. The process varies and citizenship is not guaranteed. Basic rules may include a period of residence, renunciation of other citizenship, and familiarity with the language and customs of the country.

Citizenship by Marriage: By some nations' laws, upon marriage, a person is entitled to become a naturalized citizen of their spouse's country without having to fulfil other naturalization requirements. These laws are often different for males than for females.

Citizenship by Registration: In some instances, a person may acquire citizenship by registration with the national government without meeting all naturalization requirements for that nation. Usually these persons possess blood ties to the country through immediate relatives who are citizens, or by marriage to a citizen of that country.

These definitions of citizenship are a summarised version of the details for the directory of countries that then follows. However, on closer scrutiny they actually

only describe *nationality* since they lack both detail of exclusion from membership of a nation from within or the duties of citizens as bearers of full rights.

There is a very clear example of this in Germany where, until 2004, 36 % of Turkish citizens living in that country did not have German nationality despite being born there. Under the prior law, children born to foreigners in Germany were not entitled to citizenship (*jus sanguinis*) so that a large population of permanently resident non-citizens grew up with the outcome that over time even the third generation born there remained foreigners. In 2000 legislation was passed (Bös 2002:3–8) which allowed the possibility of German citizenship for German-born children of foreigners and the naturalisation process correspondingly made easier. Dual citizenship is not allowed and any person possessing it through birth to foreign parents must choose between ages of 18 and 23 years which citizenship she or he wishes to retain. Many people of Turkish origin have chosen to retain their nationality and probably others will continue to do so thus increasing the number of generations resident in Germany. However, the sting in the tail for German born Turks is that only those (often the first generation) actually born in Turkey have full rights anyway.

Derek Heater (1999:95) looks at the origins of citizenship as nationality:

> For two hundred years citizenship and nationality have been political Siamese twins. Before the late eighteenth century the relationship was much looser than we have been accustomed to assume, and the connection is loosening again in our own age as multiple and world citizenships become increasingly evident.

He furthermore describes four central ideas in European political thought in the mid-eighteenth century helpful for looking at how this came about. They are: cosmopolitanism, citizenship, patriotism and nation (*Ibid.*:95). He describes citizenship as 'an assertion of freedom from arbitrary power, and usually intimately bound up with patriotism, the sense of loyalty to and duty to defend one's state' and a 'nation was a group of people speaking the same language and not necessarily synonymous with the population of a state' (*Ibid.*:95–96). Certainly the 'loosening' Heater refers to is very apparent at present. In many countries it is normal that refugees and asylum seekers are considered to be *stateless* people and there are considerable numbers of 'Internally Displaced Persons' or IDPs around the world who are either refugees or migrants within their own country of birth and denied either nationality or full entitlements of citizens for a number of sometimes quite arbitrary reasons. There are also ethnic minorities who for one reason or another have never been given either status.

Heater (*Ibid.*:96) says that the word 'nation' was not commonly used until the mid-eighteenth century and describes its development in France as being especially instructive. '*Nation*' came to be synonymous with '*patrie*' and '*peuple*', connoting unity of the people and its territory, fusing classes and provinces as part of the conflict between '*roi*' (monarchy) and the masses to express the interests of the nation against monarchic abuse. Abbé Sieyes constructed the modern French definition of nation in 1788 by endowing a clear political connotation that is inextricably linked to the concept of citizenship (*Ibid.*:97).

The universality of citizenship has also been gender biased for much of history as will be described under the subheading 'Exclusion from citizenship and suffrage' later in this chapter. There we see examples such as Liechtenstein granting women electoral franchise as recently as 1984 and Appenzell Inner-Rhoden in Switzerland allowed them to vote in 1991, whilst Saudi Arabia still does not allow them full voting rights. Brunei offers suffrage to neither adult men nor women. Although women are citizens by nationality they do not always entirely share the full franchise that status usually offers men in their countries. Within children's rights circles the progress of women's political status has been used as a benchmark for how that might be used to argue for the extension of those rights to at least some children. The fact that Austria, Brazil, Cuba and the Isle of Man are part of a handful of nations who allow the vote at age 16 is a yardstick for the notion of this becoming the universal standard with the possibility of lowering that age further in the fullness of time.

Citizenship and Children's Rights

The CRC Articles 7 and 8 describe nationality thus:

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Approximately 10 nations (including the UK[2]) submitted reservations against full implementation of Article 7, however estimates of 'stateless' children begin with estimates of 50 million unregistered births worldwide annually (e.g. see annual editions of UNICEF *State of the World's Children* or UN World Development Reports). There are numerous reasons why children all over the world do not have a nationality. One particular cause stands out: lack of birth registration in countries

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[2]The reservations were withdrawn in September 2008 during writing this work.

where government funds are insufficient or where poverty dictates priorities other than birth registration. Furthermore, children from poor families cannot always afford expensive child registration fees and other families from rural areas cannot always cover the cost of travel to urban centres where registration is typically carried out. Some parents simply do not understand the importance of birth registration or lack basic information on how to register their children.

There are also legal barriers to establishing nationality. That is especially the case in countries where nationality is determined by parents' nationalities or birthplace of the child. Examples of people who commonly fall under this classification of statelessness include Roma, Bedouin, Karens, Kurds, Palestinians, Tibetans and many other smaller groups who cannot obtain an official birth certificate or formal papers declaring nationality. Estimated percentages of annual births not registered in 2000 listed by region were Sub-Saharan Africa 71 %, South Asia 63 %, Middle East and North Africa 31 %, East Asia and Pacific 22 %, Latin America and Caribbean 14 %, Central and Eastern Europe Commonwealth of Independent States and the Baltic States 10 %, industrialised countries (including EU members, USA, etc.) 2 %. The worldwide total has been estimated at up to 41 % of births not being registered (UNICEF 2002).

The balance of included and excluded embraces an estimated 36 % of the world population below age 19 years, 32.9 million refugees, asylum seekers, IDPs and other stateless persons (2.6 %), many of the approximated nine million adult prisoners (0.7 %) and other people such as those with mental health and legal reasons for exclusion. Thus, using basic UN statistics and allowing for double counting of adults and children across all categories, an estimated minimum of 40 % (nearly three billion) of all people do not enjoy full citizenship privileges. Thus, despite over 180 nation states ratifying the principles contained in Articles 7 and 8 CRC without reservation the real situation does not describe a universal standard from which a definition of citizenship can be drawn.

Whatever the case, at present in most modern secular nation states there is a close legal correlation between the two statuses that usually applies, if only in principle, to people of all ages. However what is more specifically definitive of what makes modern citizens is found in the rights and duties of citizenship. There are often obligatory duties of citizenship that vary from one country to another but often include such things as paying taxes or serving in the country's armed forces when conscripted. There are also ethical and moral duties that tend to include demonstrating commitment and loyalty to the democratic political community and state. A citizen is allowed to constructively view conditions of and participate in the improvement of the quality of political and civic life through electoral franchise and obedience of the law. He or she should also respect the rights and opinions of others, defend their own and the rights of others against those who would abuse them and generally exercise their rights. Those responsibilities do not, however, extend to all people. There are countries where people who have broken laws are deprived of some or all rights and duties whilst imprisoned or for a limited, extended or permanent period after having offended. Similarly, people classified as incompetent by mental health legislation are often denied many or most privileges of citizenship.

The vast majority of nation states also demand formalities such as birth registration documents and a registered 'fixed abode'. Thus people who have lost registration papers or never held them or are without permanent or any accommodation and those who are 'in transit' are commonly excluded within their own countries. Beyond that, most rights and duties of citizenship do not extend to persons below the age of majority which is usually 18 years of age in most countries. Some may gradually or partially be extended over the period of up to 5 or 6 years immediately preceding majority and others occasionally extend even beyond that age. It is, for instance, not uncommon in the UK for legacies to be age determined and stratification of such things as insurance cover up until notional maturity well into the 20s.

Children and youth are thus almost entirely without genuine political and economic influence. Therewith they lack the key components of what allows effective participation in civil society. Their citizenship is thus, unless withheld for one of the kind of reasons already described, limited to nationality and some of the ethical and moral duties, even then often under the supervision of adults. Thus children, along with the stateless, nationality-less, criminal and mentally ill, disprove the assumption that it is intrinsically egalitarian.

Citizenship in History

The situation in the contemporary world probably is very different to any other historical period. To begin with, the status of women has changed radically. Moreover, serfdom and vassalage have disappeared and the decline from the late medieval to the ostensible end of slavery and similar forms of 'ownership' of human beings from the early nineteenth century onward has changed what would have been an entirely different picture. We now view citizenship as the political bond between all people in each state and tend to measure their value as 'good' citizens (Milne 2005a:277–83) against the less frequently articulated 'bad'.

There are two main sets of political ideas and values defining *good citizen*. One has origins in Greece during the period 500–300 BC. We usually refer to this as the *civic republican* tradition. It is concomitant with an ideal of direct democracy in which all citizens take part in political decisions. The second set of ideas and values is informed by ideas held in Roman law developed in the Roman Empire from the first century AD onward that was more fully formulated in the seventeenth and eighteenth centuries in Europe. This is the *liberal* tradition which is linked to the ideal of a parliamentary democracy in which citizens elect representatives to represent their interests.

The starting point for scrutiny of citizenship is most commonly found in examination of ancient Greece and Aristotle's first systematic attempt to describe it theoretically (Aristotle 1908, 1999b). The Greek *polis* citizenship was very different in form and function to 'modern' (western) citizenship. The *polis* consisted of small-scale organic communities. Citizenship was seen as a public matter that was separated from the private life of the individual. Obligations of citizenship were profoundly

connected with each individual's everyday life in the *polis*. To be fully human, one had to be an active citizen to the community, which Aristotle (Aristotle 1999 b:6) has famously expressed: "…he who is unable to live in society, or who has no need because he is sufficient for himself, must either be a beast or a god: he is no part of a state". This nature of citizenship was based on the obligations of citizens towards community as opposed to rights given to the citizens of the community. This was not a problem since all had a strong affinity with the *polis*. Personal destiny and that of the community were strongly linked. Furthermore, citizens of the *polis* saw their obligations within the community as an opportunity to be virtuous as their primary source of honour and respect. In Athens *citizens* were both ruler and ruled whereby significant political and judicial offices were rotated and 'everybody' had the right to speak and vote in the political assembly (Jowett 1901).

An important facet of *polis* citizenship was the elitism that delineated boundaries between who *was* and *was not* one of 'everybody'. Citizenship in ancient Greece and later in Rome and cities that practiced citizenship in the Middle Ages was very exclusive and inequality of status was the norm (see Riesenberg 1956, 1992; Faulks 2000:14). Citizens had a much higher status than those who could not obtain the status of a citizen, such as women, children, slaves or 'barbarians'. Women were, for example, not considered rationally capable of political participation although some philosophers, especially Plato, disagreed with this principle. Children (boys) entered the citizenry by stages (see Chaps. 3 and 5). There were also other means used to determine whether someone could or could not be a citizen (see Riesenberg 1992:35; Manville 1994:24). At particular times this principally had to do with wealth, usually the amount of taxes a citizen paid, political participation and birthright. In fact, both parents had to be born in the *polis* for their child to become a citizen.

During the Roman Empire *polis* citizenship changed form (see Hansen 2006; Heater 1990, 2004; Faulks 2000). The extent of citizenship was expanded from small scale communities to a status throughout the Empire. The Romans found that granting citizenship throughout the Empire bestowed legitimacy on Roman rule over conquered areas. They also found that taxes were more easily collected and a necessity for expensive military power in areas where citizenship was reduced. Thus during the Roman era it was no longer a status of political agency but had been reduced to a judicial safety measure and articulation of rule and law. After the collapse of the Roman Empire the importance of citizenship became even less.

In the fifteenth century Niccolò Machiavelli described republican citizenship in Florence as a tool for asserting citizens' interests in hard contrast to Aristotle's view that it was a fundamental element of what is required to be human. Thomas Hobbes (1651) was one of the earliest political theorists to draw attention to the essential equality of individuals although they lived within a state in which he saw absolute power in the hands of sovereigns as the only conceivable means of holding society together. John Locke (1965) considered it necessary to balance the Hobbesian concern with the security of the state with the principles of the protection of life, liberty and property. Hobbes, and more notably Locke, saw the state appearing with the unification of all people in a social contract. Locke believed the individual should be sovereign and that the explicit role of the state is to defend all individuals' right to

life, liberty and property. Thus Locke postulated a view that all men had the same liberties and obligations as well as the right to change their government. His ideas were very influential on the outcome and aftermath of the American War of Independence. The rights and powers of all citizens to vote and stand for office were guaranteed by the consequent constitution.

Once we reach the eighteenth century, in the wake of the American War of Independence came the French Revolution. Thereafter came the beginning of the end of colonialism as Spanish colonies fought wars of independence. This is when we find the citizenship-nationality correlation and identity beginning to emerge in more or less the form it is viewed today. Whilst slavery and feudal control of people was in sharp decline, it is very important to note that Hobbes, Locke and other political thinkers and philosophers normally meant *men* rather than literally all people. It was exceptional that a few changes for women and fewer for children were proposed.

The notion of citizens having liberties, power and equality in front of the law has eventually become the norm in the west and in due course nearly all women have gained full citizenship. This perception of political citizenship is now the orthodox or liberal interpretation but has been constantly challenged. This work accordingly contributes to the debate on two counts. Firstly, it examines the exclusion of children from the proposition that there is 'universal' citizenship in an essentially egalitarian society. Secondly, it allows for both the fact that the orthodoxy is itself limited to the West and to those places worldwide that have aligned themselves with that concept and the vast numbers of individuals including children who are excluded.

Modern Principles and Theories of Citizenship

Most contemporary, western examinations of citizenship begin with a point of reference chosen from one of two models: the liberal or civic republican traditions. The liberal model's origins are more or less recognisable back as far as the Roman Empire and early-modern analysis of Roman Law (see Walzer 1989:211). Expansion of the Empire had the consequence of citizenship rights being extended to conquered peoples. That profoundly transformed the connotation of the concept. Whereas it meant being protected by the law, rather than participating in its making or implementation, it now implies membership in a community of common law, which may or may not be a territorial community such as a nation state.

Thus the liberal tradition, as it developed from the seventeenth century onwards, expresses citizenship primarily as a legal status. Within that, political liberty is important as a means to protecting individual freedoms from interference by other individuals as it is from the powers that be. However citizens exercise these freedoms for the most part in the world of a more private sphere rather overtly than in the political domain.

Over the last half century a great deal of work on citizenship has been highly influenced by the work of Marshall (1950). His argument was that development of

citizenship since the eighteenth century has included successive acquisition of civil, political and social rights. Civil rights include such improvements as the right to fair trial, freedom from arbitrary imprisonment and violence, freedom of speech, right to own property and rights of contract. Political rights have come to include the right to vote and to stand for election. Social rights embrace rights to health care, education and a benefit system that came about with the institutions of the welfare state. He considered social rights as of vital importance (in fact, his work was to a certain extent aimed at promoting development of the welfare state). He maintained that citizenship limited to civil and political rights would exclude many people from full membership of society. His argument was that people who were struggling with poverty or ill health or who were poorly educated would not have the time, resource or ability to exercise citizenship rights in practice.

Marshall, the work of his contemporaries and subsequent theorists of the same school of thought have given us what is now generally considered the dominant *neo-liberal* model of citizenship. Neo-liberal citizenship having promoted the importance of welfare state appears to be far more inclusive than its liberal predecessor or the civic republican model. In fact it is probably far more prescriptive of the position of children since it puts a great deal of emphasis on the protection of and provision for children in a fashion that is set aside from adult protection and provision. Some authors (e.g.: Liebel 2007b:32–43) have expressed far more faith in the civic republican model as a natural place for children to attain full citizenship.

The civic republican model's basis can be found in the writings of numerous authors including Aristotle, Machiavelli and Rousseau. It is also found in foremost historical accounts of examples of republicanism that include Athenian democracy or the Roman Republic through to the medieval Italian city-states and more recently workers' councils.

The principal republican value is political liberty which must be understood as non-domination or independence from arbitrary power. Pettit (1997) describes republicanism as an enterprise that embraces a notion of political liberty that he calls 'non-domination'. In line with this concept, we are free in as much as that we do not fall under the domination of others, subject to their will and become exposed to the vicissitudes of their desires. If we use Isaiah Berlin's (1969:118–72) taxonomy of liberty it would appear that Pettit's notion of republican freedom may be considered a 'negative' rather than 'positive' concept. That is especially so since that idea does not indicate the amount of control over which any individual or community exercises its own existence. To be free of domination by others is not equivalent to being one's own master because it is a condition which people may benefit from in various ways. Those may be in equal measure by allowing themselves to be carried away by enthusiasm or allowing themselves to fall under the rule of reason.

Pettit also describes republican freedom as 'dominion'. That is something close to the notion of a capacity to shape one's own life with a typical example being education. Because one version of the concept of education is of an institution that limits autonomy at the same time it improves the individual's life by informing the

agent's ability how to shape his or her life. Most certainly one might argue that the imposition of compulsory education is that which shapes a child's future and moulds them into future citizenship.

One of a few variants of republicanism is civic republicanism which is essentially progressive and liberal with significant distinguishing features. Some of its policy propositions deviate from mainstream liberalism in specific ways so that civic republicans are sometimes also confused with communitarians. At the core of contemporary civic republicanism is the perception of political liberty as non-domination or independence from arbitrary power. Thus, the individual or group is free in a positive sense to the extent that they are able to exercise self-discipline or even self-indulgence without interference.

The key principle of the republican model is public self-rule that is deep-rooted in classical institutions and practices. Those include rotation of public offices underlining Aristotle's portrayal of the citizen as one capable of ruling and being ruled as and when opportunity allows. Citizens are first and foremost individuals who share holding office. Public self-rule is likewise at the heart of Rousseau's notion of co-authorship of the law making by way of the general will that makes citizens free and lends laws legitimacy. Active participation in negotiation and decision-making makes sure that individuals are citizens instead of subjects. Essentially, the republican model emphasises the second dimension of citizenship which is political agency.

Neither, however, offers more than a very limited overview of a global representation of citizenship that is based only on two originally occidental theses. There are other ideas about how citizenship is changing; for instance, feminist citizenship theory leads to an assumption that there must be the possibility of a feminist or female citizenship. Then there is the notion of global or world citizenship that fits in with the convergence of nations (globalisation) and gradual homogenisation of economics, business, manufacturing, international migration and so on. Both are far more theoretical than practicable at present.

Other ideas such as social and active citizenship have become 'buzz words'. They imply that citizens share a role in working towards the development of their communities through economic participation, public service, volunteering and other socially beneficial activities to improve life for all citizens. To this end schools in England have begun to provide lessons in citizenship and the educational model in Wales is referred to as Personal and Social Education. This trend is born of Home Office policy that is inclined toward inculcation of the idea the *duties* and *responsibilities* of full citizenship. Ideally it contributes to social cohesion rather than any altruistic desire to make individuals freer than ever before.

Of course, none of these typologies leads to an assumption of the egalitarian nature of citizenship since each operates on the basis of differences. The final one certainly assumes the need to learn the qualities of citizenship at school in order to join those who have already attained that status. Of course, equality relates to status and difference to individuality which are naturally quite compatible. For instance, they give us 'leaders' in a society that is considered to be entirely *egalitarian*. Leaders are *different* in that they possess special qualities of one or more type that allow them to assume their role.

Thus we can also consider communism which is the ideology that seeks to establish a classless, stateless social organisation of people based on common ownership of the means of production. It is typically considered to be part of the broader socialist movement, inspired by various political and intellectual movements that have a shared vision of an egalitarian social state. It is one in which the common rather than individual good and common rights and duties are ultimate goals. Despite the principle of egalitarianism it usually depends very much on leaders and supporters structurally, usually appearing pyramidal between base and leadership. Consequently, what has sometimes been considered more an 'experiment' than realisation of a communal principle, has usually turned into a centrally planned, monopolistic state in which anything resembling absolute egalitarianism has yet to emerge.

Extraordinarily though, work in Viet Nam (see van Beers et al. 2006) has revealed a degree of goodwill toward children that is partially a cultural trait but also driven by the Party machinery. However, one of the paradoxes in Viet Nam is that despite apparent absolute political control of the nation by the Communist Party, the modern business sector and emergent affluent wealthy elite operate absolutely along neo-liberal lines and some of the more remote ethnic minorities still live in a more or less feudal environment. It is where Party control is for the most part still strongest that children enjoy anything resembling adult citizenship. This is as much part of a 'tug of war' between the state and traditional family values as an altruistic attempt to change children's lives. Some ethnic minorities (particularly H'Mong and Van Kieu) give children an extraordinary degree of autonomy from very early in life. However this is largely because of their dependence on swidden agriculture in remote mountainous areas which requires absence from home for several days at a time. Then children are left to fend for themselves and look after the home. They also tend not to physically or mentally abuse or punish children. The Kinh (Viet) majority, on the other hand, is very Confucian and often treats children very harshly allowing them little autonomy. The Party has recognised the 'gift' of rights for children and their increased participation in matters affecting them as a medium for their inclusion in the state. In due course this directs much of their loyalty toward the benevolent Party and state, thus sustaining its continued existence. Whilst this is superficially democratic it also achieves and maintains domination by securing commitment through early activism.

There are of course some 'theocratic states' in which only members of the state religion are allowed full membership. Theocracy means literally 'the rule of God' whereby government rules by or subject to religious authority. In fact, what we often consider theocratic is a state where clergy rule in the name of God and should be called either an 'ecclesiocracy' or 'hierocracy' or is in fact a monarchy (i.e. Saudi Arabia). In all cases the definition of citizenship is in line with religious and older cultural values (often called 'tribal practices') with women and children usually under firm patriarchal control. Finally, there are also civilian and martial dictatorships which are by and large authoritarian and define citizenship in very controlled terms. Those often include the gradual initiation of children into adult membership through indoctrination, civil or military service thus excluding those who do not qualify for whatever reason.

Social Organisation and Citizenship

Whilst what are essentially Western ideologies and definitions of forms of citizenship dominate, other forms of social organisation within states or parts of states require some mention in consideration of the probability of children's membership of any form of citizenry. At present most of the 194 nation states in the world are described by one or another of the foregoing definitions. However, it also possible to examine historical examples of statehood, most particularly through those that were republics, thus had some kind of constitutional structure.

There was the Licchavi state in India in the Himalayan Gangetic region around present day Vaishali in Bihar (Ojha and Jha 1987; Sharma 1968). It was already a republic around 600 BC throughout the reign of 34 elected kings. The first was Nabhaga, who is said to have abdicated rule on account of a human rights matter. Licchavi, in common with the latter Greek republics (Athens, Sparta and Corinth), was a city state. City state republics are not entirely uncommon historically (for instance, see Finer 1999), the Phoenicians had Carthage, Sidon and Tyre, Central Asia saw Bukhara, Qaraqorum and Samarkand, Italy had Florence and Venice, Africa had Eko and Abadan, China had several city states during the Shang and Zhou dynasties and, albeit without clear evidence, there were the Mesoamerican and South American empires of the Aztecs, Incas and Mayans. Many of them have been said to have been as much in the hands of their 'citizens' as of their rulers who were often selected (but not elected) monarchs, priests or 'political' leaders.

However, as far as we know, those empires were mostly aggressively territorial, dogmatic and internally hierarchal. They also frequently conquered and dominated or enslaved enemies or inopportunely surrounding people in attempts to expand their territory. However, on balance there is little difference in some cases between examples such as Licchavi, Venice or Athens. In them democracy and imperialism were considered complementary qualities, which is where we often look toward the origins of the notion of modern citizenship. Thus, we see little evidence of a membership for all people within the bounds of republics throughout history, let alone children, although history may suggest a far more 'blurred' distinction between adult and child in some of them.

A further consideration should be the 'tribe' which has often mistakenly been attributed with the character of a 'nation' thus assuming a form of membership that may be compared with citizenship (for instance, see Selassie 2003:58–60 and 68–70). What has been supposed by some (e.g. Thoreau 2007) who attach romantic values to the concept, is that the tribe is organised as a form of primitive communism as the original, hunter-gatherer state of humankind out of which it is said to have come about. In fact a tribe is a small, more or less independent subgroup of a larger social system. Tribal societies have generally lacked organisational capability beyond the local tribe, with each consisting only of a small, localised population.

The internal social structure varies vastly although the small size of tribes has meant that they have relatively simple structures with few social distinctions between individual members. Some are considered more or less egalitarian with

many traditionally having a weak concept of property and ownership, occasionally no concept at all. They have a strong sense of shared identity and kinship, albeit the latter may not describe intergenerational relationships as western people would recognise them. Despite a generally egalitarian structure, they normally have a clearly identifiable leadership and hierarchy. One aspect of the latter tends to be age hierarchy whereby children grow into full membership and often need to pass specific markers in life, many of which are celebrated on completion of initiation rituals.

Broadly speaking, adulthood and full membership tends to correspond with the years during which individuals are economically most active and are able to produce children, thus often occur far earlier than in western society. Attempts to compare citizenship within a larger society and tribal membership are predisposed to the criticism that the latter frequently exists within the former in the modern world. What we know about that historically often badly accounts for recent change. The emphasis in the contemporary world has switched to a focus on the duties and responsibilities of individual and collective citizens.

Duties and Responsibilities

The duties and responsibilities borne by citizens are perhaps the central cohesive source of support and stability within the society to which each individual citizen or collective of citizens is bound, although in practice each may be unaware of their role. To define 'duty' in this context means that whoever is duty bound has an actual, ethical or moral obligation toward individual or many fellow human beings, an organisation or body or perhaps society as a whole to complete a particular action without damage to any of them. It may, for instance, be to carry out day to day duties in the service of one's nation as a member of the military.

A 'responsibility', on the other hand, is an obligation that is binding according to some kind of 'tenet', which may be a non-statutory regulation or something as enforceable as a law, to complete an action or task that has been assigned to or is attributed to an individual or group. It may be taken on voluntarily or as an allocated task or function but the onus is on whoever is doing that thing to be accountable for its completion or failure to do so. The two are often confused for the other but the actual difference can be determined in terms of choice. When one has a duty the expectation is that it will be completed without question or evasion whereas with a responsibility there is an element of choice. If a person fails to fulfil a responsibility or chooses not to do so there would normally be no sanction whereas to not carry out a duty may well be formally reproached or punished.

For adults it is assumed that their socialisation will have given them the sense of both as part of their role within a unit as small as a family through to the role they play as individuals within the collectivity of an entire civil society. In both cases children may be excused for a dereliction of a duty or not to be responsible for an action. Whilst the notion of the sense of both, and in some societies a sense of duty particularly, is expected to be learned far more stress is placed on duties than

responsibilities. It is assumed that in learning one the other will be acquired. It is presume that children are without the maturity and experience until they reach particular markers during early years and through youth to the point at which they achieve adulthood when they will be able to bear their duties and responsibilities as conscientious members of their society. They are, therefore, chosen qualities inherent to citizenship and therefore the ability to choose to accomplish or not the desired outcomes of duties and responsibilities informs that they possess agency within the structure they belong to.

In sociological terms *agency* refers to the ability of individuals to act independently and make own free *choices*. In contrast, *structure* refers to factors of influence such as class, gender, religion, gender, ethnicity, etc., that determine or limit the decisions and choices an agent makes. The relative difference in the influence of structure and agency is contentious in that it is uncertain to what extent an individual's actions are inhibited by the social system he or she belongs to. However, agency is one's independent capability or ability to act independently, in other words choosing to do something. This ability is influenced by the cognitive belief structure learned and formed through experience and views of the society and individual as well as the structures and conditions of the environment one is in. To disagree on the extent of personal agency regularly causes conflicts such as those that occur regularly between parents and children.

Thus, in philosophy and sociology, the term *agency* describes the ability of an *agent* (a person or other body) to act in the (their) world. In philosophy, agency is considered to *belong* to an agent even when an agent is actually a fictional character or other nonexistent entity such as an 'alien' in science fiction. The capacity to act does not of itself mean an explicit moral dimension to the capability to choose to act so that *moral agency* is consequently a distinct, separable concept. Sociologically, the agent is an individual *engaging* with a *social structure*. There is however debate about social structure against individual capacity regarding an individual's actions with regard to the level of reflexivity an individual (agent) may have the benefit of.

Therefore, human agency is the capacity for human beings to make choices and impose those choices on others. Therefore, agency is more or less distinct from the concept of free will which is the philosophical principle that choices are not produced by causal chains but are in fact extensively free or undetermined by others. Human agency includes the assertion that people make decisions and act on them in the world. The question as to whether humans make decisions of free choice or under other influences is an entirely other issue.

The capacity of an individual to act as an agent is personal to that person although consideration of the outcomes of specific acts of human agency for others can be believed to advance a moral element into a given situation in which that agent has acted. That is said to involve *moral agency*. If a circumstance is the outcome of human decision making, then an agent may be duty bound to apply a *value judgment* of the consequence of their decision and be held responsible for that decision. Human agency permits the bystander to ask "*Should this have occurred?*" in a manner that may be irrational, for example, asking whether a child should have been born after he or she has already been born.

The concept of social *structure* describes the relationships between different individuals, units or groups (all of which are agents) or as durable and relatively established patterns of relationship and emphasises the notion that society is grouped into structurally interconnected groups or sets of roles. Each has a different function, meaning or purpose. Thus, we have the idea that society is separated into different strata partly or entirely governed by underlying structures in that social system. Family, religion, law, economy and class are all social structures and the social system itself is the parent system of a range of systems embedded within it.

In terms of duties and responsibilities the assumption is that children must learn what those are and whilst they have agency just as every adult does, the assumption is that choice must be guided until learned. Thus agency is assumed to 'increase' with age and experience. This, of course, is in line with the human becomings notion of childhood. However, given that fictional characters with no ability and mechanical objects with limited ability to make 'choices' are said to have agency, and that the former most certainly have no capacity to learn and increase their capacities, the notion of *agent becoming* that could be interpreted out of *human becoming* is a contradiction in terms. It is that contradiction that stands between a child and his or her entitlement to be a full member of their society in which they may choose whether or not to bear the duties and responsibilities that go with citizenship.

Terminology

It is not only history and human organisation that is important when examining citizenship but the entire terminology which is part of the socio-linguistic understanding of what it is. The word *citizen* is itself part of understanding what citizenship is. Across Western European languages there are two dominant forms. As with the English, the French *citoyen*, Spanish *ciudadno*, and other essentially Latin originating words describe somebody who is an inhabitant (and member) of a city. That is very much in the way the Greek concept described a native of a city state such as Athens. Northern European languages such as German *Bürger*, Dutch *borger* or Norwegian *medborger* derive from the Germanic word *burg* meaning castle. Many towns grew up around castles thus coming to mean city although the German word for city is, in fact, *stadt*. Thus one differentiates between, for instance, *Staatsbürgerschaft* (citizenship) and *Stadtbürgerrecht* (civic rights) in German and similarly in other Germanic and Nordic languages. However, the understanding of citizen in (for instance) English and German is different because the latter has a broader application than the former in line with wider usage.

When looking at *nationality* as a part of citizenship we find similarly divergent forms, thus *Staatsanhörigkeit* and similar northern European forms describe belonging (*Anhörigkeit*) to a state rather than being of that state (*national*). With both citizenship and nationality English antonyms alone are complicated. In most English speaking nations a non-citizen is also a non-national and referred to as either

foreigner or *alien*. This becomes more complicated in federal structures such as the United States of America. Since there is state and national citizenship *foreign* is the legal term for someone not a citizen of a state and *alien* is reserved for someone not a citizen of the United States. A New York company is foreign in Illinois while its Danish employee is an alien. In German there is *Fremder* that describes an alien, foreigner or stranger and is thus, all degrees between a local stranger and a non-national. Then there is *Ausländer* which is both alien and foreigner and is also the legal term for a non-national.

Language is very influential in how laws manifest themselves in other domains, thus how they may generally be understood when they are used within Anglo-Saxon 'common law', Roman law, Code Napoleon and other secular and religious legal codes. Beyond the complicated language of Western Europe there are thousands of other equally different and occasionally more complicated expressions. Beside those are laws, norms, mores, beliefs and practice which make the actual meaning of citizenship an extremely diverse possibility.

This is only the lingual '*juggling*' in what is actually culturally and linguistically a very small part of the world. The global picture is of a world in which there are over 600 prevalent languages, but 6,912 (see Gordon 2005) 'living' languages plus distinct dialects, across something in the region of 5,000 recognisable 'ethnic groups' in 194 independent nation states. This warns one of a more complicated task in actually reaching definitions. The many cultural, belief led and politically varied forms of citizenship and membership become overwhelming when the entire socio-linguistic issue is taken into account and, of course, the role of historical development wherever either convergence or divergence has occurred.

Children's Participation and Citizenship

A further issue to examine in this chapter is 'participation' although Chap. 9 will more explicitly visit the topic. Participation has become virtually a 'cottage industry' of the children's rights world since the adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989. The state of participation at present is that there is neither constructive debate nor discourse. From the beginning of enthusiasm for children's participation it has been taken into vague forms of 'ownership'. This includes numerous authors who make assumptions based on their interpretation of the participatory articles of the CRC to state rather than prove that children are citizens. Much of this has used the medium of Article 12 to the exclusion of other articles as described by van Beers, Invernizzi and Milne (2007: vii–ix) in their introduction to a reader on children's participation.

Whilst Article 12 is unique to the CRC, Articles 13–16 are also 'participatory' but have been taken almost unchanged from Articles 18, 19, 21, 22 and 23 of the 1966 International Covenant on Civil and Political Rights. They thus fall in line with the base principle of 'the equal and inalienable rights of all members of the human family'. There has been an additional elusiveness of real explanation by use of the word

'participation' out of context instead of describing it as *participation in civil society*. It is frequently contextualised. Thus, by way of example, one finds that in the United Kingdom it is possible to find publications that refer to the participation of *looked after children* (see Chap. 8) within the welfare and social work domains but largely divorced from the rest of society. It is this segmentation of participation that removes rather than incorporates children into full citizenship that undermines its potential for resolution of the question this research addresses.

Child participation tends, in fact, to be a distraction and to move the issue away from citizenship. It appears to work counter to early liberal-democratic theory such as John Stuart Mill's (1869) forceful advocacy for the extension of political franchise to women. This was part of his belief in representative democracy whereby all people (the electorate: men and women) chose their (educated) representation and included direct action and participation as necessity demanded. The contemporary pro-child participation view tends to suggest separatism. Accordingly, children generally make decisions addressing the issues of children and are allowed to have a degree of opinion but no real political influence. There is certainly no real decision making capability in the world generally where adults are best placed to decide for them. In other words, children are allowed only partial citizenship through a veneer of playing a role in *their* part of civil society. In fact, as evidenced by children's role in the Palestinian *intifada*, protests and strikes in apartheid period South Africa and anti-war protests from the 1960s onward, the response by people in places of authority and power is largely negative and occasionally harshly punitive (see Coles 1986b). Thus, and as Chap. 9 will examine more extensively, it is intellectually influential at best but pragmatically of little value to the matter of children's citizenship.

Citizenship remains the bedrock of contemporary legal and social status whereby its natural foundation is the principle that citizens enjoy equal rights. However, under certain circumstances consideration of individuals' interests or actions are used to justify differential treatment by the state. That may include not considering the possibility that children might have the capability to fulfil the duties and responsibilities of citizenship. This will be considered later in this work where exceptions as well as rules will, of necessity, be examined.

Children's Citizenship and Political Power

A question also arises how persuasive the argument for children's citizenship might be in complex and internally diverse societies? This question is dominated by a tension that is difficult to resolve without popular support of the populace in general and evidence that corroborates the argument for inclusion. Whilst the USA played a central role in the drafting of the CRC, at the end of the second decade of it being in force they have still not ratified it. In the USA there are said to be moral, legal and religious reasons for not ratifying. Whereas the Constitution and Bill of Rights should produce a policy of open-mindedness and respect for all 'citizens',

fundamentalists have turned to Christianity to emphasise the moral duties of the family. Those are raised to a level beyond the opportunity to protect personal rights that are ensured constitutionally. At the same time, the US Constitution never specifically mentions children as bearers of the rights it protects. Thus whilst the majority of the population may not be concerned either way, the outspoken fundamentalist Christian lobby has used moral and quasi-religious reasoning to support a legal argument against ratification. Rather than going into more detail here, this issue will be examined again in Chap. 10.

What we know about the pluralist nature of contemporary societies leads us to draw attention to the importance of general legal and political principles that include democracy, human rights and the rule of law. However, those are often in the most cursory fashion rather than unequivocally presenting the entire picture. Even the most advanced liberal democracy has a tendency to do this rather than look at traditional symbols of citizenship and nationality that every nation state sustains in its common history and culture.

The power of government to call a 'state of emergency' during which many 'rights' and democratic institutions may be suspended without recourse to obtaining a mandate to do so from an electorate through the ballot box bears witness to this Achilles' heel. The Egyptian people have lived under an Emergency Law (Law No. 162 of 1958) since 1967 except for an 18 month break that began in 1980. The state of emergency was invoked during the 1967 Arab-Israeli War. It was reintroduced following President Anwar Sadat's assassination in 1981. Since then it has been continuously renewed every 3 years. Under it police powers are extended, constitutional rights suspended and censorship was legalised. It very consequently restricts any non-governmental political activity so that street demonstrations, non-approved political organisations, and unregistered financial donations are officially prohibited. Several thousand people have been detained under the law and estimates of political prisoners (administrative detainees) run high. The briefest examination of either Amnesty International or Human Rights Watch's Egypt reports would show a rather grim reality. Power is apparently organised under a multi-party, semi-presidential system in which executive power is supposedly divided between President and Prime Minister. In practice power rests almost solely in the hands of a President who was until recently usually voted in by single candidate elections.

In 2001 the 'Concluding observations of the Committee on the Rights of the Child: noted that:

14. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms. The Committee recommends that the State party consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the Committee recommends that the State party ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation. The Committee recommends that greater efforts be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society and encourages the State party to support initiatives aimed at strengthening the role of civil society.

Egypt is an example of the extreme use of state power in a country that is seen as an important ally by liberal democracies involved in political mediations they hope will bring the long term crisis in the Middle East to an end. Normally, countries negotiating for peace with Egypt at the heart of their mission should be diplomatically protesting for improved conditions in that country. This 'balancing act' is political expediency that creates a permanent state of conflict between states who tolerate Egypt uncritically and the human rights lobby. The Committee comments reflect this tension. To recommend "strengthening the role of civil society" addresses both the increased inclusion of children but simultaneously acknowledges the fact that within an undemocratic system there are other underlying problems.

With such questions we are confronted with resolving where children stand in the complicated issue of citizens' political agency. Without resolution we would be simply adding the dimension of children to parts of the world that have only relatively recently included women in their political and social environments. That change was most certainly central to debates between liberals and republicans for several decades and probably political 'dust' has still not settled in those places. Inclusion of young people assumes an understanding of democracy in terms of civil self-government along civic republican lines or through the capacity to implement control over government in a liberal society. However, it is not easy to determine how and through which means citizens of varying competence and maturity exercise meaningful political agency in complex societies that are themselves at different stages of social and political development.

Overall, despite almost two centuries of gradual change it is a very incomplete change. At present we have the phenomenon of the CRC almost mirroring the view that women required the guidance and protection of men that was prevalent for centuries (e.g.: paragraph nine of the Preamble, Article 3 – 'best interests' and Article 5 – 'evolving capacities' [see Appendix I]). Thus part of the evidence for citizenship that is required is a convincing argument for children's competence as social actors in a number of domains including the economy, politics and social environment.

Exclusion from Citizenship and Suffrage

In a narrow sense citizenship is of intrinsic nature exclusionary. Therefore, exclusion can be better defined by looking at what inclusion itself means. It describes who is a citizen of a nation state and which *set of rights* an individual can exercise. In most constitutions the equality of all citizens is declared as a foundation. That means that they should be equally entitled to particular rights which are characteristically those associated with a democracy, thus include the right to vote, freedom of association, freedom of belief, etc. Thus *social inclusion* requires us to go further into realms of formal and substantive equality which are characterised by discrimination, exclusion and inequality. Social inclusion begins from the premise that it is democratic citizenship that is at risk when a society fails to develop the talents and

capacities of all its members. Social inclusion is undermined when, for instance, the rights of minorities are not respected and accommodated so that they feel they belong to the 'other'. Social inclusion means there is, or at least should be, no contradiction between democratic citizenship and differentiated citizenship in which people can hold dual or even multiple loyalties. People under the age of majority are very often treated as a minority whilst in reality, in many nation states they are actually the greater part of a population and where discrimination and inequality are also present they are dual or multiple forms of exclusion.

Under some circumstances citizenship is in part or entirely denied, removed or suspended. This most commonly manifests itself as the removal or suspensions of suffrage so that whilst other citizens' rights still apply, persons may be without voting rights or eligibility for public office.

Religion has often been a reason for the partial or entire denial of removal of all or parts of citizenship, especially political rights (for instance, see Boyer 2001). Following the Reformation, throughout Europe it was common for people of discredited religious denominations to be denied civil and political rights. That included the right to vote, stand for election or take a seat in parliament. In the UK, Roman Catholics were barred from voting between 1728 and 1793 and could not sit in parliament until 1829. British Jews could not be naturalised. When an attempt was made to change that with the Jewish Naturalisation Act 1753, it provoked so many reactions that it was repealed in 1754 and remained thus until 1858. Following the Declaration of Independence in 1776, several states in the USA denied Catholics, Jews and Quakers voting rights and forbade them to run for office. In 1886 Romania made the provision in Article 7 of their first Constitution that only Christians could become Romanian citizens. Jews who had been in Romania for many generations were declared stateless. In 1923 a new Constitution was adopted, in which Article 133 extended citizenship to all Jewish residents as well as equal rights to all Romanian citizens. At present, in the Republic of Maldives still only Moslem citizens have voting rights and are at all eligible to stand for parliamentary elections.

Arising out of very similar moral roots to beliefs, the status of the illegitimate child has set some of them aside from the majority of members of their society. Despite decreased legal significance of illegitimacy, exceptions can be found in nationality laws of countries, which discriminate against illegitimate children in the application of *jus sanguinis*. That is especially the case where a child's putative tie with the country can only be claimed through the father whether he is the biological parent or has paternity only through marriage to the mother before the birth of the child without being the biological parent. To give one example, as in many other nations, the United Kingdom did not normally allow nationality to be passed on exclusively because the British father was not married to the mother. Formerly, it was held that fathers who remained unmarried to the mothers of their children did not usually have strong links with them. However, attitudes and laws have changed so that for nationality purposes the law changed on 1 July 2006. From this date on, as a rule, unmarried fathers became able to pass on British citizenship on the provision that he is proven to be the father of a child. Normally, this was through birth certification although other evidence including DNA tests and court orders are

normally acceptable. The change in law was not retroactive, in other words, it does not apply to children born before 1 July 2006.

Ownership of property and being a tax payer were the qualification for full citizenship and political rights. Until the nineteenth century several Western democracies had property qualifications written into electoral law. For instance, only landowners could vote since at that time the only tax was property tax. Similarly, voting rights were weighed according to the amount of taxes paid, for instance the Prussian *Dreiklassenwahlrecht,* where men aged over 24 years were eligible to vote in 'classes' divided by their direct tax revenue into three classifications. Today such laws have largely been abolished and replaced by having a 'fixed abode' although the homeless are commonly unable to register because do not have permanent addresses.

Some electoral systems hold elections within sub-national jurisdictions that prevent persons who should normally be eligible to do so from voting because they are not resident within those jurisdictions or they reside in an area which cannot participate. In the USA residents of Washington DC, for instance, have no electoral representation in Congress although they have *de facto* full representation in presidential elections.

Sometimes citizens are ineligible when they longer reside in their country of origin. Australian citizens, for example, who are out of their country for more than one, but less than 6 years, are excused from an obligation to vote whilst they remain abroad. In Australia is normally compulsory for resident citizens to vote. In some countries naturalised citizens do not acquire voting rights or are allowed to stand for office, either permanently or for a definite period. In the Federated States of Micronesia, citizenship over a minimum of 15 years is the condition in order to be elected to parliament. In the USA the President and Vice-President must be natural born citizens whereas all other offices may be held by any citizen. The use of exile as a form of punishment or restriction has most certainly place limits on citizenship. Where a person in sent or deported into external exile, which is to say outside their own country, to all intents and purposes that individual is without citizenship. However, even internal exile often removes or reduces it. Permanent or life exile where the person or persons placed or sent out of their country of origin who are unable or who do not wish to take a new nationality are without citizenry of any kind for that entire period. Self-exile, all forms of international refugee and asylum seeking persons or diasporas tend to have much the same outcome. Many of them are given the status *stateless* to describe their situation.

Race has been used to limit not only the political element of citizenship but also to entirely withhold it to some extent. This may be indirectly whereby nothing in law explicitly prevents anyone from voting on account of their race. However, other laws and regulations are used to exclude people. In southern states of the USA before the *Civil Rights Act*, 1964 and *Voting Rights Act*, 1965 a combination of literacy and other tests frequently disenfranchised African-Americans. Property qualifications also disenfranchise non-whites, particularly if tribally-owned land is not allowed to be taken into consideration. Official laws and regulations were sometimes passed expressly to disenfranchise particular races such as in South Africa under apartheid.

In Canada, the Abella Report (1984) supported the notion that equality itself does not signify *sameness* but that we have to treat differences differently. It has been argued that minority rights have a 'corrosive effect' on citizenship since they politicise such issues as ethnicity and undermine the emergence of national identity. Moreover, that leads to separation that in due course only reinforce exclusions minority rights activists are struggling against. Those critics fail to understand the considerable power and privilege enjoyed by a majority that denies that to others because of their gender, disability or race. Preceding the Abella Report, Morton Weinfeld referred to the fact that: "…the ideals behind the rhetoric of multiculturalism have not been attained…Canadian native people and other non-whites continue to be victimized, a fact reflected in economic inequality or in patterns of social exclusion, abuse, and degradation" (Weinfeld 1981:29).

It is the pervasiveness of intolerance aimed at disadvantaged individuals and groups and prevalence of discrimination that contribute to the disintegration of social cohesion, thus causing separation and disparity. Main contributing factors in what Reginald Bibby (1990) called *mosaic madness* is not the demands of minorities, but is in fact the continued existence of racism and sexism. The Supreme Court of Canada noted that minority rights do not erode democratic citizenship, rather "The accommodation of differences is the essence of true equality" (see Kymlicka and Norman 2000:33).

Many countries restrict or entirely remove the voting rights of convicted criminals and those classified as criminally insane.[3] A few countries, including some states in the USA, withhold that right to vote people convicted of serious crimes after their release from prison. In some countries the removal of the right to vote is automatic with conviction, whereas in other cases such as France and Germany[4] (see Seifert 1976 for the example of German law) withdrawal of the vote is only

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[3] An insanity defence is used by criminal defendants and its most common variation is *cognitive* insanity. Under the test to prove the plea a defendant must have been so impaired by a mental disease or defect at the time of the act that he or she did not know the nature or quality of the act. Furthermore, if a defendant did know the nature or quality of the act, he or she did not know that the act was wrong. Most countries allow defendants to plead a cognitive insanity defence. That defence should not be confused with *incompetency*. Accused persons who are incompetent to stand trial are held in a mental institution until they are considered capable of participating in the proceedings. This kind of defence reflects a generally accepted notion that persons who cannot understand the consequences of their actions should not be punished for criminal acts. It's origins as *complete madness* were first established by common-law courts in late thirteenth century England. By the eighteenth century it had developed into the *wild beast* test whereby that defence was available only to a person who was 'totally deprived of his understanding and memory so as not to know what he [was] doing, no more than an infant, a brute, or a wild beast' (Feigl 1967:161). All people judicially committed to institutions have all citizenship rights withheld or removed until such time as they are assessed as being *capable* of making informed judgement which may be well after a release back into the community.

[4] Federal Electoral Law (*Bundewahlgesetz*, BGW), Section III *Franchise and Eligibility*, Article 13 Disqualification from Voting, enacted on 7 May 1956 (Federal Law Gazette I, p. 383). In the version

applied for certain crimes such as offences against the electoral system. In a majority of countries in the modern world, prisoners are allowed to vote but are ineligible to stand as candidates for office.

Age and gender are the final areas that require examination. One of the most forceful arguments for the continued political exclusion of women was always their incapacity to direct their own lives. Whilst the Pitcairn Islands granted them suffrage as early as 1838, one of the last European countries to grant women equal voting rights was Liechtenstein in 1984. The Swiss Federation for Women's Suffrage had to campaign from 1909 to 1971 before women were allowed to vote in national elections and it was still not until a 1990 decision by the Federal Supreme Court of Switzerland that women in the Appenzell Inner-Rhoden Canton were allowed to vote as of 1991. At a meeting of the Committee on Elimination of Discrimination against Women (CEDAW) in January 2003 it was said that a number of experts 'were concerned over the pace of change, noting that Switzerland had ratified the Convention relatively late and had only given the vote to women in 1971' (CEDAW 2003:4). The Convention on Elimination of Discrimination against Women had come into effect in 1979 but Switzerland had only ratified in 1997. With regard to women's role in political and public life a report to the Committee said that women had only won the right to vote and be eligible for election at national level in 1971. Some cantons had granted that right earlier, however Appenzell Inner-Rhoden was the final canton to grant women the right to vote.

A few countries like Saudi Arabia are still in the process of introducing franchise and there are countries where economic rights allowing only property owners to have voting rights still work against the majority of women. In 2011 King Abdullah announced that women in Saudi Arabia are to be given the right to vote and run for office in future municipal elections which are the only public polls in their country. They will also have the right to be appointed to the consultative Shura Council. The number of countries where religious edicts such as *Sharia* stand in the way of universal franchise is however gradually but inexorably decreasing.

Economic rights have also often been biased against women whereby wage differences, even in countries with equal pay regulations, are very common. Those women have problems caused by a lack of economic power in areas such as

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promulgated on 23 July 1993 (Federal Gazette II p. 1288, 1594) most recently amended by the law of 15 November 1996 (Federal Gazette I p. 1712) it states:

A person shall be disqualified from voting if

1. he or she is not entitled to vote owing to a judicial decision.
2. a custodian has been appointed not only through a restraining order to attend to all his or her affairs ; this also applies when the custodian's sphere of duties does not include the affairs set forth in Article 1896, Paragraph (4) and Article 1905 of the Civil Code (Bürgerliches Gesetzbuch),
3. he or she is accommodated in a psychiatric hospital under an order pursuant to Article 63 in conjunction with Article 20 of the Penal Code.

See also: Seifert (1976).

property ownership and renting where those who choose to live without men may be disadvantaged by not have that form of capital.

Thus, turning age and the denial of full citizens' rights that entails, which is also mainly based on an assumption that children also lack the capacity to direct their own lives. One of the issues not at stake here is their rights. The fact that all but two nations in the world at the times this is being written are states parties to the CRC bears that out. There is though the tacit assumption that children are not ready for the duties and responsibilities that come with full citizenship.

The initial question this chapter raised was what a specific definition of citizenship might be for the purpose of my research. Citizenship is different things and at a vast range of stages of development from one nation to another. The ideal model for this examination would be to assume that it is essentially egalitarian and to search for arguments from history to the present to substantiate the case for inclusion. On the other hand, to do so would be to place emphasis, as is already often the case, on western liberal democracies where the predominant political culture is far more likely to view the notion positively. Thus, the option remaining is to apply an adaptable, wide ranging definition. The proposition my research raised was then incorporated and conclusions could be reached that were not only identifiable with a single political culture or nation state.

Democracy and Citizenship

The two preceding topic areas have examined children's citizenship and political power and then their exclusion from citizenship and suffrage. Both are part of a political dimension that since the advent of the CRC in 1989 and a burgeoning interest in their participation in civil society have been placed in particular contexts. Those are mainly areas in which one can freely talk about contexts such as 'Demeny voting' whereby voting rights would be extended to everyone including children regardless of age. This does not mean that they could stand for election but within the 'child participation' field would almost certainly entail alternative and complementary bodies and institutions being set up. Thus there would be 'children's parliaments' and their like, who whilst having no lawmaking powers or real contribution to the entire range of political decisions, may at least have advisory or consultative status in a few forwarding thinking nations. Notions of political power and suffrage carry with them another favourite topic of participation specialists: democracy.

Before developing arguments for citizenship further it is almost unquestionable that the subject of 'democracy' be addressed. The first point must be that there is no absolute link between the two since citizenship in one form or another exists in even the extremes of absolutely totalitarianism and apparent lack of political cohesion. Indeed the twentieth century saw several examples of child and youth 'participation' with the *Deutsches Jungvolk* for boys and girls aged 10–14 years, then *Hitlerjugend* for boys and *Bund Deutscher Mädel* for girls up to 18 years. It was created in 1922

and finally disbanded with the German defeat in 1945. The Всесою́зная пионе́рская организа́ция и́мени В. И. Ле́нина (*Vladimir Lenin All-Union Pioneer Organisation*, also known as the *Young Pioneer Organisation of the Soviet Union*) for children of ages 10–15 years in the Soviet Union between 1922 and 1991 was a model for numerous either erstwhile or at present extant child and youth organisations. Whilst they have frequently been prerequisite for access to full citizenship, they actually have little to do with any form of democratic or democracy-like input into the societies in which they exist.

The second issue is that the choice of approximately 2,500 years used is also the most conventional timeline used in work on democracy when, for instance, Athenian 'assembly democracy' is the starting point. Here, and without question, the fact that Keane (2009) gives a large part of the early chapters of his work over to dispelling that argument draws attention to frailties in my own timeline. Keane tells us that the ancient civilisations of the Assyria-Mesopotamian region were more or less experimenting with what we might now consider popular assemblies up to 2,000 years before the Athenians. Athens stands out historically for their almost narcissistic sense of destiny far more than their innovative democratic institutions. There is, thus a view, that we expend too much time concentrating on the *demos* (δῆμος 'people') in Athenian democracy and not enough taking apart the *krátos* (κράτος meaning 'force' or 'power' but used more often than not as 'rule'). On top of that we are also hampered in associating what the word was with what it means now along its assumed trajectory from Greek *dēmokratía*, understood as popular government, through Late Latin *dēmocratia* to roughly sixteenth century Middle French *démocratie* and then fairly directly to what it has become in probably the most frequently used context of 'representative democracy'.

Here we very quickly correlate with the 'franchise' issue which describes the input of citizens into a democratic system. When we look at democracy in terms of gender particularly and also in other forms of exclusions from democratic principles such as class, race and economic status, the modern timeline tends to correlate very closely. However, in the case of children it may well be argued that things that gave them a more citizen-like status such as their labour being given in very similar terms to older people before legislation began to change their position are also undemocratic. They are without choice because they are not allowed to work and, arguably, that has been decided entirely by adult legislators without inclusion of any kind of countervailing argument by children ever being taken into account. Child labour legislation, for right or wrong, in point of fact precedes an evidential point in time at which either citizenship or democracy emerged. Since, on a 'cart and horse' argument basis, we can always only accept that a civilisation with a notion of belonging will always have preceded the kind of social innovation early democracy was we can, with some safety, speculate on children having been more like adults in general in that they shared many of the economic, social and cultural duties and responsibilities in their society. If anything, since on balance when we look at the history of democracy it is where they have been almost unquestionably excluded from the privileged groups who inevitably possessed it, they are still amongst those waiting for access to it.

It is because this is a study of children's citizenship specifically that this short insertion has been included rather than a lengthy analysis that will not be developed on. The hypothesis that in the fullness of time, once children have gained full citizenship would be followed by a progression to eventual full democratic inclusion is assumed rather than treated as part of the question. Above all else, when looking at democracy and citizenship anyway, there is absolutely no good reason for presupposing children's progress could be substantially different from that of adults anyway in either case or in how one relates to the other.